STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

LAWRENCE GERARD NASSAR, D.O.
License No. 51-01-012213,
Respondent.

File No. 51-16-144749

FINAL ORDER

On January 25, 2018, the Department of Attorney General, Licensing and Regulation Division, on behalf of the Department of Licensing and Regulatory Affairs (Department), executed an Administrative Complaint charging Respondent with violating the Public Health Code, MCL 333.1101 *et seq.*

The Complaint notified Respondent that, pursuant to MCL 333.16231, Respondent's failure to respond to the Complaint within 30 days from the date of receipt would be treated as an admission of the allegations contained in the Complaint and would result in transmittal of the Complaint directly to the Michigan Board of Osteopathic Medicine and Surgery Disciplinary Subcommittee (DSC) for imposition of an appropriate sanction.

Contrary to MCL 333.16231, Respondent failed to provide a written response to the allegations set forth in the Complaint within 30 days from the date of receipt.

The DSC, having read the Complaint, considered this matter at a regularly scheduled meeting held in Lansing, Michigan on April 5, 2018, and imposed a sanction pursuant to MCL 333.16231. Therefore,

IT IS ORDERED that for violating MCL 333.16221(a), (b)(i), (b)(vi), and (b)(xiii), Respondent's license to practice as an osteopathic physician is PERMANENTLY REVOKED commencing on the effective date of this Order.

IT IS FURTHER ORDERED that in accordance with MCL 333.16245(9), Respondent is ineligible for reinstatement of the license to practice as an osteopathic physician.

IT IS FURTHER ORDERED that in accordance with MCL 333.16245a, Respondent is permanently ineligible for a license, registration, or authorization to engage in the practice of a health profession under the Public Health Code.

IT IS FURTHER ORDERED that for each of the four cited violations of the Public Health Code, and after consideration of Mich Admin Code, R 338.7005, Respondent is FINED $250,000, for a total of $1 million, to be paid to the State of Michigan after all restitution, criminal fees and fines, and civil judgments Respondent is ordered to pay have been fully satisfied. Respondent shall direct payment to the **Department of Licensing and Regulatory Affairs, Enforcement Division, Compliance Section, P.O. Box 30189, Lansing, MI 48909.** The fine shall be paid by check or money order, made payable to the State of Michigan, and shall clearly display file number **51-16-144749**.

This Order is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.241(1)(a); and this action may be reported to the National Practitioner Data Bank, and any other entity as required by state or federal law, in accordance with 42 USC 11101-11152.

IT IS FURTHER ORDERED that this Order shall be effective on the date signed by the DSC's Chairperson or authorized representative, as set forth below.

Dated: 4/5/18

MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY DISCIPLINARY SUBCOMMITTEE

By: _____

Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing
Authorized Representative

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STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

LAWRENCE GERARD NASSAR, D.O.
License No. 51-01-012213 Complaint No. 51-16-144749
_____/

ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Bridget K. Smith, on behalf of the Department of Licensing & Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this complaint against Lawrence G. Nassar, D.O. (Respondent), alleging upon information and belief as follows:

1. The Board of Osteopathic Medicine and Surgery, an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee.

2. Respondent was previously licensed to practice medicine as an osteopathic physician pursuant to the Code. Respondent's license is currently revoked pursuant to the Disciplinary Subcommittee's April 25, 2017 Final Order. Respondent would be eligible to apply for reinstatement of his osteopathic license after April 25, 2020 pursuant to MCL 333.16245(4).

3. This Complaint is being filed following Respondent's conviction of a criminal offense under 520b of the Michigan Penal Code. Section 16221(b)(xiii) of the Public Health Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for a conviction of a criminal offense under section 83, 84, 316, 317, 321, 520b, 520c, 520d, or 520f of the Michigan Penal Code, 1931 PA 328, MCL 750.83, 750.84, 750.316, 750.317, 750.321, 750.520b, 750.520c, 750.520d, and 750.520f. A certified copy of the court record is conclusive evidence of the conviction.

4. Section 16226 of the Code authorizes the DSC to impose sanctions against persons licensed by the Board if, after opportunity for a hearing, the DSC determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code. Section 16226(5) of the Code requires a disciplinary subcommittee to impose the sanction of permanent revocation for a violation of section 16221(b)(xiii) if the violation occurred while the licensee or registrant was acting within the health profession for which he or she was licensed or registered.

5. Section 16221(a) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to, or supervision of employees or other individuals, whether or not injury results, or any conduct, practice, or condition that impairs, or may impair, the ability to safely and skillfully practice as an osteopathic physician.

6. Section 16221(b)(i) of the Code authorizes the DSC to take disciplinary action against Respondent for incompetence, which is defined at section 16106(1) of the Code as a "departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession, whether or not actual injury to an individual occurs."

7. Section 16221(b)(vi) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for lack of good moral character, defined at section 1 of 1974 PA 381, as amended; MCL 338.41 *et seq*, as the "propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner."

ALLEGATIONS

Ingham County

8. Between August 1, 2012 and October 1, 2012, Respondent sexually penetrated Victim A by putting his finger into her vagina under the guise of medical treatment. Victim A was under the age of 13 at the time.

9. Between March 2011 and May 2011, Respondent sexually penetrated Victim B by putting his finger into her vagina under the guise of medical treatment. Victim B was under the age of 13 at the time.

10. Between February 1, 2000 and April 30, 2000, Respondent sexually penetrated Victim C by putting his finger into her vagina. During that time period, Respondent was Victim C's doctor and he used his position of authority to

constructively coerce Victim C to submit to the penetration under the guise of medical treatment. Victim C was between the age of 13 and 15 at the time.

11. Between May 9, 2014 and May 8, 2015, Respondent sexually penetrated Victim D by putting his finger into her vagina. During that time period, Respondent was Victim D's doctor and he used his position of authority to constructively coerce Victim D to submit to the penetration under the guise of medical treatment. Victim D was between the age of 13 and 15 at the time.

12. Between April 28, 2012 and April 27, 2015, Respondent sexually penetrated Victim E by putting his finger into her vagina. During that time period, Respondent was Victim E's doctor and he used his position of authority to constructively coerce Victim E to submit to the penetration under the guise of medical treatment. Victim E was between the age of 13 and 15 at the time.

13. Between April 26, 2008 and April 25, 2011, Respondent sexually penetrated Victim G by putting his finger into her vagina. During that time period, Respondent was Victim G's doctor and he used his position of authority to constructively coerce Victim G to submit to the penetration under the guise of medical treatment. Victim G was between the age of 13 and 15 at the time.

14. Between July 1, 1998 and January 18, 2005, Respondent sexually penetrated Victim ZA by putting his fingers into her vagina. Victim ZA was under the age of 13 at that time.

15. On January 23, 2018, Respondent was convicted of 7 counts of Criminal Sexual Conduct First Degree in the Ingham County Circuit Court (Case

Number 17-00526-FC). The conviction was based on Respondent's conduct with Victims A, B, C, D, E, G, and ZA as described above. Six of the seven counts involved Respondent's conduct with patients while acting as an osteopathic physician. The Court sentenced Respondent to a minimum 40 years in prison to be served consecutive to the federal sentence outlined below.

Eaton County

16. Between September 28, 2010 and September 27, 2011, Respondent sexually penetrated Victim A by putting his finger into her vagina. Victim A was under the age of 13 at the time.

17. Between June 13, 2010 and June 12, 2011, Respondent sexually penetrated Victim B by putting his finger into her vagina. During that time period, Respondent was Victim B's doctor and he used his position of authority to constructively coerce Victim B to submit to the penetration under the guise of medical treatment. Victim B was between the age of 13 and 15 at the time.

18. Between September 30, 2009 and September 29, 2010, Respondent sexually penetrated Victim C by putting his finger into her vagina. During that time period, Respondent was Victim C's doctor and he used his position of authority to constructively coerce Victim C to submit to the penetration under the guise of medical treatment. Victim C was between the age of 13 and 15 at the time.

19. On November 29, 2017, Respondent pled guilty to one count of Criminal Sexual Conduct First Degree-Victim under 13, and two counts of Criminal Sexual Conduct First Degree-Victim 13-15 in the Eaton County Circuit Court (Case

Number 17-020217-FC). The charges were based on Respondent's conduct with Victims A, B, and C as described above. The conduct occurred while Respondent was as an osteopathic physician. Sentencing is currently set for January 31, 2018.

United States District Court; Western District of Michigan

20. On December 7, 2017, Respondent was convicted of one count each of Receipt and Attempted Receipt of Child Pornography, Possession of Child Pornography, and Destruction and Concealment of Records and Tangible Objects. Respondent's conviction was based on his possession of thousands of images of child pornography in the United States District Court in the Western District of Michigan (Case Number 1:16-cr-242). Respondent was sentenced to 240 months for each count, with the sentences to run consecutively, and with this sentence to run consecutively to sentences imposed by Ingham County Circuit Court and Eaton County Circuit Court.

COUNT I

21. Respondent's conduct as described above constitutes negligence and failure to exercise due care in violation of section 16221(a) of the Code.

COUNT II

22. Respondent's conduct as described above constitutes incompetence in violation of Section 16221(b)(i) of the Code.

COUNT III

23. Respondent's conduct as described above constitutes a lack of good moral character in violation of section 16221(b)(vi) of the Code.

COUNT IV

24. Respondent's convictions in Ingham County constitute convictions of criminal offenses under section 520b of the Michigan Penal Code in violation of section 16221(b)(xiii) of the Code. The convictions based on Respondent's conduct as described in paragraphs 8 through 13 occurred while Respondent was acting within his profession as an osteopathic physician. If proven, 16226(5) of the Code requires the Disciplinary Subcommittee to impose a sanction of permanent revocation in addition to any and all other available sanctions.

THEREFORE, Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from the receipt of this Complaint to submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section

16231(9), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in the transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

BILL SCHUETTE
Attorney General

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Licensing & Regulation Division
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Lansing, Michigan 48909
(517) 373-1146

Dated: January 25, 2018

LF: 2017-0163254-B\Nassar, Lawrence, D.O., 144749 (Federal Criminal)\Pleading – Administrative Complaint – 2018-01-25