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

In the Matter of

ROGER D. BEYER, M.D.
License No. 43-01-046890, File No. 43-19-154878

Respondent.

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Director, Bureau of Professional Licensing, complains against Respondent Roger D. Beyer, M.D., as follows:

1. The Michigan Board of Medicine is an administrative agency established by the Public Health Code, MCL 333.1101 et seq. Pursuant to MCL 333.16226, the Board's Disciplinary Subcommittee (DSC) is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently licensed to practice medicine in the state of Michigan. Respondent also holds an active controlled substance license.

3. At times relevant to this Complaint, Respondent worked as a private practice physician in West Michigan. He owns two practices, Urological Solutions of Michigan (US) and Women's Health Care Specialist (WH).

4. The Prometheus Group manufactures a device called a rectal pressure sensor (RPS), which is used to provide accurate detection of muscle contraction activity in the pelvic musculature. It is inserted into the rectum and is designed, per the

manufacturer's specifications, to be used on a single patient. The US Food and Drug Administration monitors and approves medical devices for use on patients. The FDA approved the Prometheus RPS for single-patient use.

5. The manufacturer of the aforementioned sensor has included a warning in the packaging alerting practitioners that this device is meant for single-patient use.

6. On or about February 21, 2019, VR, a Nurse Practitioner from US was interviewed by a Department investigator. VR stated that she is supervised and trained by Respondent. As part of her duties as an employee of Respondent, VR provides Pelvic Muscle Rehabilitation (PMR) for Respondent's patients. Part of this treatment involves the insertion of the Prometheus RPS into the rectum of the patient. VR reported that she was trained to place the RPS in a non-latex glove before inserting it into the patient. VR also stated that the RPS was cleaned occasionally and re-used on multiple patients.

7. On or about February 21, 2019, GA, a Nurse Practitioner from US was interviewed by a Department investigator. GA stated she was an employee of Respondent and was trained by him on how to perform PMR treatments. GA stated that she re-used the Prometheus RPS across multiple patients.

8. On or about April 17, 2019, DW, a Nurse Practitioner from WH was interviewed by a law enforcement investigator. WH stated she was an employee of Respondent and was trained by him on how to perform PMR treatments. WH also stated that she re-used the Prometheus RPS across multiple patients and that she estimates that a sensor was used over 100 times before being replaced.

COUNT I

Respondent's conduct constitutes a violation of a 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 engage in the practice of the health profession in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct fails to conform to minimal standards of acceptable, prevailing practice for the health profession in violation of MCL 333.16221(b)(i).

COUNT III

Respondent's conduct, as set forth above, constitutes adulterating a device, contrary to MCL 333.17764(2)(e) and in violation of MCL 333.16221(h).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer it in writing and to show compliance with all lawful requirements for retention of the license. Respondent shall submit the written answer to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this complaint. If Respondent fails to answer, the Department shall transmit this complaint directly to the Board's Disciplinary Subcommittee to impose a sanction pursuant to MCL 333.16231(9).

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: May 21, 2019

By: Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing