

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
TASK FORCE ON PHYSICIAN'S ASSISTANTS
DISCIPLINARY SUBCOMMITTEE

In the Matter of

KELLIE PATRICE DISTEFANO, P.A.
License No. 56-01-002464,

File No. 56-18-152413

Respondent.

ORDER OF SUMMARY SUSPENSION

The Department filed an *Administrative Complaint* against Respondent as provided by the Public Health Code, MCL 333.1101 *et seq*, the rules promulgated under the Code, and the Administrative Procedures Act, MCL 24.201 *et seq*.

After careful consideration and after consultation with the Chairperson of the Task Force on Physician's Assistants pursuant to MCL 333.16233(5), the Department finds that the public health, safety, and welfare requires emergency action.


Therefore, IT IS ORDERED that Respondent's license to practice as a physician's assistant in the state of Michigan is SUMMARILY SUSPENDED, commencing the date this *Order* is served.

MCL 333.7311(6) provides that a controlled substance license is automatically void if a licensee's license to practice is suspended or revoked under Article 15.

Under Mich Admin Code, R 792.10702, Respondent may petition for the dissolution of this *Order* by filing a document clearly titled **Petition for Dissolution of Summary Suspension** with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 04/02/19


By: Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing

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Respondent.

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Director, Bureau of Professional Licensing, complains against Respondent Kellie Patrice Distefano, P.A. as follows:

1. The Michigan Task Force On Physician's Assistants is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* Pursuant to MCL 333.16226, the Task Force's Disciplinary Subcommittee (DSC) is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent holds a Michigan license to practice as a physician's assistant. Respondent also holds a current controlled substance license and a current drug control-location license.

3. After consultation with the Task Force Chairperson, the Department found that the public health, safety, and welfare requires emergency action. Therefore, pursuant to MCL 333.16233(5), the Department summarily suspended Respondent's license to practice as a physician's assistant in the state of Michigan, effective upon service of the accompanying *Order of Summary Suspension*.

4. MCL 333.7311(6) provides that a controlled substance license is automatically void if a licensee's license to practice is suspended or revoked under Article 15.

5. Amphetamine salts (e.g., Adderall) are schedule 2 controlled substances.

6. Hydrocodone is an opioid. Hydrocodone combination products (e.g., Norco), are Schedule 2 controlled substances due to their high potential for abuse.

7. Lorazepam (e.g., Ativan) is a schedule 4 benzodiazepine controlled substance.

8. For historical purposes, the following events occurred:

a. On December 14, 2012, the Department executed an Administrative Complaint against Respondent based on information that she:

i. Self-prescribed controlled substance medications without proper authority,

ii. Forged a participating physician's credentials to prescribe herself controlled substance medications,

iii. Prescribed controlled substance medication on an expired Drug Enforcement Administration (DEA) registration, and,

iv. Claiming it was acceptable practice, forged a different participating physician's name and DEA registration to prescribe controlled substance medications.

b. On October 29, 2013, in resolution of the Complaint, the Task Force DSC executed a Consent Order and Stipulation which placed Respondent on probation for a period of three years. The Order required Respondent to submit quarterly employer reports, comply with a disciplinary monitoring agreement with the Health Professional Recovery Program, complete five hours of continuing education, provide written proof of a current DEA registration, and pay a \$500.00 fine.

9. At all relevant times, Respondent practiced as a physician's assistant in west Michigan. Respondent practiced at Cascade Immediate Care Center (Cascade)

in Grand Rapids, Michigan and at Monarch Health, LLC (Monarch) located in Otsego, Michigan. Respondent had the same participating physician at both locations.

10. On August 1, 2018, the Department received an allegation from Respondent's participating physician that Respondent had forged the physician's credentials on stolen prescription pads to write controlled substance prescriptions to herself and a close family member.

11. Based on this allegation, the Department conducted an investigation, which included interviews with relevant parties and a review of multiple prescriptions written to Respondent and her family member using the participating physician's credentials. Identified fraudulent prescriptions written to Respondent included those for hydrocodone-acetaminophen, dextroamphetamine-amphetamine, and lorazepam during the approximate period of May 2017 through July 2018. Identified fraudulent prescriptions written to Respondent's family member were for dextroamphetamine-amphetamine and were written between September 2017 and July 2018.

12. A Department investigator interviewed the participating physician, who provided the following information:

- a. On May 17, 2017, the physician treated Respondent as a patient and prescribed her controlled substance medication at Cascade. This was the only time the physician prescribed any controlled substance medication to Respondent.
- b. The physician denied ever treating or prescribing medications to Respondent's family member.

13. A Department investigator interviewed the owner of Monarch, who indicated that Respondent worked there from April 2017 until November 2017, when the owner terminated Respondent's employment over concerns about her medical decision-making, documentation, and unreliability.

14. The Department obtained a police report on the incident from the Michigan State Police, which indicated additional instances of fraud, where Respondent used the credentials of the owner of Monarch in late 2017 and early 2018 and the credentials of another physician around July 2018 to authorize controlled substance prescriptions.

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, or a condition, conduct, or practice that impairs, or may impair, the ability safely and skillfully to 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 demonstrates Respondent's lack of a "propensity . . . to serve the public in the licensed area in a fair, honest, and open manner," MCL 338.41(1), and accordingly a lack of "good moral character," in violation of MCL 333.16221(b)(vi).

COUNT IV

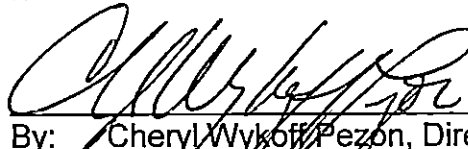
Respondent's conduct constitutes obtaining, possessing, or attempting to obtain or possess a controlled substance or drug without lawful authority, and/or selling, prescribing, giving away, or administering drugs for other than lawful diagnostic or therapeutic purposes, in violation of MCL 333.16221(c)(iv).

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 all Complaint allegations. If Respondent fails to answer, the Department shall transmit this complaint directly to the Task Force's Disciplinary Subcommittee to impose a sanction pursuant to MCL 333.16231(9).

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 04/02/19


By: Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing

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