

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

In the Matter of

JOHNNY RAY TROTTER, II, M.D.
License No. 43-01-091131,
Respondent.

File No. 43-17-146819

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.*

MCL 333.16233(5) requires that the Department find that the public health, safety, or welfare requires emergency action, if a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum of two years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance; and

Based on MCL 333.16233(5) and Respondent's convictions, as set forth in the Administrative Complaint, the Department finds that the public health, safety, or welfare requires emergency action.

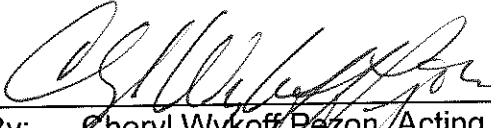
Therefore, IT IS ORDERED that Respondent's license to practice medicine in the state of Michigan is SUMMARILY SUSPENDED, commencing the date this Order is served.

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 of the Code.

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: 2/13/18


By: Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

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ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs, by Cheryl Wykoff Pezon, Acting Director, Bureau of Professional Licensing, complains against Respondent 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 and MCL 333.17768, the Board's Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is licensed to practice medicine in the state of Michigan and holds a current controlled substance license.

3. Pursuant to MCL 333.16233(5):

If a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum term of 2 years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance, the department shall find that the public health, safety, or welfare

requires emergency action and, in accordance with section 92 of the administrative procedures act of 1969, MCL 24.292, shall summarily suspend the licensee's license or the registrant's registration.

4. "Good moral character" is defined in MCL 338.41 as "the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner."

5. From approximately May 2008 through May 2014, Respondent along with several co-conspirators, through Respondent-controlled medical service providers, submitted false and fraudulent claims to Medicare for services not rendered and not medically necessary. These claims included billing for services performed by an unlicensed physician who was excluded from Medicare, billing for services that were not medically necessary and not provided, billing under Medicare provider numbers of Respondent-controlled medical service providers when the purported services were not provided by those Medicare providers and not provided at the practice locations that were submitted to Medicare. Respondent and his co-conspirators knowingly and willfully did the above conduct with the purpose of defrauding Medicare to obtain, by false pretenses and representations, money and property owned by the health care program totaling approximately \$28,500,000.00.

6. On November 8, 2017, in the United States District Court – Eastern District of Michigan, Respondent was convicted of one count of Health Care Fraud Conspiracy and three counts of Health Care Fraud, all felonies, in case number 2:14CR20273-1. Respondent was sentenced to serve 180 months in the United States

Bureau of Prisons, followed by three years of supervised release, with terms, and ordered to pay a \$400.00 assessment and restitution of \$9,199,946.00. A copy of the conviction documents, marked Exhibit A, is attached and incorporated.

COUNT I

Respondent's conduct, as set forth above, evidences 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, in violation of MCL 333.16221(a).

COUNT II

Respondent's conduct, as set forth above, evidences a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for the health profession, whether or not actual injury to an individual occurs, in violation of in violation of MCL 333.16221(b)(i).

COUNT III

Respondent's conduct, as set forth above, evidences a lack of good moral character, in violation of MCL 333.16221(b)(vi).

COUNT IV

Respondent's convictions, as set forth above, constitute convictions of felonies involving fraud in obtaining or attempting to obtain fees related to the practice of a health profession, in violation of MCL 333.16221(b)(ix).

COUNT V

Respondent's conduct, as set forth above, evidences fraud or deceit in obtaining or attempting to obtain third party reimbursement, in violation of MCL 333.16221(d)(iii).

COUNT VI

Respondent's conduct, as set forth above, evidences misrepresentation to a consumer or patient or in obtaining or attempting to obtain third party reimbursement in the course of professional practice, in violation of MCL 333.16221(e)(i).

COUNT VII

Respondent's conduct, as set forth above, evidences promotion for personal gain of an unnecessary drug, device, treatment, procedure, or service, in violation of MCL 333.16221(e)(iii).


RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16233(5), the Department states that the public health, safety, or welfare requires emergency action

and, accordingly, Respondent's license to practice medicine shall be summarily suspended, pending a hearing and final determination of this matter.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this Complaint to answer this Complaint in writing and to show compliance with all lawful requirements for licensure. Respondent shall submit the response 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).

Dated: 2/13/18


Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

Attachments

CK