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

ELIZABETH MACCARL KOZLOWSKI, D.O.
License No. 51-01-014400,
Respondent.

CONSENT ORDER

On May 3, 2017 the Department of Licensing and Regulatory Affairs
executed an Administrative Complaint charging Respondent with violating the Public
Health Code, MCL 333.1101 et seq.

Respondent does not contest the allegations of fact and law in the
complaint. Respondent understands that, by pleading no contest, she does not admit the
truth of the allegations but agrees that the Disciplinary Subcommittee may treat the
allegations as true for resolution of the complaint and any other administrative matters,
including reinstatement and reclassification, and may enter an order treating the
allegations as true and constituting violations of MCL 333.16221(a), MCL 333.16221(b)(i),
MCL 333.16221(b)(vi), and MCL 333.16221(c)(iv).

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and
constitute violations of MCL 333.16221(a), MCL 333.16221(b)(i), MCL 333.16221(b)(vi),
and MCL 333.16221(c)(iv).
IT IS FURTHER ORDERED that for the cited violations of the Public Health Code, Respondent is REPRIMANDED.

IT IS FURTHER ORDERED Respondent is FINED $2,000 to be paid within 90 days of the effective date of this order. The timely payment of the fine shall be Respondent's responsibility.

IT IS FURTHER ORDERED that the fine shall be mailed to the Department of Licensing and Regulatory Affairs, Enforcement Division, 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 the check or money order shall clearly display file numbers 51-16-144449.

Respondent shall be responsible for all costs and expenses incurred in complying with the terms and conditions of this consent order.

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 18221(h) of the Public Health Code.
IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the Board, as set forth below.

MICHIGAN BOARD OF OSTEOPATHIC MEDICINE AND SURGERY

By: [Signature]
Chairperson, Disciplinary Subcommittee

Dated: 4/5/2018

STIPULATION

1. Respondent does not contest the allegations of fact and law in the complaint and the Disciplinary Subcommittee may treat the allegations as true and constituting violations of MCL 333.16221(a), MCL 333.16221(b)(i), MCL 333.16221(b)(vi), and MCL 333.16221(c)(iv).

2. Respondent understands and intends that by signing this Stipulation Respondent is waiving the right, pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq., to require the Department to prove the charges set forth in the Complaint by presentation of evidence and legal authority, and Respondent is waiving the right to appear with an attorney and such witnesses as Respondent may desire to present a defense to the charges.
3. This matter is a public record required to be published and made available to the public pursuant to the Michigan Freedom of Information Act, MCL 15.231 et seq., and this action will 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.

4. David Walters, D.O., a member of the Board was consulted on the resolution set forth in this Order. Dr. Walters or a Department representative may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

5. Factors taken into consideration in the formulation of this Order include the following:

i. Respondent voluntarily signed a monitoring agreement with the Health Professional Recovery Program on November 7, 2014. She was fully compliant with her monitoring agreement throughout its term, including providing clean urine drug screens, participating in outpatient counseling, and working under the supervision of a worksite monitor. HPRP confirmed that Respondent successfully completed her monitoring agreement in November 2017.

6. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the Disciplinary Subcommittee in this matter.
7. This proposal is conditioned upon acceptance by the Disciplinary Subcommittee. Respondent and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

AGREED TO BY:

Cheryl Pezon
Acting Director
Bureau of Professional Licensing

Dated: 1/26/18

AGREED TO BY:

Elizabeth MacCarl Kozlowski, D.O.
Respondent

Dated: 1/25/18

Jesse Markos
Attorney for Respondent

Dated: 1/25/18
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

ELIZABETH MACCARL KOZLOWSKI, D.O.  
License Number: 51-01-014400  

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Department), by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Elizabeth Maccarl Kozlowski, D.O. (Respondent) as follows:

1. The Michigan Board of Osteopathic Medicine and Surgery (Board) is an administrative agency established by the Public Health Code, MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent is licensed to practice as an osteopathic physician in the state of Michigan.

3. "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."
4. Norco is a schedule 2 controlled substance.

5. At all relevant times, Respondent was employed as an osteopathic physician with Kozmic Family Practice (facility) in Lansing, Michigan, and, during this time, Respondent’s business partner was osteopathic physician D.M. (initials are used to protect the individual’s identity), whom also treated Respondent as a patient from approximately 2011 to August 2013.

6. In an interview with the Department’s investigator on February 27, 2017, Respondent admitted to the following facts:

   a. In 2012, Respondent began taking Norco 10 mg pills, after the birth of her child, and thereafter became addicted, taking 10-60 pills a day.
   
   b. Respondent forged D.M.’s signature on D.M.’s prescription pad to prescribe Norco to herself and her husband, for Respondent’s own personal use.
   
   c. In November 2014, D.M. confronted Respondent about the forged Norco prescriptions, at which point Respondent admitted she had forged such prescriptions.

A review of Michigan Automated Prescription Service data revealed that from October 10, 2013, to August 21, 2014, Respondent was prescribed Norco 21 times under D.M.’s name, despite the fact that D.M. last treated Respondent in August 2013.
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, 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 section 16221(a) of the Public Health Code, supra.

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 section 16221(b)(i) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, evidences a lack of good moral character, in violation of section 16221(b)(vi) of the Public Health Code, supra.

COUNT IV

Respondent's conduct, as set forth above, evidences obtaining, possessing, or attempting to obtain or possess a controlled substance without lawful authority, in violation of section 16221(c)(iv) of the Public Health Code, supra.
The Department 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 license. If compliance is not shown, the Department further requests that formal proceedings be commenced pursuant to the Public Health Code, the rules promulgated thereunder, and the Administrative Procedures Act, MCL 24.201 et seq.

Pursuant to section 16231(8) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Pursuant to section 16231(9) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days, as noted above, shall be treated as an admission of the allegations contained herein and shall result in transmittal of this Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Dated: 05/31/2017

Kim Gaedeke, Director
Bureau of Professional Licensing

jkp