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

In the Matter of

GARRETT HOWARD SMITH, M.D.
License No. 43-01-074897,
_________________________ Respondent ________________________ File No. 43-18-150301

CONSENT ORDER

On May 17, 2018, 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 has admitted that the facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(h). The Michigan Board of Medicine Disciplinary Subcommittee (DSC) has reviewed this Consent Order and Stipulation and agrees that the public interest is best served by resolution of the outstanding Complaint.

Therefore, IT IS FOUND that the facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(h).

Accordingly, IT IS ORDERED that for the cited violation(s) of the Public Health Code, Respondent's license to practice medicine in the state of Michigan is SUSPENDED for a minimum of one day, commencing on the effective date of this Order.
IT IS FURTHER ORDERED that Respondent’s license to practice medicine shall be automatically reinstated IF WITHIN SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ORDER, pursuant to the Consent Order dated March 15, 2017, the Department has received 1) payment of the $3,750.00 fine; 2) written confirmation from Affiliated Monitors that a physician reviewer has been designated; and 3) satisfactory proof that Respondent has successfully completed a total of 10 hours of Board-approved continuing education in prescription practices and ethics and legal compliance.

IT IS FURTHER ORDERED that if Respondent’s license remains suspended for more than six months, Respondent must apply for reinstatement of the license. If Respondent applies for reinstatement of the license, application for reinstatement shall be in accordance with sections MCL 333.16245 and 333.16247.

IT IS FURTHER ORDERED that upon automatic reinstatement, Respondent shall fully comply with all terms and conditions of the Consent Order dated March 15, 2017.

IT IS FURTHER ORDERED that if Respondent violates any provision of this Order, or fails to complete any terms of the order, the DSC may take disciplinary action pursuant to Mich Admin Code, R 338.1632 and MCL 333.16221(h).

IT IS FURTHER ORDERED that this Order shall be effective 30 days from the date signed by the DSC, as set forth below.
STIPULATION

1. The facts alleged in the Complaint are true and constitute violation(s) of MCL 333.16221(h).

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.
4. Mohammed Arsiwala, M.D., a member of the Board who supports this proposal, and the Department’s representative are free to discuss this matter with the DSC and recommend acceptance of the resolution set forth in this Order.

5. This Order is approved as to form and substance by Respondent and the Department and may be entered as the final order of the DSC in this matter.

6. This proposal is conditioned upon acceptance by the DSC. Respondent and the Department expressly reserve the right to further proceedings without prejudice should this Order be rejected.

AGREED TO BY:

Cheryl Wykoff Pezon, Director
Bureau of Professional Licensing
Dated: 8/10/18

AGREED TO BY:

Garrett Howard Smith, M.D.
Respondent
Dated: 8/10/18

cc
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DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
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In the Matter of

GARRETT HOWARD SMITH, M.D.
License No. 43-01-074897,

Respondent.

File No. 43-18-150301

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, the Board’s Disciplinary Subcommittee is empowered to discipline persons for violations of the Public Health Code.

2. Respondent is currently holds a disciplinary limited license to practice medicine in the state of Michigan.

3. On March 15, 2017, the Board’s Disciplinary Subcommittee executed a Consent Order and Stipulation (Order) that, in part, limited Respondent’s license, required Respondent to obtain a Board-approved physician reviewer, pay a $3,750.00 fine within 60 days from the effective date of the Order, and complete 10 hours
of Board-approved continuing education in the areas of prescription practices and ethics and legal compliance. A copy of the Order, marked Exhibit A, is attached and incorporated.

4. Contrary to the terms of the Order, Respondent failed to obtain a Board-approved physician reviewer, failed to pay the $3,750.00 fine by March 15, 2018, and failed to submit proof of completing any of the required continuing education by March 15, 2018.

COUNT I

Respondent's conduct, as set forth above, constitutes a violation of a final order executed by the Board's Disciplinary Subcommittee, contrary to Mich Admin Code, R 338.1632, 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 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: 5/17/18

Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

Attachment
cc