

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
OFFICE OF HEALTH SERVICES
BOARD OF OSTEOPATHIC MEDICINE AND SURGERY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

REGINALD D. SHARPE, D.O.
License Number: 51-01-010836

File Number: 51-98-0338-00

ADMINISTRATIVE COMPLAINT

NOW COMES the Michigan Department of Consumer & Industry Services, hereafter Complainant, by Thomas C. Lindsay II, Director, Office of Health Services, and files this complaint against Reginald D. Sharpe, D.O., hereafter Respondent, alleging upon information and belief as follows:

1. The Michigan Board of Osteopathic Medicine and Surgery, hereafter Board, is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq; MSA 14.15(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 Code.

2. Respondent is currently licensed to practice as an osteopathic physician in the state of Michigan and holds a current controlled substance license.

3. At all relevant times, Respondent was employed at WomansChoice Health Care Clinic, Lansing, Michigan.

4. Valium tablets and Stadol injectables are schedule IV controlled substances.

5. From approximately December 1997 to May 1998, Respondent delegated the administration of Valium tablets and Stadol injectables to a certified medical assistant instead of a licensed nurse or intern under Respondent's direction or supervision. Further, Respondent failed to be present at all times while the medical assistant administered the drugs.

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 section 16221(a) of the Public Health Code. supra.

COUNT II

Respondent's conduct, as set forth above, 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 Respondent's failure to delegate to a licensed or unlicensed individual who is otherwise qualified by education, training, or experience the performance of selected acts, tasks, or functions where the acts, tasks, or functions fall within the scope of practice of the Respondent's profession and are performed under the Respondent's supervision, in violation of section 16215(1) of the Public Health Code, supra, which constitutes a violation of section 16221(g) of the Public Health Code, supra.

COUNT IV

Respondent's conduct, as set forth above, evidences a failure to dispense or administer, or both, a controlled substance listed in schedules II to V, or cause them to be administered by a nurse or intern under Respondent's direction and supervision, in violation of 1979 AC R 338.3170(1), which constitutes a violation of section 16221(g) of the Public Health Code, supra.


WHEREFORE, Complainant requests that the within 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,

Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; MSA 3.560(101) et seq.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) 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 Complainant, Thomas C. Lindsay II, Director, Office of Health Services, Department of Consumer & Industry Services, P.O. Box 30670, Lansing, MI 48909.

RESPONDENT IS FURTHER NOTIFIED that, pursuant to section 16231(8) 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 Disciplinary Subcommittee for imposition of an appropriate sanction.

DATED: *July 29, 1998*


Thomas C. Lindsay II, Director
Office of Health Services

This is the last and final page of an Administrative Complaint in the matter of Reginald D. Sharpe, D.O., File Number 51-98-0338-00, before the Disciplinary Subcommittee of the Michigan Board of Osteopathic Medicine and Surgery, consisting of four pages, this page included.

JEC