

STATE OF MICHIGAN
DEPARTMENT OF COMMERCE
BUREAU OF OCCUPATIONAL AND PROFESSIONAL REGULATION
BOARD OF MEDICINE

In the Matter of

ROBERT L. ALEXANDER, M.D.
License No. 43-01-044385

Docket No. 94-0256
Complaint No. 43-86-0330-51

BOARD'S FINDINGS OF FACT
AND CONCLUSIONS OF LAW

FINDINGS OF FACT:

Five years have elapsed since Petitioner's license was revoked in August 1990.

Pursuant to an Order issued by the Board, the Petitioner was examined by Thomas Carli, M.D. On March 23, 1995, the Department received Dr. Carli's examination report regarding an examination of the Petitioner conducted on February 20, 1995. Dr. Carli's report establishes that the Petitioner "has a clear and convincing history of bipolar disorder. . . [and] there's little question that Dr. Alexander suffers from this major psychiatric illness and that this illness is a lifelong condition". (Carli Report, p 2.) In addition, Dr. Carli observed that:

Dr. Alexander will continue to require psychiatric management and medication compliance for the rest of his life. Related to the issue of reinstating his license is the fact that his stable performance as a physician requires his continued compliance with medications. . . . a knowledgeable patient can go off their lithium and then load up on the medication a day or two before the blood test and have the test come back positive and within normal range. . . . (Carli Report, p 2.)

Additionally, Dr. Carli's report acknowledged that "Dr. Alexander's clinical skills, particularly in the surgical speciality of obstetrics and gynecology, have not been exercised or tested for some time." The Petitioner submitted evidence indicating that he attended Continuing Medical Education courses in late 1991 and early 1992 and in 1994 in an effort to

establish that he possessed the necessary skills to practice medicine. While it is true that the Petitioner has made efforts toward the greater goal of meeting the requirements of reinstatement set forth in the Code, it is the opinion of the Board that the record, taken as a whole, does not establish that the Petitioner, at the present time, is in possession of the skill necessary to practice medicine in a safe manner.

Throughout the proceeding on remand of 1992 as well as the reinstatement process in 1994, Petitioner's focus has been on the explanation of the course and treatment of his bipolar illness. Although this is an important aspect of Petitioner's ability, this Board is mindful of the fact that the revocation of Petitioner's license was based on a conviction. Petitioner committed a felony. He was convicted by a jury of that felony. He illegally distributed drugs in the course of his medical practice, knowing well that these prescriptions were not written for legitimate medical purposes. To this day, Petitioner refuses to answer questions concerning his misconduct. Petitioner has failed to submit proof that he has learned from this experience.

CONCLUSIONS OF LAW:

Pursuant to section 16247(1) of the Michigan Public Health Code, 1978 PA 368, as amended, a Petitioner for reinstatement must establish by clear and convincing evidence that the applicant is of good moral character, is able to practice the profession with reasonable skill and safety to patients, and should be permitted in the public interest to resume practice. In determining the issue of public interest, the Board has taken into account the nature of the misconduct which led to the revocation, as well as the evidence presented in this proceeding, and concludes that sufficient time has not elapsed to warrant reinstatement. Based on review of the evidence presented, the facts set forth above, and the record as a

whole, this Board concludes that the Petitioner has not met his burden of proving, by clear and convincing evidence, that he possesses the skills necessary to practice his profession in a safe manner, that he currently is of good moral character, and that it is in the public interest for his license to be reinstated at this time.