

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF HEALTH CARE SERVICES  
BOARD OF MEDICINE  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

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

Complaint No. 43-12-125776

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ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Debra M. Gagliardi, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Health Care Services, (Complainant), files this complaint against Robert Lewis Alexander, M.D., (Respondent), alleging upon information and belief as follows:

1. The Board of Medicine, (Board), an administrative agency established by the Public Health Code, (Code), 1978 PA 368, as amended, MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee, (DSC).

2. Respondent is currently licensed to practice medicine pursuant to the Code. At all times relevant to this complaint Respondent operated the Women's Medical Services Clinic located at 863 East Apple, Muskegon, Michigan 49442. The Clinic was permanently closed in December of 2012. Respondent is currently

employed full time as the Director of the Sexually Transmitted Disease Center in Detroit, Michigan.

3. Section 16221(a) of the Code gives the Disciplinary Subcommittee authority to take disciplinary action against Respondent for violation of a 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 practice medicine.

4. Section 16221(b)(i) of the Code gives the Disciplinary Subcommittee the authority to discipline Respondent for incompetence. Incompetence is defined under MCL 333.16106(1) as, "a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession, whether or not actual injury to an individual occurs."

5. Section 16226 of the Code authorizes the Disciplinary Subcommittee to impose sanctions against persons licensed by the Board, if after opportunity for hearing, the Disciplinary Subcommittee determines that the licensee violated one or more of the subdivisions contained in section 16221 of the Code.

#### FACTS

6. On December 26, 2012, the Women's Medical Services Clinic was broken into and the clinic vandalized. The Muskegon Police Department report of

the incident indicates that there were multiple unsanitary medical instruments located within the building, blood on the floor and walls in multiple locations, uncovered buckets containing unknown fluids located in the operating room area, blood dripping from a sink p-trap in a patient room, multiple biohazard bags located on the floor and in closets, multiple unsecured containers containing used hypodermic needles, unsecured medication located throughout, and patient information scattered throughout the office portion of the business. The owner of the building discovered a broken rear entry door to the premises and water leakage from holes poked into the roof.

7. The Fire Marshal declared Respondent's office space unsafe for occupancy on December 27, 2012 and issued a Cease and Desist Order, requiring all operations to cease and desist within the Respondent's office space, pursuant to International Fire Code Section 110.11.1 relating to unsafe and/or deficient building conditions. The following specific violations were noted during the Fire Marshall's assessment of Respondent's office space:

- 1) leaking roof
- 2) poor housekeeping resulting in a large fire load
- 3) several containers of hazardous materials not stored in cabinets
- 4) improper disposal of syringes and needles
- 5) combustible materials stored near ignition sources
- 6) no fire extinguishers
- 7) unsterilized medical equipment
- 8) no key box for Fire Department emergency access
- 9) storage in mechanical and electrical room blocking panels and furnace
- 10) exit signage and emergency lighting shall be installed and in operable condition at all times throughout the facility
- 11) dumping of chemicals and other liquids down drains without proper authorization and approvals.

8. On January 14, 2013, Bureau investigators returned to the clinic with Muskegon Police Detective Clay Orison and Fire Marshal Major Metcalf and seized unsecured narcotics on the premises. Respondent was unable to locate the drug log book, but itemized and returned what unused drugs he was able to salvage from the premises to Smith Medical on January 19, 2013.

9. Respondent indicated that the premises were left vacant most of the time in that he only visited the clinic on Saturdays, and only if appointments were scheduled. His one employee, [REDACTED] / was in the office on Wednesdays and Saturdays.

10. On January 17, 2013, Respondent informed the Bureau Investigator that he employed [REDACTED] to perform clerical duties and some medical duties.

11. Respondent stated that Ms. [REDACTED] told him she was a licensed practical nurse but he failed to verify her credentials. Respondent wrongfully delegated to Ms. [REDACTED] the authority to administer medications to patients and to assist patients pre- and post-medical procedures. Respondent claimed that Ms. [REDACTED] was also responsible for cleaning the office, including cleaning and disinfecting the premises and equipment

12. Respondent also hired Ms. [REDACTED] husband for odd jobs including taking out the trash. Respondent contracted with Stericycle services for disposal of bio-hazard material. Respondent failed to assure that hazardous waste and other

medical waste was disposed of properly. Respondent discovered only after the break-in that the trash had been placed in a back storage room instead of being removed by Mr. and Mrs. [REDACTED] on a regular basis.

COUNT I

13. Respondent's conduct as described above constitute a failure to exercise due care, consisting of negligence in violation of section 16221(a) of the Public Health Code.

COUNT II

14. Respondent's conduct as described above constitutes incompetence, in violation of section 16221(b)(i) of the Public Health Code.

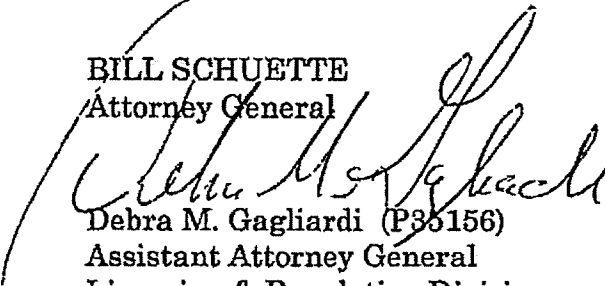
THEREFORE, Complainant requests that this complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid license. If compliance is not shown, Complainant further requests that the formal proceedings be commenced pursuant to the Public Health Code, rules promulgated pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq*; MSA 3.506(101) *et seq*.

RESPONDENT IS HEREBY NOTIFIED that, pursuant to 16231(7) of the Public Health Code, Respondent has 30 days from receipt of this complaint to submit a written response to the allegations contained in it. The written response

shall be submitted to the Bureau of Health Care Services, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned assistant attorney general. Further, pursuant to section 16231(8), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the complaint and shall result in transmittal of the complaint directly to the Board's disciplinary subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

**BILL SCHUETTE**  
Attorney General



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Dated: November 14, 2013

LF: 2013-0044074-A/Alexander, Robert Lewis, M D., 125776/0001100777S045/p AC