

STATE OF MICHIGAN  
DEPARTMENT OF COMMUNITY HEALTH  
BUREAU OF HEALTH PROFESSIONS  
BOARD OF MEDICINE  
DISCIPLINARY SUBCOMMITTEE

In the Matter of

FRANKLYN SEABROOKS, M.D.

Complaint No. 43-02-42712

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on October 6, 2004, charging Franklyn Seabrooks, M.D. (Respondent) with having violated sections 16221(a) and (b)(i) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this consent order. The Disciplinary Subcommittee has reviewed the stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the complaint are true and that Respondent has violated section 16221(a) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent's license is SUSPENDED for a period of three months.

Respondent's license is LIMITED for a minimum period of six months commencing on the date the license is reinstated. Reduction of the limitation period shall occur only while Respondent is employed as a medical doctor. The details of the limitation are as follows:

- A. SUPERVISION. Respondent's practice shall be only under the general supervision of one or more licensed health professionals approved in advance by the Chairperson of the Disciplinary Subcommittee or the Chairperson's designee. If Respondent changes employment, or if Respondent's supervisor will change for any other reason, Respondent shall request approval of the new supervisor within ten days after the change in employment or supervisor.

"General supervision" means the oversight or participation in Respondent's work by a supervisor, with continuous availability of direct communication between Respondent and the supervisor in person or by radio, telephone, facsimile, electronic mail, or other communication device. The supervisor shall review Respondent's practice on a regularly scheduled basis, shall provide consultation to Respondent, shall review patient records generated by Respondent on a regularly scheduled basis, and shall further educate Respondent in the performance of his functions.

- B. Respondent shall not perform second trimester pregnancy termination procedures.

Respondent is placed on PROBATION for a period of six months commencing on the date the license is reinstated. Reduction of the probationary period shall occur only while Respondent is employed as a medical doctor. Respondent shall be automatically discharged from probation at the end of the probationary period provided Respondent has complied with the terms of this order. The terms and conditions of the probation, which Respondent must complete within the period of probation, are as follows:

- A. SUPERVISOR REPORTS. Respondent shall provide copies of this consent order and stipulation to any supervisor approved under the terms of limitation. Respondent's supervisor shall file reports with the Department, as further provided below, advising of Respondent's work performance. If, at any time, Respondent fails to comply with minimal standards of acceptable and prevailing practice, or appears unable to practice with

reasonable skill and safety, Respondent's supervisor shall immediately notify the Department.

- B. COMPLIANCE WITH THE PUBLIC HEALTH CODE. Respondent shall comply with all applicable provisions of the Public Health Code and rules promulgated under the Public Health Code.
- C. CONTINUING EDUCATION CREDITS. Respondent shall successfully complete 12 to 14 hours of continuing education credits in the area of diagnostic ultrasound. These credit hours shall not count toward the number of credit hours required for license renewal. Respondent must seek and obtain advance approval of the continuing education courses from the Chairperson of the Disciplinary Subcommittee or the Chairperson's designee. Respondent shall mail requests for approval of a course and proof of successful completion of a course to the Department at the address set forth below.
- D. REPORTING PROCEDURE. Unless otherwise provided above, all reports required by the terms of probation shall be filed on a quarterly basis, the first report to be filed at the end of the third month of probation, and subsequent reports every three months until Respondent is discharged from probation. In addition to receiving reports as required above, the Department or its authorized representative may periodically contact the reporting individuals or agencies to inquire of Respondent's progress. By accepting the terms of this consent order and stipulation, Respondent has authorized the release of all necessary records and information.

Any violation of the Public Health Code by Respondent during the period of probation shall be deemed a violation of probation and constitute grounds for further disciplinary action.

Count II, section 16221(b)(i) of the complaint is DISMISSED.

Respondent shall direct any communications to the Department that are required by the terms of this order, except the payment of fines, to: Sanction Monitoring Unit, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, Michigan 48909.

Respondent shall mail any fine required by the terms of this order to: Sanction Monitoring,

Bureau of Health Professions, Department of Community Health, P.O. Box 30185, Lansing,  
Michigan 48909.

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

This order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 5/18, 2005.

MICHIGAN BOARD OF MEDICINE

By *Mitchell Pretty*  
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the complaint. Respondent understands that, by pleading no contest, he 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 may enter an order treating the allegations as true.

2. Respondent understands and intends that, by signing this stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, 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 to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

3. The Disciplinary Subcommittee may enter the above consent order, which Board conferee George Shade, Jr., M.D. supports. The Board conferee or an Assistant Attorney General in the Licensing & Regulation Division are free to discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. The Board conferee and the parties considered the following factors in reaching this agreement:

- a. The patient, J.K., did not provide Respondent with accurate information concerning her pregnancy;
- b. Due to her obesity, the patient, J.K., was a diagnostic challenge;
- c. Respondent's employer, Health Care Clinic, had substandard ultrasound equipment. This made it virtually impossible to obtain an accurate assessment of J.K.'s pregnancy;
- d. Respondent has not practiced obstetric medicine since 1989;
- e. Respondent has been licensed to practice medicine in Michigan since 1963, and has had no prior disciplinary action taken against his medical license;
- f. Since the mid-1970's, Respondent has been on the clinical staff at Wayne State University;
- g. Respondent is a member of the teaching staff at Hutzel Women's Hospital; St. John Detroit Riverview Hospital and Detroit Receiving Hospital's University Health Center;

h. Respondent was voted physician of the year in 1996 by residents at St. John Riverview Hospital.

AGREED TO BY:

AGREED TO BY:

Michele M. Wagner-Gutkowski  
Michele M. Wagner-Gutkowski (P44654)  
Assistant Attorney General  
Attorney for Complainant  
Dated: April 7, 2005

Franklyn E. Seabrooks MD  
Franklyn Seabrooks, M.D.  
Respondent

Dated: 3/30/2005  
Clinton Canady  
Clinton Canady, III (P23262)  
Attorney for Respondent  
Dated: 4/5/05

State of Michigan

County of Wayne

On March 30, 2005, I observed Franklyn Seabrooks, M.D. sign this stipulation.

Nancy Grace  
Notary Public, Wayne County  
State of Michigan  
My commission expires: 06-04-2005

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