

SEP 29 2022

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2071

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE OSTEOPATHY IN THE COMMONWEALTH OF KENTUCKY HELD BY MICHELLE MAUREAU, D.O., LICENSE NO. 03916, 9167 ROTONDO DRIVE, HOWELL, MICHIGAN 48855

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter "the Board"), acting by and through its Inquiry Panel B, and MICHELLE MAUREAU, M.D., (hereafter "the licensee"), and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER**:

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, Michelle Maureau, D.O. ("the licensee"), was licensed by the Board to practice osteopathy within the Commonwealth of Kentucky.
2. The licensee's osteopathic specialty is Emergency Medicine.
3. The licensee is also licensed by the Michigan Board of Osteopathic Medicine and Surgery ("Michigan Board").
4. On or about May 27, 2022, the Michigan Board entered a Consent Order and Stipulation regarding the osteopathic license held by the licensee.
5. The Michigan Board found that the licensee violated Michigan statutes based upon the licensee's failure to fully document the care rendered for three (3) patients who presented in the Emergency Department of Lake Huron Medical Center on March 8, 2020. Further, the licensee left the facility without another

physician on site and was subsequently prevented from accessing the medical records to complete her charting. A nurse suggested impairment based upon the licensee's behavior. The licensee stated that she was ill and suffering from Covid-19 like symptoms and acknowledged there may have been a miscommunication that resulted in her leaving the facility without another physician on site. She denied impairment issues.

6. The Michigan Consent Order and Stipulation imposed the following conditions:
 - a. The licensee is placed on probation for a minimum of one (1) day but not more than 180 days;
 - b. The licensee shall complete a mental/health/chemical dependency/substance abuse evaluation with the Health Professional Recovery Program and enter into a monitoring agreement if so recommended;
 - c. The licensee shall complete three (3) hours of CME in medical documentation and three (3) hours of CME in ethics; and
 - d. The licensee shall pay a fine in the amount of \$5,000.
7. The Board received notice of the Michigan Board action via a report from the Federation of State Medical Boards. The licensee did not report the disciplinary action taken by the Michigan Board within ten days of the May 27, 2022 Order as required by 201 KAR 9:081(9)(2)(a)(2). Further, the licensee did not provide this Board a copy of the order issued by the Michigan Board within ten days of the May 27, 2022 Order.
8. The licensee provided the Board with proof of completion of the requirements of the Michigan Order, including a letter from the Health Professional Recovery Program stating that their evaluation revealed no indications for monitoring.

9. The Michigan Board issued a letter on September 15, 2022 verifying the licensee's compliance with the Michigan Order and terminating the probation.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky osteopathic license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(12) and (17). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER:**

1. During the effective period of this Agreed Order, the licensee's osteopathic license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:
 - a. Pursuant to KRS 311.565(1)(v) and 201 KAR 9:081 Section 9(2)(a)(2), the licensee SHALL submit payment of a FINE in the amount of \$1000.00, within three (3) months of the filing of this Order; and
 - b. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

2. Upon verification of full payment of the fine in the amount of \$1000.00, the Board agrees to terminate this Agreed Order.
3. The licensee expressly agrees that if she should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that she has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.
4. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 28 day of September, 2022.

FOR THE LICENSEE:

Michelle Maureau DO
MICHELLE MAUREAU, D.O.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B



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