

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

In the Matter of

JAMES R. NEUENSCHWANDER, M.D.
License No. 43-01-050438

Complaint No. 43-13-127479
CONSENT ORDER AND
STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on July 29, 2014, charging James R. Neuenschwander, 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 this violation, IT IS ORDERED:

Respondent is FINED TWO THOUSAND FIVE HUNDRED AND 00/100 DOLLARS (\$2,500.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 47-13-127479 clearly indicated on the check or money order) within sixty days from the effective date of

this order. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Sanction Monitoring, Bureau of Health Care Services, Enforcement Division, Department of Licensing and Regulatory Affairs, P.O. Box 30189, Lansing, Michigan 48909.

Count II of the complaint, alleging a violation of section 16221(b)(i) of the Public Health Code, is DISMISSED. In addition, paragraph 15 is STRICKEN from the complaint.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Sanction Monitoring, Bureau of Health Care Services, Enforcement Division, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, Michigan 48909.

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

Respondent shall be responsible for the timely compliance with the terms of this consent order, including the timely filing of any documentation. Failure to comply within the time limitations provided will constitute a violation of this order.

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of Mich Admin Code, R 338.1632, and section 16221(h) of the Public Health Code. This order shall be effective thirty days from the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 5-20-15

MICHIGAN BOARD OF MEDICINE
By Wladimir Sorreant
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.

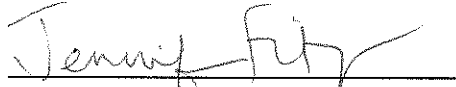
3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee Sandra Howell, M.D. Dr. Howell or an attorney from the Licensing and Regulation Division may discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Howell and the parties considered the following factors in reaching this agreement, which Respondent presented at a compliance conference:

- A. Patient S.N. maintains a doctor/patient relationship with Respondent and continues to treat with him.
- B. Respondent explained he provides integrative care and was not treating S.N.'s cancer, but was providing palliative care to alleviate the symptoms she had from cancer treatment. He also stated that while he and S.N. discussed the risk of her cancer recurring and the benefit of continuing Tamoxifen, it was S.N.'s decision to discontinue Tamoxifen because of the side effects she reported experiencing.
- C. Respondent agreed to communicate to his patients that it is in their best interest for him to communicate with their primary treating physicians. If a patient agrees, Respondent will attempt to communicate with that patient's primary treating physician. However, Respondent has explained that his patients oftentimes do not want their primary treating physicians to know they are also seeing an integrative physician, in which case Respondent shall note this fact in his medical chart for such patient and will make no attempt to contact the primary treating physician.
- D. Respondent presented material indicating there is some evidence progesterone does not increase breast cancer recurrence rates.

By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:



Jennifer Fitzgerald (P60109)
Assistant Attorney General
Attorney for Complainant

Dated: 3-11-15

See attached

Jesse Adam Markos (P72017)
Wachler & Associates, P.C.
Co-Counsel for Respondent

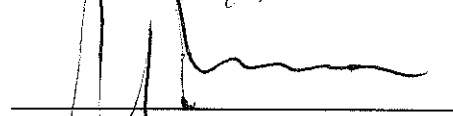
Dated: _____

AGREED TO BY:



James R. Neuenschwander, M.D.
Respondent

Dated: 3/3/15



Jeff Levens
Augustine, Kern and Levens, Ltd.
Attorney for Respondent, admitted to
practice in Michigan pro hac vice

Dated: 3/5/2015