

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF PHARMACY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

ANGEL A. OJEDA, M.D.
Controlled Substance
License Numbers: 43-01-034400
53-15-059737

File Number: 53-15-139386

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs (Complainant) by Kim Gaedeke, Director, Bureau of Professional Licensing, files this Complaint against Angel A. Ojeda, M.D. (Respondent) as follows:

1. The Michigan Board of Pharmacy (Board) is an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 et seq. Pursuant to section 16226 of the Public Health Code, supra, the Board's Disciplinary Subcommittee is empowered to discipline licensees for violations of the Public Health Code.

2. Respondent is licensed to practice medicine in the state of Michigan, and has as active controlled substance license and active drug control location license.

3. At all relevant times Respondent was the owner of his office in Eastpointe, Michigan, where he practices medicine.

4. Ciprofloxacin and Misoprostol are non-controlled substances and Fentanyl is a scheduled two controlled substance.

5. Respondent failed to keep all records related to controlled substances acquired for at least five years as was found by Complainant's inspector during an October 2015 routine inspection conducted at Respondent's office.

6. Respondent failed to keep prescription drugs securely locked, with access limited to authorized individuals as evident by the following incidents:

- a) In April 2015, a nurse employed by Respondent obtained a Misoprostol tablet from the unlocked med room and dispensed it to a patient without Respondent's authorization.
- b) Respondent stored outdated Fentanyl in an unlocked office.

7. Respondent failed to report the theft or loss of controlled substances to Complainant as evidenced by Respondent's admission during an interview with Complainant's inspector that in December 2014, 84 2ml vials of Fentanyl 50mcg/ml were missing.

8. Also, in October 2015, police found in the vehicle of a former employee of Respondent's a 50ml vial of Fentanyl injection and five Ciprofloxacin prescription containers with Respondent's name and office address with the patients' names. Respondent admitted that some 50ml vials of Fentanyl were missing.

9. Complainant's inspector also verified that Respondent failed to conduct and submit to Complainant annual inventory reports of schedule 2 to 5 controlled substances.

COUNT I

Respondent's conduct, as set forth above, evidences a failure to provide effective controls against diversion of controlled substances to other than legitimate and professionally recognized therapeutic, scientific, or industrial uses, in violation of 7311(e) of the Public Health Code, supra.

COUNT II

Respondent's conduct, as set forth above, evidences a failure to store prescription drugs in a substantially constructed, securely lockable cabinet, with access to the cabinet limited to individuals authorized to dispense prescription drugs, contrary to section 17745(5) of the Public Health Code, in violation of section 7311(f) of the Public Health Code, supra.

COUNT III

Respondent's conduct, as set forth above, evidences a failure to maintain, separately from other prescription records, all invoices and other acquisition records for each controlled substance acquired for not less than five years after the date the controlled substance is acquired, contrary to section 7303a(3)(a) of the Public Health Code, in violation of section 7311(h) of the Public Health Code, supra.

COUNT IV

Respondent's conduct, as set forth above, evidences a failure to keep controlled substance records and maintain controlled substance inventories in conformance with the record-keeping and inventory requirements of federal law and with any additional rules Complainant promulgates, contrary to section 7321(1) of the Public Health Code, in violation of section 7311(h) of the Public Health Code, supra.

COUNT V

Respondent's conduct, as set forth above, evidences a failure to inventory and report to Complainant all schedule 2 to 5 controlled substances possessed at the time of the inventory, contrary to section 7321(2) of the Public Health Code, in violation of section 7311(h) of the Public Health Code, supra.

COUNT VI

Respondent's conduct, as set forth above, evidences a failure to notify Complainant of the theft or loss by submitting a United States drug enforcement administration theft and loss report form 106, a copy thereof, or equivalent document, within 10 days following discovery of a theft or loss of any controlled substance, contrary to Mich Admin Code, R 3141(3), in violation of section 7311(h) of the Public Health Code, supra.

Complainant requests this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements

for retention of the license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, MCL 24.201, et seq.

Pursuant to section 16231(8) of the Public Health Code, supra, Respondent has 30 days from the date of receipt of this Complaint to submit a written response to the allegations contained herein. The written response shall be submitted to Complainant, Kim Gaedeke, Director, Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Pursuant to section 16231(9) of the Public Health Code, supra, Respondent's failure to submit a written response within 30 days shall be treated as an admission of the allegations and shall result in transmittal of this Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Dated: 4/25/16 
Kim Gaedeke, Director
Bureau of Professional Licensing

This is the final page of an Administrative Complaint in the matter of Angel A. Ojeda, M.D., File Number 53-15-139386, before the Disciplinary Subcommittee of the Michigan Board of Pharmacy, consisting of six pages, this page included.

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