

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

In the Matter of

JUSTIN TRAVIS GREENLAW, A.T.  
License No. 26-01-001195

Complaint No. 26-16-142514

ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Bridget K. Smith, on behalf of the Department of Licensing & Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this complaint against Justin Travis Greenlaw, A.T. (Respondent), alleging upon information and belief as follows:

1. The Board of Athletic Trainers, an administrative agency established by the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee.
2. Respondent is licensed to practice as an athletic trainer pursuant to the Public Health Code. At all times relevant to this complaint, Respondent worked as an athletic trainer for Spectrum Health in Grand Rapids, Michigan.
3. Section 16221(a) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for a violation of

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 as an athletic trainer.

4. Section 16221(b)(i) of the Code authorizes the DSC to take disciplinary action against Respondent for incompetence, which is defined at section 16106(1) of the Code 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 16221(b)(vi) of the Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for lack of good moral character, defined at section 1 of 1974 PA 381, as amended; MCL 338.41 *et seq*, as the “propensity on the part of the person to serve the public in the licensed area in a fair, honest and open manner.”

6. Section 16221(b)(v) of the Code provides the disciplinary subcommittee with the authority to take disciplinary action against a licensee for conviction of any felony other than a felony listed or described in another subparagraph of this subdivision. A certified copy of the court record is conclusive evidence of the conviction.

7. Section 16221(b)(vii) of the Code provides the Disciplinary Subcommittee with the authority to take disciplinary action against a licensee for Conviction of a criminal offense under section 520e or 520g of the Michigan penal

code, 1931 PA 328, MCL 750.520e and 750.520g. A certified copy of the court record is conclusive evidence of the conviction.

8. Section 16221(e)(vi) of the Public Health Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for unprofessional conduct consisting of any conduct by a health professional with a patient while he is acting within the health profession for which he is licensed, including conduct initiated by a patient or to which the patient consents, which is sexual or can reasonably be interpreted as sexual.

9. Section 16221(f) of the Public Health Code provides the Disciplinary Subcommittee with authority to take disciplinary action against a licensee for failure to notify the Department of a conviction within 30 days of the date of conviction as required by section 16222(3) of the Public Health Code.

10. Section 16233(5) of the Public Health Code provides for the summary suspension of a license, reading, in pertinent part, as follows:

After consultation with the chair of the appropriate board or task force or his or her designee, the department may summarily suspend a license or registration if the public health, safety, or welfare requires emergency action in accordance with section 92 of the administrative procedures act of 1969, being section 24.292 of the Michigan Compiled Laws. If a licensee or registrant is convicted of a felony; a misdemeanor punishable by imprisonment for a maximum term of 2 years; or a misdemeanor involving the illegal delivery, possession, or use of a controlled substance, the department shall find that the public health, safety, or welfare requires emergency action and, in accordance with section 92 of the administrative procedures act of 1969, shall summarily suspend the licensee's license or the registrant's registration.

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

### ALLEGATIONS

12. On October 4, 2016, Respondent was convicted of Computers-Using to Commit a Crime and Capturing/Distributing Images of Unclothed Persons, both felonies, in the 17<sup>th</sup> Judicial Circuit Court, Kent County, Michigan, in case number 16-07365-FH. The conviction stemmed from Respondent recording videos of treatments provided to two female patients, including images of their unclad breasts. A copy of the conviction documents, marked Exhibit A, are attached and incorporated.

13. On October 4, 2016, Respondent was convicted of Criminal Sexual Conduct-Fourth Degree (Force or Coercion), a felony, in the 17<sup>th</sup> Judicial Circuit Court, Kent County, Michigan in case number 16-07931-FH. Respondent's conviction was based on his inappropriate contact with a female high school athlete's buttocks during treatment sessions at the high school where Respondent was assigned as athletic trainer. A copy of the conviction documents, marked Exhibit B, are attached and incorporated.

14. On October 4, 2016, Respondent was convicted of Computers-Using to Commit a Crime and Capture/Distribute Image of Unclothed Person, both felonies, in the 17<sup>th</sup> Judicial Circuit Court, Kent County Michigan in case number 13-07713-

FH. Respondent's conviction was based on allegations that Respondent recorded images of two female athletes during treatment sessions including images of the patients' unclad buttocks. Both girls were high school students at the time of the incident. A copy of the conviction documents, marked Exhibit C, are attached and incorporated.

15. On November 17, 2016, Respondent was sentenced to serve a minimum period of 23 months not to exceed 84 months in prison. The sentencing was ordered to run concurrent for all three cases.

16. Respondent failed to report the convictions to the Complainant within 30 days of the date of the convictions.

#### COUNT I

17. Respondent's conduct as described above constitutes negligence and failure to exercise due care in violation of section 16221(a) of the Code.

#### COUNT II

18. Respondent's conduct as described above constitutes incompetence in violation of Section 16221(b)(i) of the Code.

#### COUNT III

19. Respondent's conduct as described above constitutes a lack of good moral character in violation of section 16221(b)(vi) of the Code.

#### COUNT IV

20. Respondent's conduct as described in paragraphs 12 and 14 above constitute convictions of felonies in violation of section 16221(b)(v) of the Code.

**COUNT V**

21. Respondent's conduct as described constitutes a conviction of a criminal offense under section 520e of the Michigan penal code in violation of section 16221(b)(vii) of the Code.

**COUNT V**

22. Respondent's conduct as described above constitutes unprofessional conduct with a patient that is sexual or can reasonably be interpreted as sexual in violation of section 16221(e)(vi) of the Public Health Code.

**COUNT VI**

23. Respondent's conduct as described above constitutes a failure to notify the Department of his conviction within 30 days of that conviction contrary to section 16222(3) and in violation of section 16221(f) of the 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 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.*

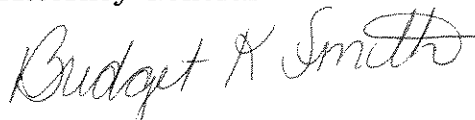
RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(8) of the Public Health Code, Respondent has 30 days from the receipt of this Complaint to submit a written response to the allegations contained in it. The written

response shall be submitted to the Bureau of Professional Licensing, 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(9), 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 the transmittal of the complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

FURTHER, Complainant requests that pending the hearing and final determination Respondent's license to practice as an Athletic Trainer in the State of Michigan continue to be summarily suspended pursuant to section 92 of the Administrative Procedures Act and section 16233(5) of the Public Health Code for the reason that, based upon the allegations set forth herein, to permit Respondent to continue to practice the profession constitutes a danger to the public health, safety and welfare requiring emergency action.

Respectfully submitted,

BILL SCHUETTE  
Attorney General



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Dated: January 19, 2017