

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

In the Matter of:

JACOB KALO, M.D.  
License No. 43-01-040053

Complaint No. 43-15-136671  
(and 43-14-135808 consolidated)

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FIRST SUPERSEDING ADMINISTRATIVE COMPLAINT

Attorney General Bill Schuette, through Assistant Attorney General Erika N. Marzorati, on behalf of the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing (Complainant), files this first superseding administrative complaint against Jacob Kalo, M.D. (Respondent), alleging upon information and belief as follows:

1. The Board of Medicine, an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee.
2. Respondent holds a license to practice in Michigan as a medical doctor pursuant to Article 15 of the Code and has multiple current controlled substance licenses.
3. Section 16221(a) of the Code authorizes the Disciplinary Subcommittee to take action against a licensee for a violation of a 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 a health profession.

4. Section 16221(b)(i) of the Code authorizes the Disciplinary Subcommittee to take action against a licensee for incompetence, which is defined in section 16106(1) 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 16226 of the Code authorizes the Disciplinary Subcommittee to impose sanctions against a person licensed by the Board if, after the opportunity for a hearing, the Disciplinary Subcommittee determines that the licensee violated one or more subdivisions of section 16221.

#### FACTUAL ALLEGATIONS

6. At all times relevant to this complaint, Respondent owned and practiced at Western Women's Center in West Bloomfield, Michigan, and Women's Center of Southfield in Lathrup Village, Michigan.

7. On September 29, 2014, patient 1 (number used to protect confidentiality) presented at Western Women's Center for a surgical abortion.

8. Respondent failed to include in the patient's medical record any documentation of a pre-operative examination.

9. Respondent failed to include in the patient's medical record an operative report; notes about the patient's condition or vital signs during the

procedure; or any documentation regarding the procedure itself, with the exception of an anesthesia record.

10. Respondent failed to include in the patient's medical record any documentation regarding post-operative care, monitoring, or recovery.

11. Respondent failed to document in the patient's medical record a description of tissues removed during the procedure.

12. The patient returned to Respondent's office for a follow-up visit on November 7, 2014. Respondent failed to include any documentation of the visit in the patient's medical record.

#### COUNT I

13. Respondent's conduct as set forth above evidences negligence, in violation of section 16221(a) 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 thereunder, and the Administrative Procedures Act of 1969, 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 receipt of this first superseding complaint to respond in writing 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.  
Pursuant to section 16231(9), failure to submit a written response within 30 days  
shall be treated as an admission of the allegations contained herein and result in  
transmittal of the complaint directly to the Board's Disciplinary Subcommittee for  
imposition of an appropriate sanction.

FURTHER, the administrative complaint filed against Respondent on  
November 2, 2016, is hereby WITHDRAWN and replaced in full by this first  
superseding administrative complaint.

Respectfully Submitted,

BILL SCHUETTE  
Attorney General



Erika N. Marzorati (P78100)  
Assistant Attorney General  
Licensing and Regulation Division  
P.O. Box 30758  
Lansing, Michigan 48909  
(517) 373-1146

Dated: April 13, 2017

LF:2016-0130254-B/Kalo, Jacob, M.D., 136671/First Superseding Administrative Complaint 2017-04-12