

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

In the Matter of

DOUGLAS RAYMOND ALBRIGHT, O.T.L.  
License No. 52-01-007563

Complaint No. 52-17-147572  
(Consolidated 52-17-146030 and  
52-17-146767)

\_\_\_\_\_ / CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Occupational Therapists on September 27, 2017, charging Douglas Raymond Albright, O.T.L. (Respondent) with having violated sections 16221(a), (b)(i), (b)(vi), (e)(vi), (b)(ii), (f), and 16222(3) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

Based on the administrative complaint and after consultation with the Chairperson of the Board of Occupational Therapists, the Department summarily suspended Respondent's license to practice as an occupational therapist by order dated September 28, 2017.

A hearing on a petition to dissolve the Department's order of summary suspension was conducted on November 16, 2017 following which the

administrative hearing officer entered an order continuing the summary suspension.

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 sections 16221(a), (b)(i), (b)(vi), (e)(vi), (b)(ii), (f), and 16222(3) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

The order of summary suspension previously issued is DISSOLVED.

Respondent's license is SUSPENDED for a minimum period of 6 months and 1 day.

Respondent is FINED \$1,500.00 to be paid by check, money order or cashier's check made payable to the State of Michigan (with complaint number 52-17-147572 clearly indicated on the check or money order), and shall be payable within 90 days prior to petitioning for reinstatement. The timely payment of the fine shall be Respondent's responsibility. Respondent shall mail the fine to: Department of Licensing and Regulatory Affairs Bureau of Professional Licensing, Legal Affairs Division, Compliance Section, P.O. Box 30189, Lansing, Michigan 48909.

If Respondent petitions for reinstatement of his license, the petition shall be in accordance with sections 16245 and 16247 of the Public Health Code and Mich Admin Code, R 792.10711. Under these provisions, Respondent must demonstrate the following by clear and convincing evidence: (1) good moral character; (2) the ability to practice the profession with reasonable skill and safety; (3) satisfaction of the guidelines on reinstatement adopted by the Department; and (4) that it is in the public interest for the license to be reinstated.

Respondent shall direct any communications to the Department that are required by the terms of this order to: Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, Legal Affairs Division, Compliance Section, P.O. Box 30670, Lansing, Michigan 48909.

Respondent may not file a petition for reinstatement sooner than ninety days prior to the end of the suspension period.

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 on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on 2/13/18

MICHIGAN BOARD OF  
OCCUPATIONAL THERAPISTS

By Valerie Culmer  
Chairperson, Disciplinary  
Subcommittee

STIPULATION

The parties stipulate as follows:


1. For purposes of resolving the subject administrative complaint, Respondent admits the facts alleged in the complaint are true and constitute a violation of the Public Health Code.
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 Kelli King, O.T.L. Ms. King 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.

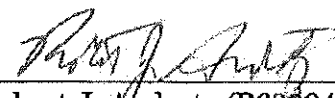
By signing this stipulation, the parties confirm that they have read, understand and agree with the terms of the consent order.

AGREED TO BY:

  
Bridget K. Smith (P71318)  
Assistant Attorney General  
Attorney for Complainant  
Dated: 1/17/18

AGREED TO BY:

  
Douglas Raymond Albright, O.T.L.  
Respondent  
Date: 01/17/2018

  
Robert J. Andretz (P63994)  
Attorney for Respondent  
Dated: January 17, 2018

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

In the Matter of

DOUGLAS RAYMOND ALBRIGHT, O.T.L.  
License No. 52-01-007563

Complaint No. 52-17-147572  
(Consolidated 52-17-146030  
and 52-17-146767)

ORDER OF SUMMARY SUSPENSION


An administrative complaint has been issued against Respondent under the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq.*, promulgated rules, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

After consideration of the documentation filed in this case and consultation with the Chairperson of the Board of Occupational Therapists, the Department concludes that the public health, safety or welfare requires emergency action, as allowed by section 16233(5) of the Public Health Code and section 92(2) of the Administrative Procedures Act.

THEREFORE, IT IS ORDERED that Respondent's license to practice as an occupational therapist in the State of Michigan shall be summarily suspended commencing on the date this order is served.

Under Mich Admin Code, R 792.10702, Respondent has the right to petition for the dissolution of this order of summary suspension. This petition shall clearly state that it is a Petition for Dissolution of Summary Suspension and shall be filed with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, Michigan 48909, with a copy served upon the Department of Attorney General, Licensing & Regulation Division, P.O. Box 30758, Lansing, Michigan, 48909. Questions concerning the Order of Summary Suspension may be directed to (517) 373-1146. Upon receipt of such a petition, an administrative hearing will immediately be scheduled before an administrative law judge, who shall dissolve the order of summary suspension unless sufficient evidence is produced to support a finding that the public health, safety, or welfare requires emergency action and a continuation of the suspension order.

DEPARTMENT OF LICENSING AND  
REGULATORY AFFAIRS

By:   
Kim Gaedeke, Director  
Bureau of Professional Licensing

Dated: 09/28/2017

LF: 2017-0194886-B\Albright, Douglas Raymond, O.T.L., 147572\Pleading – Order of Summary Suspension – 2017-09-27

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
BUREAU OF PROFESSIONAL LICENSING  
BOARD OF OCCUPATIONAL THERAPISTS  
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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 Douglas Raymond Albright, O.T.L. (Respondent), alleging upon information and belief as follows:

1. The Board of Occupational Therapists (Board), an administrative agency established by the Public Health Code (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 currently licensed to practice as an Occupational Therapist pursuant to the Code. At all times relevant to the complaint, Respondent worked as an occupational therapist at Advanced Therapy Group located in Traverse City, Michigan.
3. Section 16221(a) of the Code provides the Disciplinary Subcommittee with the authority to take disciplinary action against a licensee for 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 occupational therapist.

4. Section 16221(b)(i) of the Code provides the Disciplinary Subcommittee with the authority to take disciplinary action against a licensee for incompetence, which is defined in section 16106(1) of the Code to mean “a departure from, or failure to conform to, minimal standards of acceptable and prevailing practice from the health profession, whether or not actual injury to an individual occurs.”

5. Section 16221(b)(ii) of the Code authorizes the disciplinary subcommittee to discipline licensees for a substance use disorder, as defined in section 333.1100(d). Substance use disorder includes substance abuse, which is defined as “the taking of alcohol or other drugs at dosages that place an individual's social, economic, psychological, and physical welfare in potential hazard, or to the extent that an individual loses the power of self-control as a result of the use of alcohol or drugs, or while habitually under the influence of alcohol or drugs, endangers public health, morals, safety, or welfare, or a combination thereof.”

6. 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.”

7. 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.

8. Section 16221(f) of the Code authorizes the disciplinary subcommittee to discipline licensees for a failure to notify the department of a criminal conviction within 30 days after the date of the conviction as required by section 16222(3).

9. 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.

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

## ALLEGATIONS

### L.W.

11. In approximately 2012, L.W. (initials used to protect patient confidentiality), moved to Michigan from Kentucky to live with her godmother who worked with Respondent at Advanced Therapy Group. L.W., who had been diagnosed with a traumatic brain injury, began working as an administrative assistant at ATG.

12. Shortly after she began working at ATG, Respondent began providing L.W. with occupational therapy, including driving instructions.

13. During one session, Respondent touched L.W.'s buttocks while they were doing exercises intended to work on her balance.

14. During one driving lesson, Respondent and L.W. got stuck in the snow. While they were awaiting assistance, Respondent began drinking a beer and smoking marijuana he had in the car. He offered the same to L.W. but she declined. He also massaged L.W.'s neck and attempted to move his hands towards her chest before she stopped him.

### A.M.

15. In August 2016, A.M. was referred to Respondent for an occupational therapy driving evaluation following a traumatic brain injury. Respondent subsequently saw A.M. for driver's training on a weekly basis from August 2016 until November 23, 2016 when her treatment was transferred to another therapist.

16. Respondent smoked marijuana with A.M. during her lessons approximately 3 to 4 times. Respondent also communicated with A.M. on Facebook.

17. On November 18, 2016, Respondent went to dinner at A.M.'s house. Following dinner they smoked marijuana and walked in the woods by A.M.'s home.

18. On November 23, 2016, Respondent took A.M. to the casino. Respondent and A.M. also drove around holding hands and then pulled over on a side street at which time Respondent hugged A.M. and put his hands under the back of her shirt and his fingers under the waistband of her pants. A.M. stopped Respondent from going any further.

### **Criminal Conviction**

19. On May 14, 2015, Respondent was convicted of Operating-Impaired, a misdemeanor. The 86<sup>th</sup> District Court sentenced Respondent to one year probation.

20. Respondent failed to notify the Department of his conviction within 30 days as required by section 16222(3) of the Code.

### **COUNT I**

21. Respondent's conduct as described above constitutes negligence, failure to exercise due care and negligent delegation to, or supervision of, employees or other individuals in violation of section 16221(a) of the Code.

### **COUNT II**

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

### **COUNT III**

23. 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**

24. Respondent's conduct as described above constitutes unprofessional conduct which is sexual or can reasonably be interpreted as sexual in violation of section 16221(e)(vi) of the Code.

#### COUNT V

25. Respondent's conduct as described above constitutes evidence of substance abuse in violation of section 16221(b)(ii).

#### COUNT VI

26. Respondent's conduct as described in paragraphs 19 and 20 constitute a failure to notify the Department of a conviction contrary to section 16222(3) of the Code 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.*

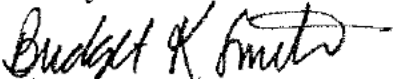
FURTHER, Complainant requests that pending the hearing and final determination Respondent's license to practice as an occupational therapist in the State of Michigan continue to be summarily suspended pursuant to section 92 of the Administrative Procedures Act and section 16233(5) of the Public Health 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.

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.

Respectfully submitted,

BILL SCHUETTE  
Attorney General

  
Bridget K. Smith (P71318)  
Assistant Attorney General  
Licensing & Regulation Division  
P.O. Box 30758  
Lansing, Michigan 48909  
(517) 373-1146

Dated: September 27, 2017

LF: 2017-0194886-B\Albright, Douglas Raymond, O.T.L., 147572\Pleading -- Administrative Complaint.SS - 2017-09-27