



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

May 8, 2002

Michael G. Sperl, M.D.
29829 Telegraph Road
Southfield, MI 48034

Dear Doctor Sperl:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Sharon W. Murphy, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 8, 2002, including motions approving and confirming the Report and Recommendation as the Findings and Order of the State Medical Board of Ohio.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO

Anand G. Garg, M.D.
Secretary

AGG:jam
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5146 4755
RETURN RECEIPT REQUESTED

Cc: Kevin P. Byers, Esq.
CERTIFIED MAIL RECEIPT NO. 7000 0600 0024 5146 4779
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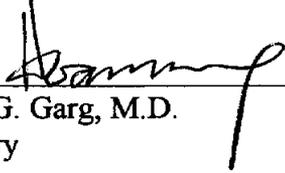
Mailed 5-10-02

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on May 8, 2002, including motions approving and confirming the Findings of Fact, Conclusions and Proposed Order of the Hearing Examiner as the Findings and Order of the State Medical Board of Ohio; constitute a true and complete copy of the Findings and Order of the State Medical Board in the Matter of Michael G. Sperl, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)



Anand G. Garg, M.D.
Secretary

May 8, 2002

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

MICHAEL G. SPERL, M.D.

*

ENTRY OF ORDER

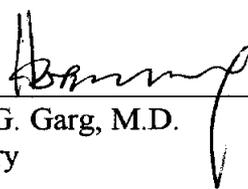
This matter came on for consideration before the State Medical Board of Ohio on May 8, 2002.

Upon the Report and Recommendation of Sharon W. Murphy, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED that Michael G. Sperl, M.D., be REPRIMANDED.

This Order shall become effective immediately upon mailing of notification of approval by the Board.

(SEAL)



Anand G. Garg, M.D.
Secretary

May 8, 2002

Date

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**REPORT AND RECOMMENDATION
IN THE MATTER OF MICHAEL G. SPERL, M.D.**

The Matter of Michael G. Sperl, M.D., was heard by Sharon W. Murphy, Attorney Hearing Examiner for the State Medical Board of Ohio, on February 28, 2002.

INTRODUCTION

I. Basis for Hearing

- A. By letter dated December 12, 2001, the State Medical Board of Ohio [Board] notified Michael G. Sperl, M.D., that it had proposed to take disciplinary action against his certificate to practice medicine and surgery in Ohio. The Board based its proposed action on prior action against Dr. Sperl by the State of Michigan Board of Medicine [Michigan Board].

The Board further alleged that the prior action of the Michigan Board constitutes “[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual’s license to practice; acceptance of an individual’s license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand,” as that clause is used in Section 4731.22 (B)(22), Ohio Revised Code.”

Accordingly, the Board advised Dr. Sperl of his right to request a hearing in this matter. (State’s Exhibit 1A).

- B. On January 11, 2002, Kevin P. Byers, Esq., submitted a written hearing request on behalf of Dr. Sperl. (State’s Exhibit 1B).

II. Appearances

- A. On behalf of the State of Ohio: Betty D. Montgomery, Attorney General, by Mark A. Michael, Assistant Attorney General.
- B. On behalf of the Respondent: Kevin P. Byers, Esq.

STATE MEDICAL BOARD
OF OHIO
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EVIDENCE EXAMINED

I. Testimony Heard

Michael G. Sperl, M.D.

II. Exhibits Examined

A. Presented by the State

1. State's Exhibits 1A-1K: Procedural exhibits.
2. State's Exhibit 2: Certified copies of documents maintained by the State of Michigan Board of Medicine regarding Dr. Sperl.

B. Presented by the Respondent

1. Respondent's Exhibit A: Curriculum vitae of Dr. Sperl.
2. Respondent's Exhibit B: Pin electrode. (Note: Exhibit will be maintained in the Board offices for examination by Board members.)
- * 3. Respondent's Exhibit C: Copy of a December 17, 1997, report by Dr. Sperl to the State Farm Insurance Company regarding Patient J.K.
- * 4. Respondent's Exhibit D: Copy of a January 24, 1994, Electromyography Report regarding Patient J.K. issued by Gavin I. Awerbuch, M.D.
- * 5. Respondent's Exhibit E: Copy of a March 7, 2002, letter to Dr. Sperl's Michigan counsel from the State of Michigan Department of Attorney General.

Note: All exhibits marked with an asterisk [*] have been sealed to protect patient confidentiality.

PROCEDURAL MATTERS

1. At hearing, the Respondent introduced Respondent's Exhibits C and D. The State objected to the admission of these exhibits because the Respondent had not identified them prior to hearing and because the State did not believe the exhibits were relevant. The Hearing Examiner asked the State to demonstrate how the exhibits would prejudice the State should they be admitted. The Hearing Examiner allowed the State an opportunity to review the documents and file a written response regarding the potential prejudice to the State. Subsequently, the State advised the Hearing Examiner that the State would not be filing a

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response, but would preserve its prior objections. Upon consideration, the State's objections are overruled. Respondent's Exhibits C and D are admitted to the record. (See Hearing Transcript at 70-76).

2. The hearing record in this matter was held open to give the Respondent an opportunity to submit additional evidence. The additional evidence was timely submitted. Moreover, although the State had been provided an opportunity to object to the admission of the additional evidence, the State did not do so. Accordingly, the additional evidence is admitted to the record as Respondent's Exhibit E. The hearing record closed on March 22, 2002. (See Hearing Transcript at 70-76).

SUMMARY OF THE EVIDENCE

All exhibits and transcripts of testimony, even if not specifically mentioned, were thoroughly reviewed and considered by the Attorney Hearing Examiner prior to preparing this Report and Recommendation.

1. Michael G. Sperl, M.D., received his medical degree in 1978 from the Wayne State University School of Medicine in Detroit, Michigan. In 1982, Dr. Sperl completed residency programs in Physical Medicine/Rehabilitation and Electromyography at Sinai Hospital in Detroit. Dr. Sperl was certified by the American Board of Physical Medicine and Rehabilitation in 1982, by the American Association of Electromyography and Electrodiagnosis in 1983, by the Academy of Neuromuscular Thermography in 1984, and by the American Board of Electrodiagnostic Medicine in 1989. (Hearing Transcript [Tr.] at 10-12; Respondent's Exhibit [Resp. Ex.] A).

Dr. Sperl testified that he had obtained his license to practice medicine and surgery in Ohio in 1980 during his residency training at Sinai Hospital. He stated that the residency program had required that he perform independent Social Security examinations in Toledo, Ohio. He testified that he had obtained his Ohio license for that purpose only. (Tr. at 12-13).

Dr. Sperl testified that he has practiced in Michigan since completing his residency training. Other than performing Social Security examinations during his residency, Dr. Sperl has not practiced in Ohio (Tr. at 12-13).

2. Dr. Sperl testified that his current practice is based in physical medicine, with a focus in industrial occupational medicine. Dr. Sperl testified that he sees a number of industrial employees, many whom have suffered injuries as the result of the repetitive nature of their work duties. He further stated that many of these individuals are involved in litigation as a result of their injuries. Dr. Sperl testified that he sees these patients both for independent medical examination and for treatment. Dr. Sperl further testified that a large number of his

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patients receive electromyography [EMG], an “electrical study of nerves and muscles similar to an EKG for the heart.” (Tr. at 14-19, 35-38).

3. On October 30, 2000, the State of Michigan Board of Medicine [Michigan Board] issued an Administrative Complaint in the Matter of Michael G. Sperl, M.D. (State’s Exhibit [St. Ex.] 2 at 7-12). On June 20, 2001, the Michigan Board issued a Consent Order and Stipulation [Consent Order], effective June 20, 2001. (St. Ex. 2 at 1-6). In the Consent Order, the Michigan Board found that a number of the allegations set forth in the Administrative Complaint were true. The allegations which the Michigan Board found to be true include the following:

“10. An electromyography test [EMG] consists of two parts: (1) a nerve conduction study, where an electric shock is administered over a nerve, with responses recorded over another portion of the same nerve; and (2) a needle electromyography, where a needle with an electrode on its end is used to pierce muscles so as to measure the electrical potentials in the muscle, both at rest and when contracted.”

“11. On December 17, 1997, patient J.K. * * * acting in response to the request of her automobile insurance carrier (State Farm Mutual Automobile Insurance Company), reported to Respondent’s office for an independent medical evaluation [IME], which was to include an EMG.”

“13. According to Respondent’s December 17, 1997, report to State Farm, Respondent performed both the nerve conduction and needle electromyography portions of an EMG on J.K., allegedly making 16 needle insertions into J.K. in the course of performing the needle electromyography. Respondent billed State Farm for Performing a complete EMG on J.K.”

“14. Respondent reached conclusions in his December 17, 1997, report to State Farm that are based on flawed analyses and data.”

“15. On January 23, 1998, patient R.S., acting in response to the request of his employer (City of Ann Arbor), reported to Respondent’s office for an IME, which was to include an EMG.”

“17. According to Respondent’s January 23, 1998, report to the City of Ann Arbor, Respondent performed both the nerve conduction and needle electromyography portions of an EMG on R.S., allegedly making 18 needle insertions into R.S. in the course of performing the needle

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electromyography. Respondent billed the City of Ann Arbor for performing a complete EMG on R.S.”

(St. Ex. 2 at 2-3). The Michigan Board concluded that Dr. Sperl’s conduct constituted negligence, in violation of Section 16221(a) of the Michigan Public Health Code, and ordered that Dr. Sperl be reprimanded. (St. Ex. 2 at 3, 7-8).

4. The Michigan Board Administrative Complaint also alleged that Dr. Sperl had failed to perform full examinations of Patients J.K. and R.S. Both patients had complained that Dr. Sperl had performed only the nerve conduction study, but not the needle electromyography portion of the EMG. Both patients had also stated that they had not seen Dr. Sperl with a needle in his hand, nor had they felt a needle inserted into their bodies at any time. Dr. Sperl denied these allegations, and the Michigan Board made no findings regarding them. (St. Ex. 2).
5. At hearing, Dr. Sperl denied the allegations that he had not properly examined Patients J.K. and R.S. or that he had not conducted the needle electromyography portions of the EMG. Dr. Sperl further denied that he had performed negligently in any way. (Tr. at 21-22, 52-53). Dr. Sperl testified that he had agreed to the terms of the Michigan Board Consent Order for a number of reasons.

First, Dr. Sperl stated that he would have had difficulty presenting a defense against the allegations. Dr. Sperl testified that the two individuals who filed the complaints with the Michigan Board were individuals upon whom Dr. Sperl had performed independent medical examinations. In each case, Dr. Sperl had found that the individual was not disabled from his or her normal work duties. Subsequently, each individual filed a complaint. (Tr. at 21-22).

Dr. Sperl further testified that he had felt that it would have been difficult to defend against the allegations because it was a case of the word of the two individuals versus the word of Dr. Sperl. He had no way to prove that he had actually done the tests. He stated that the facts were “bad,” and that even he would have had difficulty believing his story had he been the decision maker. Dr. Sperl further stated that the two individuals were reasonable people. He added that, although he had tried to find a relationship between the two individuals to help discredit them, he had not been able to find one. (Tr. at 49-50, 53-54).

In his defense, however, Dr. Sperl stated that his examination results were consistent with the results of a previous EMG performed on Patient J.K. by another physician. Dr. Sperl had not had the results of the previous EMG at the time he performed his examination of Patient J.K. (Tr. at 22, 40-45; Resp. Ex. D).

Dr. Sperl further testified that he would have been unable to prove that he had fully examined the two patients because he had had no documentation of the EMG results other

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than his own handwritten notes. Dr. Sperl testified that there is no documentary proof that an EMG has been performed. He stated that the results are revealed on an oscilloscope and recorded on a tape. He further stated, however, that there is no way to connect the tape to a particular patient other than the handwritten note of the evaluator. (Tr. at 21-27).

6. Dr. Sperl testified that, when performing an EMG, some patients are not aware that pins have been inserted. Dr. Sperl further testified that, during his residency, he had been taught that when performing EMG testing it is important for the patient to be as relaxed as possible. Dr. Sperl stated that his practice is organized to enhance the patient's relaxation from the moment the patient walks in the door. He offers coffee, cookies, and television in the waiting room. The office staff are trained to be pleasant and speak softly no matter how offensive a patient might be. (Tr. at 30-31).

Dr. Sperl further stated that he tries to relax the patients by keeping his demeanor jovial. He turns down the lights and the volume of his equipment. He instructs the patients to lie on their stomachs so they can not see the pins. He stated that he does all of this to ensure that the patients' muscles are relaxed. (Tr. at 30-35).

Dr. Sperl also testified that he performs needle EMGs using pin electrodes. He stated that the pin is very small, 28 gauge, and is about the size of a needle one would use for acupuncture. He concluded that, because of the small size of the needle and the patients' relaxed state, many of his patients, especially those with nerve damage, do not even feel the pin being inserted. (Tr. at 27-29; Resp. Ex. B).

7. Dr. Sperl further testified, however, that he has changed his practice since the Michigan Board action. He stated that, where before he would have tried to distract the patient from what Dr. Sperl was doing, now he very specifically explains what he is doing. He also asks the patient to sign an agreement giving Dr. Sperl permission to examine the patient and to photograph the patient during the examination. He has the patient complete a complaint card before leaving the office. On some occasions, Dr. Sperl records his discussion with the patient on audiotape. Dr. Sperl stated that he has even considered hiring a staff member to remain in the room when Dr. Sperl is performing tests. (Tr. at 41-48).

Dr. Sperl explained that he has already felt the benefit of the changes in his practice. For example, Dr. Sperl stated that a patient and the patient's wife sent a letter of complaint to the local medical society, stating that Dr. Sperl had not examined the patient. The letter stated that the patient had not been in an examination room, that the patient had not undressed, and that Dr. Sperl had not examined him. Dr. Sperl was able to produce a photograph of the patient in a gown, on a table, with wires attached to his body. The complaint was dismissed. (Tr. at 24-25, 51-52).

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FINDINGS OF FACT

On June 20, 2001, the State of Michigan Board of Medicine [Michigan Board] issued a Consent Order and Stipulation in the Matter of Michael G. Sperl, M.D., effective June 20, 2001. In the Consent Order and Stipulation, the Michigan Board found, among other things, that Dr. Sperl had reached conclusions in one report of a needle electromyography, and that his conclusion were "based on flawed analyses and data." The Michigan Board concluded that Dr. Sperl's conduct constituted negligence in violation of Section 16221(A) of the Michigan Public Health Code, and ordered that Dr. Sperl be reprimanded.

CONCLUSIONS OF LAW

The Consent Order and Stipulation issued by the State of Michigan Board of Medicine constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22 (B)(22), Ohio Revised Code.

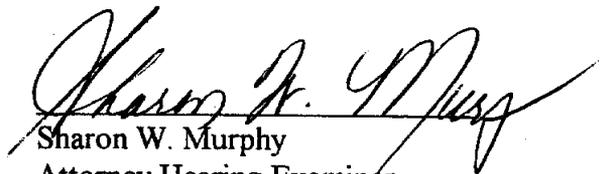
* * * * *

The Michigan Board's Consent Order and Stipulation found that, in one report of a needle electromyography, Dr. Sperl had reached conclusions which were "based on flawed analyses and data." The Michigan Board concluded that this conduct was negligent. Unfortunately, the evidence at hearing did not address the "flawed analyses and data" which was considered to be negligent. Therefore, it is difficult for this Board to create an order which specifically addresses that conduct. On the other hand, Dr. Sperl cooperated fully at hearing. He acknowledged that he has made changes in his practice in an attempt to prevent the occurrence of any similar events in the future.

PROPOSED ORDER

It is hereby ORDERED that Michael G. Sperl, M.D., be REPRIMANDED.

This Order shall become effective immediately upon mailing of notification of approval by the Board.


Sharon W. Murphy
Attorney Hearing Examiner



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

EXCERPT FROM THE DRAFT MINUTES OF MAY 8, 2002

REPORTS AND RECOMMENDATIONS

Dr. Somani announced that the Board would now consider the findings and orders appearing on the Board's agenda.

Dr. Somani asked whether each member of the Board had received, read, and considered the hearing record, the proposed findings, conclusions, and orders, and any objections filed in the matters of: Bonifacio H. Ferrer, M.D., and Michael G. Sperl, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Buchan	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

Dr. Somani asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Egner	- aye
	Dr. Buchan	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- aye
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

Dr. Somani noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters.

Dr. Somani stated that if there were no objections, the Chair would dispense with the reading of the proposed findings of fact, conclusions and orders in the above matters. No objections were voiced by Board members present.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

MICHAEL G. SPERL, M.D.

.....

DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. MURPHY'S PROPOSED FINDINGS OF FACT, CONCLUSIONS, AND ORDER IN THE MATTER OF DR. SPERL. DR. BUCHAN SECONDED THE MOTION.

.....

A vote was taken on Dr. Steinbergh's motion to approve and confirm:

Vote:	Mr. Albert	- abstain
	Dr. Egner	- aye
	Dr. Buchan	- aye
	Ms. Sloan	- aye
	Dr. Davidson	- aye
	Dr. Agresta	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye
	Dr. Somani	- aye

The motion carried.



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

December 12, 2001

Michael G. Sperl, M.D.
29829 Telegraph Road
Southfield, Michigan 48034

Dear Doctor Sperl:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) The Michigan Board of Medicine (hereinafter the "Michigan Board") issued a Consent Order with Stipulation dated, and effective, June 20, 2001, which ordered that you be reprimanded.

The Michigan Board findings included that your conduct constituted negligence [in the course of practice] in violation of Section 16221(A) of the Michigan Public Health Code. The conduct which resulted in the above reprimand is more fully set forth in the Michigan Board Consent Order and Stipulation, which is attached hereto and incorporated herein.

The Michigan Board Consent Order and Stipulation, as alleged in paragraph one (1) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 47431.22 (B)(22), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must

Mailed 12-13-01

Michael G. Sperl, M.D.

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be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

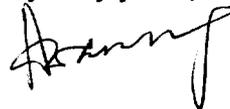
You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5147 3252
RETURN RECEIPT REQUESTED

NOV 13 2001

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
BUREAU OF HEALTH SERVICES
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

MICHAEL G. SPERL, M.D.

Complaint No. 43-98-0858-00

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An administrative complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on October 30, 2000, charging Michael G. Sperl, M.D. (Respondent), with having violated sections 16221(a), (b)(i), (b)(vi), (d)(iii) and (e)(i) of the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq*; MSA 14.15(1101) *et seq*.

By stipulation contained in this document, the parties have agreed that the Disciplinary Subcommittee shall dismiss Counts II, III, IV and V of the complaint alleging violation of sections 16221(b)(i), (b)(vi), (d)(iii) and (e)(i), respectively, of the Public Health Code.

By stipulation contained in this document, Respondent denies the allegations made in paragraphs 12 and 16 in the complaint that he did not perform the needle electromyography portions of two electromyography (EMG) tests, but does not contest the remaining allegations of fact and the alleged violation of section 16221(a) of the Public Health Code (Count I) in the complaint. Respondent understands that by pleading no contest he does not admit the truth of the remaining allegations but agrees that the Disciplinary Subcommittee may treat these allegations as true for resolution of the complaint. Respondent agrees that the Disciplinary Subcommittee may enter an order treating these allegations as true.

STATE OF MICHIGAN -- INGHAM COUNTY
I hereby certify that the foregoing is a true copy
of the original on file in the office of the
Michigan Department of Consumer and Industry
Services, Bureau of Health Services.

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, except for the allegations made in paragraphs 12 and 16 that Respondent did not perform the needle electromyography portions of two EMG tests, are true and constitute violation of section 16221(a) of the Public Health Code (Count I).

Accordingly,

IT IS ORDERED that for the violation of section 16221(a) of the Public Health Code (Count I) Respondent is REPRIMANDED.

IT IS FURTHER ORDERED that Counts II, III, IV and V of the complaint, alleging violation of sections 16221(b)(i), (b)(vi), (d)(iii) and (e)(i), respectively, of the Public Health Code are DISMISSED.

IT IS FURTHER ORDERED that should Respondent violate any term or condition set forth here, it may be determined that Respondent has violated an order of the Disciplinary Subcommittee, 1996 AACRS, R 338.1632, and section 16221(g) of the Public Health Code.

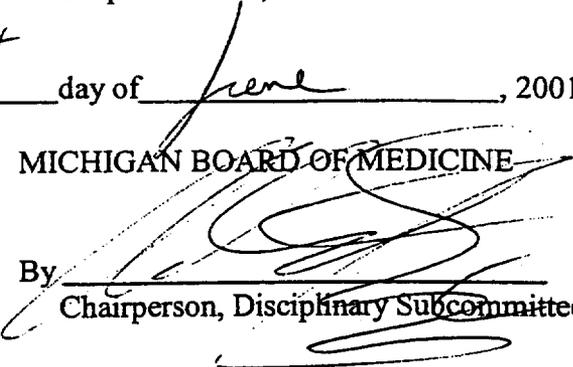
IT IS FURTHER ORDERED that this order shall be effective on the date signed by the

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true copy
and is on file in the office of the
Department of Consumer and Industry
Services, Bureau of Legal Services.

Disciplinary Subcommittee or its authorized representative, as set forth below.

Signed this 20th day of June, 2001.

MICHIGAN BOARD OF MEDICINE

By 
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate and agree as follows:

1. Respondent denies the allegations made in paragraphs 12 and 16 in the complaint that he did not perform the needle electromyography portions of two EMG tests, but does not contest the remaining allegations of fact and the alleged violation of section 16221(a) of the Public Health Code (Count I) in the complaint. Further, Respondent agrees that the Disciplinary Subcommittee may treat the remaining allegations of fact and the alleged violation of section 16221(a) of the Public Health Code (Count I) in the complaint as true, which finding shall have the same force and effect for purposes of this consent order as if evidence and argument were presented in support of the allegations. Respondent understands and intends that by so stating he is not admitting the truth of these allegations but is agreeing that the Disciplinary Subcommittee may enter its order treating the allegations as true for purpose of resolution of the complaint.

2. Respondent understands and intends that by signing this stipulation he is waiving the right pursuant to the Public Health Code, rules promulgated thereunder, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 et seq; MSA 3.560(101) et seq, to require the State to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to appear with an attorney and such witnesses as Respondent may desire

to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative.

3. The Board's conferee, Susan Noble, M.D., who has indicated support of this proposal, and the Department's representative or the undersigned assistant attorney general are free to discuss this matter with the Disciplinary Subcommittee and recommend acceptance of the resolution set forth in the consent order.

4. This consent order is approved by the respective parties and may be entered as the final order of the Disciplinary Subcommittee in this cause.

5. This proposal is conditioned upon its acceptance by the Disciplinary Subcommittee, the parties expressly reserving the right to further proceedings without prejudice should the consent order be rejected.

AGREED TO BY:

Thomas P. Scallen
Thomas P. Scallen (P22988)
Assistant Attorney General
Attorney for Complainant
Dated: 5/30/01

AGREED TO BY:

Michael G. Sperl
Michael G. Sperl, M.D.
Respondent

State of Michigan)
Macomb)ss
County Oakland)

On the 21 day of May, 2001, Michael G. Sperl, M.D., signed this consent

Acting in Oakland County

STATE OF MICHIGAN - INGHAM COUNTY
I hereby certify that this is a true copy
of the original on file in the office of the
Clerk of the Circuit Court and Ingham
County Health Services.

order and stipulation in front of me.

Judith T. Wickes-Rosen
Notary Public, Washtenaw County
State of Michigan
My commission expires: 3-23-05

I have reviewed and approved
the foregoing document both
as to form and substance.

Clarence O. Dixon
Clarence O. Dixon (P31204)
Attorney for Respondent

This is the last and final page of a consent order and stipulation in the matter of Michael G. Sperl, M.D., pending before the Disciplinary Subcommittee of the Michigan Board of Medicine, and consisting of five pages, this page included.

STATE OF MICHIGAN - INSHAM COUNTY
I hereby certify that the foregoing is a true copy
of the original on file in the office of the
Department of Consumer and Industry
Services, Bureau of Health Services.