BEFORE THE IOWA BOARD OF MEDICINE

****

IN THE MATTER OF THE STATEMENT OF CHARGES AGAINST

STEPHEN A. CULLINAN, M.D., RESPONDENT

FILE Nos. 02-12-604 & 02-13-257

****

STATEMENT OF CHARGES and SETTLEMENT AGREEMENT (Combined)

****

COMES NOW the Iowa Board of Medicine (Board) and Stephen A. Cullinan, M.D., (Respondent), on August 30, 2013, and pursuant to Iowa Code sections 17A.10(2) and 272C.3(4) and 653 IAC 25.3, enter into this combined Statement of Charges and Settlement Agreement.

STATEMENT OF CHARGES

1. Respondent was issued Iowa medical license no. 34153 on June 11, 2001.

2. Respondent's Iowa medical license is active and will next expire on April 1, 2014.

3. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 147, 148 and 272C.

COUNT I

4. **Discipline by Another Licensing Authority:** Respondent is charged pursuant to Iowa Code section 148.6(2)(d) and 653 IAC 23.1(1) with having a license to practice medicine and surgery or osteopathic medicine and surgery revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the order of disciplinary action is prima facie evidence.

STATEMENT OF THE MATTERS ASSERTED

5. Respondent is an Iowa-licensed physician who provided medical and mental health services to prisoners located in multiple locations, including the Isabella County Jail in Mt. Pleasant, Michigan, the Macoupin County Jail in Carlinville, Illinois, and the Sangamon County Jail in Springfield, Illinois.

6. **Michigan Disciplinary Action:** On or about March 18, 2009, Respondent entered into a Consent Order with the Michigan Board of Medicine (Michigan Board). The Michigan Board alleged that Respondent failed to provide appropriate psychiatric care to two prisoners at the Isabella County Jail in Mt. Pleasant, Michigan. The Michigan Board alleged that Respondent inappropriately changed the psychiatric medications prescribed to the two prisoners without conferring with the prescribing physician and without examining the patients. Respondent was ordered to pay a $10,000 fine. See Attachment A.

7. **First Illinois Disciplinary Action:** On or about June 19, 2012, Respondent entered into a Consent Order with the Illinois Division of Professional Regulation (Illinois Board). The Illinois Board charged Respondent with being disciplined by the Michigan Board. Respondent was issued a Reprimand. See Attachment B.

8. **Second Illinois Disciplinary Action:** On or about August 14, 2012, Respondent entered into a Consent Order with the Illinois Board. The Illinois Board alleged that Respondent failed to provide appropriate treatment to a prisoner at the Macoupin County Jail in Carlinville, Illinois. The Illinois Board alleged that Respondent failed to provide appropriate treatment of a fractured foot resulting in amputation of the foot. Respondent was issued a Reprimand and ordered to pay a $10,000 fine. See Attachment C.

9. **Third Illinois Disciplinary Action:** On or about March 27, 2013, Respondent entered into a Consent Order with the Illinois Board. The Illinois Board alleged that Respondent failed to provide appropriate treatment to a prisoner at the Sangamon County Jail in Springfield, Illinois. The Illinois Board alleged that Respondent failed to appropriately diagnose and treat a perforated duodenal ulcer resulting in the prisoner's death. Respondent's Illinois medical license was suspended for sixty (60) days. Thereafter, Respondent agreed to voluntarily have his Illinois medical license placed on permanent inactive status. Respondent was also ordered to pay a $30,000 fine. See Attachment D.

SETTLEMENT AGREEMENT

10. **VOLUNTARY SURRENDER:** Respondent voluntarily surrenders his Iowa medical license to resolve this matter.

11. Respondent voluntarily submits this Order to the Board for consideration.

12. Respondent agrees that the State's counsel may present this Order to the Board for consideration.

13. By entering into this Order, Respondent understands that he has a right to be represented by legal counsel, voluntarily waives any rights to a contested case hearing on the allegations in the Statement of Charges, and waives any objections to the terms of this Order. This Order constitutes the resolution of a contested case proceeding.

14. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in Iowa.

15. Respondent understands that the Board is required by Federal law to report this Order to the National Practitioner Data Bank.

16. The Order becomes a public record available for inspection and copying upon execution in accordance with the requirements of Iowa Code Chapters 17A, 22 and 272C.

17. This Order is subject to approval of the Board. If the Board fails to approve this Order it shall be of no force or effect to either party.

18. The Board's approval of this Order shall constitute a **Final Order** of the Board.

Stephen A Cullinan MD

Stephen A. Cullinan, M.D., Respondent

Subscribed and sworn before me on Aug 15, 2013.

Notary Public, State of Illinois.

OFFICIAL SEAL
Julie Stenger
Notary Public, State of Illinois
My Commission Expires 9/29/2013

This Order is approved by the Board on _____, 2013.

_____

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

This Order is approved by the Board on August 30, 2013.

Gregory B. Hoversten, D.O., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

Attachment A

STATE OF MICHIGAN-INGHAM COUNT
We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

STEPHEN A. CULLINAN, M.D.
License No. 43-01-033300
_____/

Complaint No. 43-07-105461

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An Administrative Complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on August 28, 2008, charging Stephen A. Cullinan, M.D. (Respondent) with having violated sections 16221(a), (b)(i), and b(vi) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

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 section 16221(a) of the Public Health Code.

STATE OF MICHIGAN-INGHAM CO.
We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

Accordingly, for this violation, IT IS ORDERED:

Respondent is FINED Ten Thousand Dollars ($10,000.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with Complaint number 43-07-105461 clearly indicated on the check or money order) within sixty (60) days from the effective date of this Order. The timely payment of the fine shall be Respondent's responsibility.

Counts II and III of the Complaint, alleging violation of Code sections 16221(b)(l) and (b)(vi), are DISMISSED.

Respondent shall mail the fine required by the terms of this Order to: Sanction Monitoring, Bureau of Health Professions, Department of Community Health, P.O. Box 30185, Lansing, Michigan 48909.

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 1996 AACS, 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.

STATE OF MICHIGAN-INGHAM COUNTY

Signed on 3/18, 2009.

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

MICHIGAN BOARD OF MEDICINE

By _____
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the Complaint. Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the Complaint and may enter an Order treating the allegations as true and that these allegations constitute a violation of section 16221(a) of the 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.

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee George Shade, Jr., M.D. Dr. Shade or an attorney from the Licensing and Regulation Division are free to discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Shade and the parties considered the following factors in reaching this agreement:

A. Respondent has cooperated fully in the resolution of this Administrative Complaint;

B. Respondent has taken steps to improve minimum staffing ratios in the correctional facilities in which his employer (HPL) is responsible for managing the medical services provided to inmates;

C. Respondent has changed the protocols in these facilities to ensure that inmates' psychiatric medications are not changed without either a physical examination of the inmate or input from the physician who wrote the original prescription;

D. Respondent has changed the protocols in these facilities to ensure minimum standards for continuing education, training and re-training.

By signing this Stipulation, the parties confirm that they have read, understand and agree with the terms of the Consent Order.

AGREED TO BY:

Merry A. Rosenberg (P32120)
Assistant Attorney General
Attorney for Complainant
Dated: 3/3/09

AGREED TO BY:

Stephen A. Cullinan, M.D.
Respondent

Dated: 03.06.09

James W. Burdick (P11397)
Attorney for Respondent
Dated: 02/26/2009

mar cases08 cullinan p COS

Attachment B

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois,	Complainant,	)
v.		) No. 2011-11283
Stephen A. Cullinan, M.D. License No. 036-054675,	Respondent.	)

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovskiy, one of its attorneys, (hereinafter the "Department") and Stephen A. Cullinan, M.D., (hereinafter the "Respondent"), hereby agree to the following:

STIPULATION

Stephen A. Cullinan, M.D. is duly registered as a Physician and Surgeon in the State of Illinois, having been issued a Certificate of Registration, License No. 036-054675. Respondent's Certificate of Registration to practice as a Physician and Surgeon, License No. 036-054675 is in active status.

The Department was in receipt of information that on or about March 18, 2009, Respondent was disciplined by State of Michigan, Department of Community Health, Board of Medicine for alleged negligence in treatment and care of one patient arising out of Respondent's discontinuing of medication for said patient without proper evaluation. See the Department Exhibit A attached hereto and made a part of this Consent Order.

That the allegation(s) as set forth herein, if proven to be true, would constitute grounds for suspending or revoking Respondent's license as a Physician and Surgeon, on

the authority 225 Illinois Compiled Statutes (2000), Paragraph 60/22(A)(12).

As a result of the foregoing allegations, the Department filed a Formal Complaint against Respondent. Subsequently, the Department and Respondent, through his attorney, Roger R. Clayton, have entered into negotiations in an effort to resolve this matter.

That at all times material to the matter set forth in this Consent Order, the Department of Professional Regulation of the State of Illinois had jurisdiction over the subject matter and parties herein. Respondent has been advised of the right to have the pending allegation(s) reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of any Order resulting from a hearing. Respondent knowingly waives each of these rights, as well as any right to administrative review of this Consent Order.

Respondent and the Department have agreed, in order to resolve this matter, that Stephen A. Cullinan, M.D. be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable in the circumstances and which are consistent with the best interest of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Vladimir Lozovskiy, its attorney, and Stephen A. Cullinan, M.D., Respondent, through Roger R. Clayton, his attorney, agree to the following:

A. The Physician and Surgeon license of Stephen A. Cullinan, M.D., license No.

036-054675 shall be Reprimanded;

B. This Consent Order shall become effective immediately after it is approved by the Director of the Division of Professional Regulation;

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois

5/11/2012
DATE

Vladimir Lozovskiy
Vladimir Lozovskiy
Attorney for the Department

4-21-12
DATE

Stephen A. Cullinan, M.D.
Respondent

4/25/12
DATE

~~Craig Unrath, M.D.~~ ROGER R. CLAYTON
Attorney for Respondent

6/6/12
DATE

Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 19th day of June, 2012.

DEPARTMENT OF FINANCIAL AND PROFESSION REGULATION the State of Illinois
Division of Professional Regulation

JAY STEWART
DIRECTOR

IDFPR Case No. 2011-11283/ License No. 036-054675

STATE OF MICHIGAN-INGHAM COUNT
We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

STEPHEN A. CULLINAN, M.D.
License No. 43-01-033300
_____/

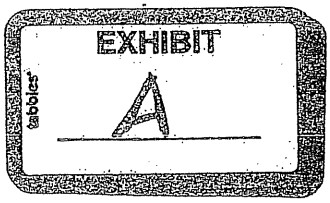
Complaint No. 43-07-105461

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An Administrative Complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on August 28, 2008, charging Stephen A. Cullinan, M.D. (Respondent) with having violated sections 16221(a), (b)(*i*), and b(*vi*) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq*.

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 section 16221(a) of the Public Health Code.



STATE OF MICHIGAN-INGHAM CO.
We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

Accordingly, for this violation, IT IS ORDERED:

Respondent is FINED Ten Thousand Dollars ($10,000.00) to be paid by check, money order or cashier's check made payable to the State of Michigan (with Complaint number 43-07-105461 clearly indicated on the check or money order) within sixty (60) days from the effective date of this Order. The timely payment of the fine shall be Respondent's responsibility.

Counts II and III of the Complaint, alleging violation of Code sections 16221(b)(i) and (b)(vi), are DISMISSED.

Respondent shall mail the fine required by the terms of this Order to: Sanction Monitoring, Bureau of Health Professions, Department of Community Health, P.O. Box 30185, Lansing, Michigan 48909.

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 1996 AACS, 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.

STATE OF MICHIGAN-INGHAM COUNTY

Signed on 3/18, 2009.

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

MICHIGAN BOARD OF MEDICINE

By _____
Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the Complaint. Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the Complaint and may enter an Order treating the allegations as true and that these allegations constitute a violation of section 16221(a) of the 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.

We certify that the foregoing is a true copy of the original on file in the office of the Department of Licensing & Regulatory Affairs Bureau of Health Professions.

3. The Disciplinary Subcommittee may enter the above Consent Order, supported by Board conferee George Shade, Jr., M.D. Dr. Shade or an attorney from the Licensing and Regulation Division are free to discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

4. Dr. Shade and the parties considered the following factors in reaching this agreement:

   A. Respondent has cooperated fully in the resolution of this Administrative Complaint;

   B. Respondent has taken steps to improve minimum staffing ratios in the correctional facilities in which his employer (HPL) is responsible for managing the medical services provided to inmates;

   C. Respondent has changed the protocols in these facilities to ensure that inmates' psychiatric medications are not changed without either a physical examination of the inmate or input from the physician who wrote the original prescription;

   D. Respondent has changed the protocols in these facilities to ensure minimum standards for continuing education, training and re-training.

By signing this Stipulation, the parties confirm that they have read, understand and agree with the terms of the Consent Order.

AGREED TO BY:

Merry A. Rosenberg (P32120)
Assistant Attorney General
Attorney for Complainant
Dated: 3/3/09

AGREED TO BY:

Stephen A. Cullinan, M.D.
Respondent
Dated: 03.06.09

James W. Burdick (P11397)
Attorney for Respondent
Dated: 02/26/2009

mar cases08 cullinan p COS

Attachment C

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois,	Complainant,	)
v.		) No. 2011-01093
Stephen A. Cullinan, M.D., License No. 036-054675,	Respondent.	)

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovskiy, one of its attorneys, (hereinafter "Department") and Stephen A. Cullinan, M.D., (hereinafter "Respondent"), by and through his legal counsel Roger Clayton, hereby agree to the following:

STIPULATIONS

Stephen A. Cullinan, M.D. is licensed as a Physician and Surgeon in the State of Illinois, holding License No. 036-054675. Said license is Active status. At all times material to the matter(s) set forth in this Consent Order, the Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the attention of the Department that Respondent settled a medical malpractice lawsuit alleging that Respondent failed to properly treat the patient with foot fracture. The allegation(s) as set forth herein, if proven to be true, could constitute grounds for suspending, revoking or other discipline of Respondent's Physician and Surgeon license on the authority 225 Illinois Compiled Statutes, Paragraph 60/22(A)(5).

An Informal Conference was held in this matter on June 20, 2012. Dr. Maria Laporta was present on behalf of the Medical Disciplinary Board and Vladimir Lozovskiy, Laura

Forester and Dr. Brian Zachariah were present for the Department. Dr. Stephen A. Cullinan was present and represented by Roger Clayton, Esq. During the Informal Conference, Respondent provided detailed information regarding his treatment and care of the patient-in-question. Moreover, Respondent provided information regarding changes in his clinical practice and his plans for the future.

For purposes of this Consent Order only, Respondent acknowledges that should this matter proceed to a contested hearing, the Illinois Medical Disciplinary Board (the "Board") could find a violation of the Medical Practice Act. The Department and Respondent stipulate that the above acknowledgement is made only for the purposes of this Consent Order. In the event that this Consent Order is not approved by the Board or is not approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation ("Director"), this acknowledgement shall not be admissible in any proceeding and the matter will be set for an evidentiary hearing on the merits as if this Consent Order had not been submitted. In addition, upon approval of this Consent Order, neither this acknowledgement nor this Consent Order may be utilized in any other proceeding, except one to enforce this Agreement.

Respondent has been advised of the right to have pending allegations reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of this Consent Order. Respondent knowingly waives each of these rights, as well as the right to administrative review of this Consent Order. Such waiver ceases if this Consent Order is rejected by either the Medical Disciplinary Board or the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent, Stephen A. Cullinan, M.D., be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable under the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Vladimir Lozovskiy, its attorney, and Stephen A. Cullinan, M.D., Respondent, agree:

A. Illinois Physician and Surgeon license of Stephen A. Cullinan, M.D., License No. 036-054675, is hereby Reprimanded;

B. Respondent shall pay a Fine in the amount of $10,000.00 dollars (ten thousand dollars) being due within ninety (90) days of the effective date of this Consent Order Respondent shall submit a check payable to: the Illinois Department of Financial and Professional Regulation. Said fine shall be mailed to Illinois Dept. of Financial and Professional Regulation, Attention: CMU/Accounts Receivable - Fine Payments, 320 W. Washington St., 3rd Floor, Springfield, Illinois 62786. In the event that that Respondent shall fail to pay the fine, and the Department is forced to initiate a collection effort to retrieve the fine, Respondent will be responsible for all costs and fees incurred by the collection process;

C. This Consent Order shall become effective immediately after it is approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois Division of Professional Regulations

July 2, 2012
DATE

Vladimir Lozovskiy
Vladimir Lozovskiy
Attorney for the Department

June 26, 2012
DATE

Stephen A. Cullinan M.D.
Stephen A. Cullinan, M.D.
Respondent

6/29/12
DATE

Roger R. Clayton
Roger Clayton, Esq.
Attorney for Respondent

7-18-12
DATE

Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 14th day of August, 2012.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois Division of Professional Regulations

JAY STEWART
DIRECTOR

REF: Case No. 2011-01093/ License No. 036-054675

Attachment D

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois,	Complainant,	)
v.		) No. 2012-00124
Stephen A. Cullinan, M.D., License No. 036-054675,	Respondent.	)

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovskiy, one of its attorneys, (hereinafter "Department") and Stephen A. Cullinan, M.D., (hereinafter "Respondent"), by and through his legal counsel Roger Clayton, hereby agree to the following:

STIPULATIONS

Stephen A. Cullinan, M.D. is licensed as a Physician and Surgeon in the State of Illinois, holding License No. 036-054675. Said license is Active status. At all times material to the matter(s) set forth in this Consent Order, the Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the attention of the Department that Respondent settled a medical malpractice lawsuit alleging that Respondent failed to properly treat the patient with bleeding ulcer. The allegation(s) as set forth herein, if proven to be true, could constitute grounds for suspending, revoking or other discipline of Respondent's Physician and Surgeon license on the authority 225 Illinois Compiled Statutes, Paragraph 60/22(A)(5).

An Informal Conference was held in this matter on November 7, 2012. Dr. Karen O'Mara was present on behalf of the Medical Disciplinary Board and Vladimir Lozovskiy and

Laura Forester were present for the Department. Dr. Stephen A. Cullinan was present and represented by Roger Clayton, Esq. During the Informal Conference, Respondent provided detailed information regarding his treatment and care of the patient-in-question. Moreover, Respondent provided information regarding changes in his clinical practice and his plans for the future. Finally, Respondent indicated that he has been retired from the practice of medicine since February 2012.

For purposes of this Consent Order only, Respondent acknowledges that should this matter proceed to a contested hearing, the Illinois Medical Disciplinary Board (the "Board") could find a violation of the Medical Practice Act. The Department and Respondent stipulate that the above acknowledgement is made only for the purposes of this Consent Order. In the event that this Consent Order is not approved by the Board or is not approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation ("Director"), this acknowledgement shall not be admissible in any proceeding and the matter will be set for an evidentiary hearing on the merits as if this Consent Order had not been submitted. In addition, upon approval of this Consent Order, neither this acknowledgement nor this Consent Order may be utilized in any other proceeding, except one to enforce this Agreement.

Respondent has been advised of the right to have pending allegations reduced to written charges, the right to a hearing, the right to contest any charges brought, and the right to administrative review of this Consent Order. Respondent knowingly waives each of these rights, as well as the right to administrative review of this Consent Order. Such waiver ceases if this Consent Order is rejected by either the Medical Disciplinary Board or the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent, Stephen A. Cullinan, M.D., be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable under the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Vladimir Lozovskiy, its attorney, and Stephen A. Cullinan, M.D., Respondent, agree:

A. Illinois Physician and Surgeon license of Stephen A. Cullinan, M.D., License No. 036-054675, is hereby Suspended for sixty (60) days. Thereafter, Respondent agrees to voluntarily have his Illinois Physician and Surgeon License No. 036-054675 to be placed on permanent INACTIVE STATUS. Upon the final approval of this Consent Order, Respondent shall submit. the necessary documentation required by the Medical Licensing Unit of the Department to effectuate the change in license status within 60 days from the effective date of this Order.

B. All requests and documentation regarding Respondent's Illinois Physician and Surgeon License shall be submitted to:

Medical Licensing Unit
Illinois Department of Financial and Professional Regulation
320 W. Washington Street
Springfield, Illinois 62786

C. Respondent shall pay a Fine in the amount of $30,000.00 dollars (thirty thousand dollars) being due within sixty (60) days of the effective date of this Consent Order Respondent shall submit a check payable to: the Illinois Department of Financial and Professional Regulation. Said fine shall be mailed to Illinois Dept. of Financial and Professional Regulation, Attention: CMU/Accounts

Receivable - Fine Payments, 320 W. Washington St., 3rd Floor, Springfield, Illinois 62786. In the event that that Respondent shall fail to pay the fine, and the Department is forced to initiate a collection effort to retrieve the fine, Respondent will be responsible for all costs and fees incurred by the collection process;

D. If Respondent fails to have his Illinois Physician and Surgeon License No. 036-054675 placed on inactive status within sixty (60) days upon entry of this order, the Director of the Division of Professional Regulation is permitted to issue an Order forthwith mandating the automatic, indefinite and immediate suspension of Respondent's Illinois Physician and Surgeon License No. 036-054675 for a minimum period of six (6) months. This suspension shall not preclude the Department from taking any other disciplinary or other actions it deems appropriate. In the event that Respondent contests in writing (by the filing of an appropriate Petition with the Department) the factual basis underlying said suspension within thirty (30) days of the imposition thereof, then Respondent shall be afforded a hearing on the merits within thirty (30) days from filing of said Petition.

E. This Consent Order shall become effective immediately after it is approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois Division of Professional Regulations

2/13/13
DATE

Vladimir Lozovskiy
Vladimir Lozovskiy
Attorney for the Department

2-5-13
DATE

Stephen A. Cullinan, M.D.
Respondent

2/11/13
DATE

Roger Clayton, Esq.
Attorney for Respondent

2/20/13
DATE

Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 27th day of March, 2013.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois
Division of Professional Regulations

JAY STEWART
DIRECTOR

REF: Case No. 2012-00124/ License No. 036-054675