

**BEFORE THE MINNESOTA  
BOARD OF MEDICAL PRACTICE**

In the Matter of the  
Medical License of  
Michael T. Schulenberg, M.D.  
Year of Birth: 1969  
License Number: 40,343

**STIPULATION AND ORDER**

IT IS HEREBY STIPULATED AND AGREED, by and between Michael Todd Schulenberg, M.D. ("Respondent"), and the Complaint Review Committee ("Committee") of the Minnesota Board of Medical Practice ("Board") as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota.

2. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter. Respondent has chosen to be represented by Amy S. Conners, Best & Flanagan, LLP, 60 South Sixth Street, Suite 2700, Minneapolis, Minnesota 55402, (612) 349-5665. Respondent was also represented at the Committee appearance by Paul C. Peterson, Lind, Jensen, Sullivan & Peterson, P.A., 901 Marquette Avenue South, Suite 1300, Minneapolis, Minnesota 55402. The Committee was represented by Kathleen M. Ghreichi, Assistant Attorney General, 445 Minnesota Street, Suite 1400, St. Paul, Minnesota 55101, (651) 757-1490.

## FACTS

3. For the purpose of this Stipulation, the Board may consider the following facts as true:

a. Respondent was licensed by the Board to practice medicine and surgery in the State of Minnesota on November 15, 1997. Respondent is board certified in family medicine.

b. On April 20, 2018, the Board received a self-report from Respondent about entering into a civil settlement agreement with federal authorities. Respondent included a copy of the April 16, 2018 Settlement Agreement between Respondent and the United States through the Drug Enforcement Agency. The documents revealed the federal government alleged that Respondent prescribed a Schedule II controlled substance in the name of one individual, knowing that the controlled substance was intended for use by another individual.

c. Based on the report, the Board initiated an investigation into Respondent's conduct. The investigation revealed that, during an April 2016 law enforcement interview, Respondent said that Patient #2 had asked Respondent for pain medication for Patient #1. Respondent issued the prescription to Patient #2 and failed to properly document the reason for the order in the medical records.

d. On August 12, 2019, Respondent met with the Committee to discuss the allegations. Respondent acknowledged he had previously told the Board, "[a]t no time did [Patient #2] tell me that the prescription was not for [Patient #2] . . . ." At the conference with the Committee, Respondent stated that Patient #2 initially asked for a controlled substance for Patient #1, but Respondent declined. Patient #2 then asked for a controlled substance for Patient #2, and Respondent issued a prescription for a controlled substance.

## STATUTES

4. The Committee views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(g) (unethical or improper conduct), (o) (improper management of medical records), and (u) (failure to cooperate with an investigation of the Board). Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action under this statute.

## REMEDY

5. Upon this Stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that the Board may make and enter an Order disciplining Respondent and conditioning Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

- a. Respondent is **REPRIMANDED**.
- b. Within 90 days of the date of this Order, Respondent shall pay a civil penalty of \$4,648.00.
- c. Respondent may petition for reinstatement of an unconditional license upon satisfactory evidence of completion of the terms and conditions of this Order. Upon hearing the petition, the Board may continue, modify, or remove the conditions set out herein.

6. Within ten days of signing the Stipulation to this Order, Respondent shall provide the Board with a list of all hospitals and skilled nursing facilities at which Respondent currently has medical privileges, a list of all states in which Respondent is licensed or has applied for licensure, and the addresses and telephone numbers of Respondent's residences. The information shall be sent to the Executive Director, Minnesota Board of Medical Practice, University Park Plaza, 2829 University Avenue S.E., Suite 500, Minneapolis, Minnesota 55414-

3246.

7. In the event Respondent resides or practices outside the State of Minnesota, Respondent shall promptly notify the Board in writing of the location of his residence and all work sites. Periods of residency or practice outside of Minnesota will not be credited toward any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the Committee shall schedule a hearing before the Board. The Committee shall mail Respondent a notice of the violation alleged by the Committee and of the time and place of the hearing. Respondent shall submit a response to the allegations at least three days prior to the hearing. If Respondent does not submit a timely response to the Board, the allegations may be deemed admitted.

At the hearing before the Board, the Committee and Respondent may submit affidavits made on personal knowledge and argument based on the record in support of their positions. The evidentiary record before the Board shall be limited to such affidavits and this Stipulation and Order. Respondent waives a hearing before an administrative law judge and waives discovery, cross-examination of adverse witnesses, and other procedures governing administrative hearings or civil trials.

At the hearing, the Board will determine whether to impose additional disciplinary action, including additional conditions or limitations on Respondent's practice, or suspension or revocation of Respondent's license.

9. In the event the Board in its discretion does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this Stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

10. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the Order to be entered pursuant to the Stipulation shall be the final Order herein.

11. Respondent hereby acknowledges that he has read and understands this Stipulation and has voluntarily entered into the Stipulation without threat or promise by the Board or any of its members, employees, or agents. This Stipulation contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this Stipulation.

Dated: Dec. 13, 2019

Dated: 1-11-20

  
MICHAEL T. SCHULENBERG, M.D.  
Respondent

  
FOR THE COMMITTEE

**ORDER**

Upon consideration of this Stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this Stipulation are adopted and implemented by the Board this 14th day of January, ~~2019~~ 2020.

MINNESOTA BOARD OF  
MEDICAL PRACTICE

By: 

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