

STATE OF MICHIGAN
COURT OF APPEALS

FELMA FUENTES, M.D.,

Plaintiff–Appellant,

v

DEPARTMENT OF LICENSING,
DEPARTMENT OF COMMERCE,
and BOARD OF MEDICINE,

Defendants–Appellees.

UNPUBLISHED

June 25, 1996

No. 172138

LC No. 93-308751-AA

Before: Michael J. Kelly, P.J., and Young and N.O. Holowka,* JJ.

MEMORANDUM.

Plaintiff appeals as of right from the circuit court order affirming the suspension of her license to practice medicine. We affirm.

In 1985, plaintiff pleaded nolo contendere to Medicaid fraud in a criminal case, and a judgment of conviction was entered. The Department of Licensing sought to suspend plaintiff’s license on the basis of the judgment of conviction and the plea transcript. The Board of Medicine suspended the license, and the circuit court affirmed.

Plaintiff argues that the Board of Medicine improperly relied on her nolo contendere plea. We disagree. The conviction which resulted from plaintiff’s nolo contendere plea may be used against her in subsequent administrative proceedings. *State Bar Grievance Administrator v Lewis*, 389 Mich 668; 209 NW2d 203 (1973). Plaintiff argued that *Lewis* was inapposite because it was based on a State Bar rule which expressly allowed the use of a nolo contendere plea. The statute here, though, expressly allows consideration of various classes of convictions without specifying the manner in which the convictions were obtained. See MCL 333.16221(b)(v), (vii), (viii) & (ix); MSA 14.15(16221) (b)(v), (vii), (viii) & (ix).

* Circuit Judge, sitting on the Court of Appeals by Assignment

Plaintiff also argues that the license action was barred by the statute of limitations or laches, particularly because the Medicaid fraud occurred in 1978. There is no statutory section directly applicable to this administrative action. See *Latreille v Board of Chiropractic Examiners*, 357 Mich 440, 445; 98 NW2d 611 (1959). Plaintiff is not entitled to application of the equitable doctrine of laches because, by fleeing the country while criminal charges were pending, plaintiff contributed to the delay and has unclean hands.

Affirmed.

/s/ Michael J. Kelly

/s/ Robert P. Young, Jr.

/s/ Nick O. Holowka