

FRED DeVESA, ACTING
ATTORNEY GENERAL OF NEW JERSEY

FILED

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December 23, 1993

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS
DOCKET NO.

IN THE MATTER OF THE
SUSPENSION OR REVOCATION
OF THE LICENSE OF

Administrative Action

DANIEL MAIER GREENWALD, M.D.
LICENSE NO. 30437

CONSENT ORDER

TO PRACTICE MEDICINE AND
SURGERY IN THE STATE OF
NEW JERSEY

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter "the Board") upon receipt of an investigative report from the Enforcement Bureau of Division of Consumer Affairs regarding respondent's alleged indiscriminate prescribing of Controlled Dangerous Substances (C.D.S.) to patients M.E. and A.S. Respondent, represented by Robert P. Glickman, Esq., appeared and testified before the Preliminary Evaluation Committee of the Board on March 24, 1993, and has cooperated with the Board's investigation of these allegations.

Respondent, a psychiatrist, had treated M.E. from 1978

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until her death in May 1990. For the two years prior to her death, respondent had no physical contact with M.E. Respondent had two (2) telephone contacts with M.E. in 1989 and none in 1990. In 1989 respondent wrote twelve (12) prescriptions for Mysoline, ten (10) prescriptions for Dilantin and thirty-two (32) prescriptions for Pantopon for patient, M.E. In 1990, respondent wrote four (4) prescriptions for Mysoline.

Respondent treated patient A.S. from 1986 until February 1991. Patient A.S. had a history of constantly "losing" his Ativan and asking for refills. This pattern continued during respondent's treatment of A.S. Respondent testified that he was concerned over the quantity of drugs A.S. was taking but, nevertheless, gave to patient A.S. pre-dated and pre-written prescriptions of C.D.S. Respondent did not refer A.S. to a pain management control center because he was of the opinion that A.S. was a poor candidate.

Board expert, Charles Semel, M.D., opined that the claimed losses of prescriptions by A.S. and the request for multiple refills should have alerted a psychiatrist of the strong probability that substance abuse was occurring. Dr. Semel concluded, as to both patients, that the quantity of drugs and length of time of usage was excessive. This pattern of treatment was exacerbated further as the medications were C.N.S. depressants with addictive qualities. He further opined that giving large amounts of prescriptions over the phone demonstrated a failure to supervise the course of therapy for these patients. He concluded

that respondent's pattern of conduct in these two cases constituted a moderate deviation from accepted medical practice.

The Board determined that respondent be directed to attend and successfully complete a course in the use and abuse of C.D.S., to be financed by the respondent, that respondent's C.D.S. privileges be suspended pending successful completion of said course, and that a status conference before the Preliminary Evaluation Committee of the Board take place prior to reinstatement of C.D.S. privileges.

Respondent has successfully completed the above mentioned course and subsequently met with the PEC on December 1, 1993, which recommended reinstatement of respondent's C.D.S. privileges.

Respondent being desirous of resolving this matter without further formal proceedings, and the Board finding that the conditions of this Order set forth below adequately protect the public health, safety and welfare and for other good cause having been shown;

IT IS on this 21st day of December, 1993,

ORDERED that:

1. Respondent is hereby reprimanded for his indiscriminate prescribing of Controlled Dangerous Substances and his failure to properly supervise the course of therapy for M.E. and A.S.
2. Respondent's C.D.S. privileges are reinstated with no restrictions.

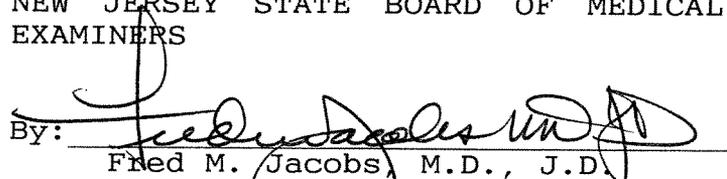
3. The Board of Medical Examiners reserves the right to randomly inspect respondent's patient files to insure the proper record keeping and patient supervision are maintained.

4. Respondent shall fully cooperate in such inspection and shall be available to provide or explain any requested matter.

5. Upon entry of the within Order, respondent shall pay a civil penalty of \$2,500, to be paid in toto within 30 days of the entry of this Order by way of certified check or money order, payable to the State of New Jersey and submitted to the Board offices.

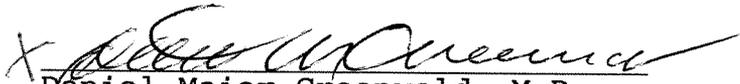
6. As an alternative to Paragraph 5, respondent shall pay a civil penalty of \$2,500 plus interest at the rate of 3.5% per annum, to be paid in installments of \$212.30 per month for a period of twelve (12) monthly payments commencing February 1994. Payments shall be made by way of certified check or money order, payable to the State of New Jersey and submitted to the Board offices. In the event that any payment due herein is not made by the close of business on the first business day of the month, the entire running balance shall be due and payable on any date set by the Board.

NEW JERSEY STATE BOARD OF MEDICAL
EXAMINERS

By: 

Fred M. Jacobs, M.D., J.D.
Board President

I have read and understood the terms and conditions of this Order and I agree to be bound by them. I hereby consent to the entry of the written Order.

X 

Daniel Maier Greenwald, M.D.
Respondent



Robert P. Glickman, Esq.
Attorney for Respondent