

WISCONSIN DEPARTMENT OF REGULATION & LICENSING



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY :
PROCEEDINGS AGAINST :
 : FINAL DECISION AND ORDER
BRUCE E. GREENFIELD, M.D., : LS 0505181 MED
RESPONDENT. :

[Division of Enforcement Case # 04 MED 345]

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Bruce E. Greenfield, M.D.
403 Wisconsin Avenue
Beloit, WI 53511

Division of Enforcement
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Regulation and Licensing
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

This disciplinary proceeding was commenced by the filing and service of a Complaint and Notice of Hearing on May 18, 2005. A hearing was scheduled for September 5 through 8, 2006, but was adjourned.

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Bruce E. Greenfield, M.D., Respondent, date of birth August 16, 1934, is licensed by the Medical Examining Board to practice medicine and surgery in the State of Wisconsin, pursuant to license number 14545, which was first granted February 5, 1963.
2. Respondent's license was summarily suspended by the Board on May 18, 2005 and has remained suspended continuously to the date of this Final Decision and Order.
3. Respondent's last address reported to the Department of Regulation and Licensing is 403 Wisconsin Avenue, Beloit, WI 53511.
4. Respondent's practice specialty is family practice.

COUNT I

5. On April 21, 2005, the Illinois Department of Financial and Professional Regulation issued an Order for Temporary Suspension of Respondent's Illinois Physician and Surgeon license and Controlled Substance License pending proceedings before an Administrative Law Judge at the Illinois Department of Financial and Professional Regulation and the

Medical Disciplinary Board. Respondent's Illinois license has remained suspended continuously to at least the time the attached Stipulation was signed. The grounds for the Illinois suspension related to the same conduct by Respondent as that which is contained in Counts II and III, below.

COUNT II

6. Respondent provided medical care to Ms. A (DOB: 5/31/72) from approximately October 17, 2000 to November 2004.

a. Ms. A initially reported to Respondent that she was suffering from continuous severe headache pain. Later, she complained of pain in multiple areas of her body, including pains in her abdomen and several joints. She had arthroscopic surgery on her right shoulder in April 2003 and a laparoscopic cholecystectomy (removal of gall bladder). Ms. A reported to Respondent that she had fevers as high as 107°. Ms. A reported seizures for which Respondent provided treatment and for which she sought treatment at emergency rooms.

b. Respondent provided treatment to Ms. A based on the information she provided. Respondent never arrived at a definitive diagnosis for all of Ms. A's conditions, including her reported fevers and seizures.

7. From October 2002 to November 2004, Respondent prescribed controlled substances to Ms. A. Respondent provided Ms. A with replacement prescriptions on occasions when she reported them lost or stolen. The doses, quantities, routes of administration and frequency of the drugs were not warranted by Ms. A's medical conditions. The controlled substances included:

a. Dilaudid, Demerol, Duragesic, Hydromorphone, Meperidine, Methadone, Methadose, Morphine Sulfate, Oxycodone and Oxycontin, which are Schedule II controlled substances pursuant to Wis. Stat. § 961.16. Some of the prescriptions were for injectable forms of the medications.

b. Hydrocodone and Norco, a brand of hydrocodone, which are Schedule III controlled substances pursuant to Wis. Stat. § 961.18.

c. Alprazolam, Amidrine, Clonazepam, Diazepam, and Temazepam, which are Schedule IV controlled substances pursuant to Wis. Stat. § 961.20.

8. Respondent continued to prescribe controlled substances to Ms. A until he was contacted by government investigators and questioned by them regarding the prescribing.

COUNT III

9. Beginning in the Fall of 2002, Respondent engaged in a sexual relationship with Ms. A, his patient.

ALL COUNTS

10. Respondent agreed to be evaluated by Dr. Kenneth Robbins, a Madison psychiatrist acceptable to the Division of Enforcement. At Dr. Robbins' request, psychological testing of Respondent was completed by Dr. Gregory Van Rybroek, a Madison psychologist. On January 16, 2006, Dr. Robbins reported the results of the evaluation and testing. It was the conclusion of Dr. Robbins that Respondent does not have any psychiatric or psychological disorder which would prevent him from practicing medicine and surgery with reasonable safety to patients and public.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and has authority to enter into this stipulated resolution of this matter pursuant to Wis. Stats. §§ 227.44(5) and 448.02(5).

2. Respondent, by having had disciplinary action taken against his Illinois Physician and Surgeon license by the Illinois Department of Financial and Professional Regulation, has committed unprofessional conduct as defined by Wis. Admin. Code Med 10.02(2)(q) and is subject to discipline pursuant to Wis. Stat. § 448.02(3). [Count I]

3. Respondent, by prescribing and/or administering controlled substances to Ms. A as described above, has committed unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h), and is subject to discipline pursuant to Wis. Stat. § 448.02(3). [Count II]

4. Respondent, by engaging in a sexual relationship with his patient Ms. A, has committed unprofessional conduct as defined by Wis. Admin. Code § MED 10.02(2)(h) and, following its effective date of December 1, 2002, Wis. Admin. Code § MED 10.02(2)(zd), and is subject to discipline pursuant to Wis. Stat. § 448.02(3). [Count III]

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. The SUSPENSION of the license to practice medicine and surgery in the state of Wisconsin of Bruce E. Greenfield, M.D., Respondent, which suspension commenced on May 18, 2005, shall continue until November 13, 2006, a total period of 18 months.

2. Upon the end of the suspension of Respondent's license, Respondent's license shall then be LIMITED, as follows:

a. Limitation on care to specific patients. Respondent is prohibited from providing any medical care to Marcy Patmythes, or her children.

b. Requirement for boundary education. Within six months of the date of this Order, Respondent shall take and complete a multi-day educational program addressing appropriateness of boundaries between physicians and their patients, which has been approved by the Board or its designee. The "Intensive Course in Medical Ethics, Boundaries and Professionalism," a 17-hour continuing medical education program offered by Case Western Reserve University School of Medicine in Cleveland, which is offered on September 7-8, 2006 and again on March 1-2, 2007, is approved. Prior to taking any other program, Respondent shall request and have received approval from the Board, or its designee, that the program meets the requirement of this paragraph. Respondent shall provide the Board proof of completion of an approved program, within 30 days of its completion.

c. Prohibition regarding controlled substances. Respondent is prohibited from prescribing, dispensing, administering or ordering controlled substances, in any schedule.

d. Condition for reinstatement of privileges for schedule III, IV and V controlled substances. Respondent's right to prescribe, dispense, administer and order schedule III, IV and V controlled substances, shall be reinstated upon Respondent providing proof to the Board that Respondent has taken and completed a multi-day educational program addressing controlled substances management, which has been approved by the Board or its designee.

1) "Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Misprescribing," a 24-hour continuing medical education program offered by University of South Florida College of Medicine in Tampa, Florida, which is next offered October 4-6, 2006, is approved.

2) "Intensive Course in Controlled Substance Management," a 40-hour continuing medical education program offered by Case Western Reserve University School of Medicine in Cleveland, Ohio, which is next offered on December 6-9, 2006, is approved.

3) Prior to taking any other program, Respondent shall request and have received approval from the Board, or its designee, that the program meets the requirement of this paragraph.

3. Respondent shall, within 90 days of the date of this Order, pay to the Department of Regulation and Licensing costs of this proceeding in the amount of \$5,550.00 pursuant to Wis. Stat. § 440.22(2).

4. Payment, requests, and required proofs shall be mailed or delivered to:

Department Monitor
Department of Regulation and Licensing
Division of Enforcement
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935
Fax (608) 266-2264
Telephone (608) 267-3817

5. This Order is effective upon the date of its signing.

Wisconsin Medical Examining Board

By: Bhupinder Saidi
A Member of the Board

9/20/06
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	STIPULATION
BRUCE E. GREENFIELD, M.D.,	:	<u>LS 0505181 MED</u>
RESPONDENT.	:	

[Division of Enforcement Case # 04 MED 345]

It is hereby stipulated and agreed, by and between Bruce E. Greenfield, M.D., Respondent; Craig W. Albee of Glynr Fitzgerald & Albee, S.C., attorneys for Respondent; and John R. Zwieg, attorney for the Complainant, Department of Regulation and Licensing, Division of Enforcement, as follows:

1. This Stipulation is entered into as a result of a pending disciplinary proceeding against Respondent's licensure by the Division of Enforcement (file 04 MED 345). Respondent consents to the resolution of this matter by stipulation and without a hearing.

2. Respondent understands that by signing this Stipulation, he voluntarily and knowingly waives his rights, including: the right to a hearing on the allegations against him, at which time the state has the burden of proving those allegations by a preponderance of the evidence; the right to confront and cross-examine the witnesses against him; the right to call witnesses on his behalf and to compel their attendance by subpoena; the right to testify himself; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to him under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and any other provisions of state or federal law.

3. Respondent has obtained advice of legal counsel prior to signing this Stipulation.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Board. The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's Order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by consideration of this attempted resolution.

6. Attached to this Stipulation are Respondent's most recent wall and wallet registration certificates. If the Board does not accept this Stipulation, Respondent's certificates shall be returned to Respondent with a notice of the Board's decision not to accept the Stipulation.

7. The parties to this Stipulation agree that the attorney or other agent for the Division of Enforcement and any member of the Board ever assigned as a case advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or his attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with the Board's deliberations on the Stipulation. Additionally, any such case advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

8. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

9. The Division of Enforcement joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.

Bruce E. Greenfield, M.D.

Respondent

403 Wisconsin Avenue

Beloit, WI 53511

Date

Craig W. Albee

Glynn, Fitzgerald & Albee, S.C.

Attorneys for Respondent

526 E. Wisconsin Avenue

Milwaukee, WI 53202-4503

Date

John R. Zwieg

Attorney for Complainant

Division of Enforcement

Department of Regulation and Licensing

P.O. Box 8935

Madison, WI 53708-8935

Date