

CONSENT AGREEMENT
BETWEEN
LEE S. WOLDENBERG, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO

This CONSENT AGREEMENT is entered into by and between LEE S. WOLDENBERG, M.D. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

DOCTOR WOLDENBERG enters into this agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT is entered into on the basis of the following statements, admissions, and understandings:

1. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B)(6) to limit, revoke, or suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for "(a) departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established."
2. On or about May 28, 1986, the administrative law judge's proposed decision "In the Matter of the Accusation Against: Lee S. Woldenberg, M.D.," was deemed adopted by the Division of Medical Quality of the Board of Medical Quality Assurance of the State of California, a copy of which is attached hereto and incorporated herein.
3. The decision referred to in paragraph (2) above has been affirmed in the Court of Appeals of the State of California, Second Appellate District, Division One, on or about June 30, 1988.
4. On or about July 31, 1967, DOCTOR WOLDENBERG originally was licensed to practice medicine and surgery in the State of Ohio, and subsequently his medical license expired on or about December 31, 1968. On or about February 8, 1983, DOCTOR WOLDENBERG'S license to practice medicine and surgery in the State of Ohio was reinstated pursuant to the terms of a Consent Agreement, a copy of which is attached hereto and incorporated herein.
5. DOCTOR WOLDENBERG is Board Certified in the practice of Radiology.
6. DOCTOR WOLDENBERG is an Assistant Professor of Radiology at the Medical College of Ohio.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, DOCTOR WOLDENBERG knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD) to the following probationary terms, conditions, and limitations:

1. DOCTOR WOLDENBERG while engaged in the practice of medicine in the State of Ohio shall limit his practice to the specialty of Radiology;
2. DOCTOR WOLDENBERG shall submit a written declaration along with each of his applications for biennial license renewal to practice as a physician in the State of Ohio under penalty of perjury stating whether there has been compliance with all the conditions of this Consent Agreement;
3. In the event that DOCTOR WOLDENBERG should leave Ohio for three consecutive months, or reside or practice outside the State, DOCTOR WOLDENBERG must notify the BOARD in writing of the dates of departure and return. Periods of time spent outside Ohio will not apply to the reduction of this period under the Consent Agreement.

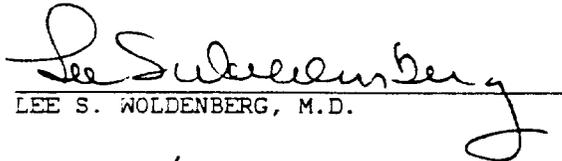
The above described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties. However, this Agreement shall remain in force for a minimum of five years prior to any request for termination of said Agreement.

If, in the discretion of the Secretary of the STATE MEDICAL BOARD OF OHIO, DOCTOR WOLDENBERG appears to have violated or breached any terms or conditions of this Agreement, the STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

Any action initiated by the BOARD based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR WOLDENBERG hereby releases the STATE MEDICAL BOARD, its Members, employees, agents, and officers jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Revised Code, and shall become effective upon the last date of signature below.



LEE S. WOLDENBERG, M.D.

9/18/89

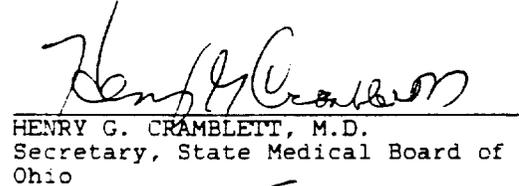
Date



Physician's Attorney

9/18/89

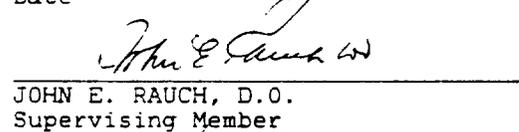
Date



HENRY G. CRAMBLETT, M.D.
Secretary, State Medical Board of Ohio

10/21/89

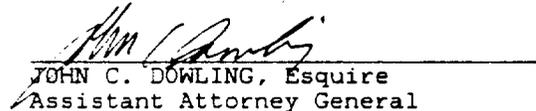
Date



JOHN E. RAUCH, D.O.
Supervising Member

9/27/89

Date



JOHN C. DOWLING, Esquire
Assistant Attorney General

10/2/89

Date

STATE OF OHIO
THE STATE MEDICAL BOARD

CONSENT AGREEMENT

BETWEEN

LEE S. WOLDENBERG, M.D.

AND

THE STATE MEDICAL BOARD

THIS CONSENT AGREEMENT entered into by and between LEE S. WOLDENBERG, M.D. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapters 4730. and 4731. of the Ohio Revised Code.

LEE S. WOLDENBERG, M.D., enters into this agreement being fully aware of his rights, including his right to be advised by counsel.

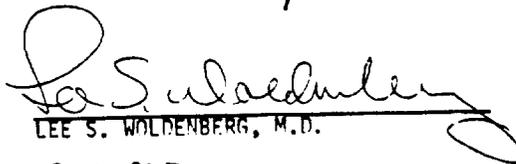
WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, LEE S. WOLDENBERG, M.D., knowingly and voluntarily enters into the following agreement with THE STATE MEDICAL BOARD OF OHIO:

1. THE STATE MEDICAL BOARD agrees to grant DR. WOLDENBERG'S request for the reinstatement of his license to practice medicine and surgery in the state of Ohio if he agrees to abide by the following condition. In consideration of the return of his license, LEE S. WOLDENBERG, M.D. agrees with the condition that:
 - A. He will notify THE STATE MEDICAL BOARD in a timely manner of the outcome of the lawsuits pending against him in California.

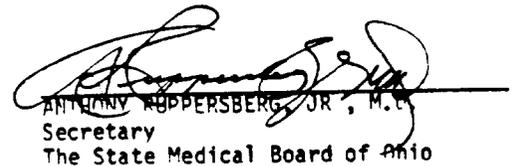
If, in the discretion of the Secretary of THE STATE MEDICAL BOARD OF OHIO, LEE S. WOLDENBERG, M.D., appears to have violated or breached any terms or conditions of this agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the law of Ohio occurring before the effective date of this agreement.

Upon the consent of both parties, the terms and conditions of this agreement may be modified or terminated in writing.

The terms and conditions of this agreement shall become effective on the 8th day of February, 1983.


LEE S. WOLDENBERG, M.D.

2-1-83
(Date)


ANTHONY RUPPERTSBERG, JR., M.D.
Secretary
The State Medical Board of Ohio

2-8-83
(Date)

Attorney for LEE S. WOLDENBERG, M.D.

(Date)

STATE OF CALIFORNIA
Board of Medical Quality
Assurance

I do hereby certify that
this document is a true
and correct copy of the
original on file in this
office.

BEFORE THE

DIVISION OF MEDICAL QUALITY

BOARD OF MEDICAL QUALITY ASSURANCE SIGNED DATE

DEPARTMENT OF CONSUMER AFFAIRS TITLE

STATE OF CALIFORNIA

In the Matter of the Accusation)	
Against:)	
)	No. D-3108
)	
LEE STEVEN WOLDENBERG, M.D.)	
5707 Windgate)	L-30664
Toledo, Ohio 43615)	
)	
Physician's and Surgeon's)	
Certificate No. G-15581)	
)	
)	
Respondent.)	

PROPOSED DECISION

This matter came on regularly for hearing before Milford A. Maron, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on January 6, 7, 8, 9, 10, 13, 14, 16, 21, 22, 23, 24, 27, 28, 30 and 31; February 3, 4 and 10, 1986. William L. Carter, Deputy Attorney General, appeared on behalf of the complainant. The respondent was represented by Thomas Larry Watts, Esq. Evidence both oral and documentary having been introduced and the matter submitted, the Administrative Law Judge finds the following facts:

I

A. Stephen R. Wilford, Complainant, made the Accusation in his official capacity as the Acting Executive Director of the Board of Medical Quality Assurance of the State of California.

B. Kenneth J. Wagstaff, Complainant, made the Second Amended Accusation and the Third Amended Accusation in his official capacity as the Executive Director of the Board of Medical Quality Assurance of the State of California.

II

On or about October 11, 1968, the State Board issued to respondent, Lee Steven Woldenberg, M.D., a physician's and surgeon's certificate, number G-15531. Said certificate is now and was at all times mentioned herein, in full force and effect.

III

In or about January 1971, respondent participated in the formation in Los Angeles of the Center for Feeling Therapy.* The Center's therapeutic goal was to lead patients to open themselves up and act through their true feelings instead of defensively repressing them. Between January 1971 and November 1980, respondent and others engaged in treating hundreds of individuals psychotherapeutically in a cult-like atmosphere, by methods which resulted in an enforced dependency by large numbers of patients. The therapy consisted, among other things, of verbal and physical abuse, humiliation and gross fear.

IV

In particular, respondent engaged in specific acts of misconduct with patients as part of their purported therapy in which he acted as the psychiatrist-therapist, all of which evidences gross negligence in the practice of medicine and is an extreme departure from the accepted standards of care:

A. During June and July 1978, respondent conducted weekly therapy sessions on patient Elliot G., during which respondent referred to the patient as being "dog-shit" and required him to wear a T-shirt which contained the words "Dog Shit" emblazoned upon it.

*As explained by Center personnel -

"Feeling therapy is an out-patient, community-oriented psychotherapy that includes both individual and group sessions in its structure. It emphasizes the development of matched feeling expression, defined as the congruence of inner sensate and cognitive experience with outer behavioral expression. In feeling therapy, the therapist systematically examines both how a person feels and the behavior dynamics that influence how he feels. There is a three-fold emphasis on: (1) feelings as basic mediators of behavior, (2) practical programs for inducing change, and (3) the need for sustained group support to maintain therapeutic changes." (Exhibit Y)

B. During 1980, on a weekly basis, respondent required patient George G. to conduct unlicensed therapy sessions on Center patient Martin R. Respondent knew George G. had no competent training in psychotherapy, and which created the risk of serious emotional injury to the patient.

C. In March 1975 respondent instructed Melody G., Barbara B., Linda T., and other patients to physically abuse patient Jama T. so she would reverse a strongly held position.

D. During 1973, respondent conducted weekly therapy sessions on Marilyn H., being aware that the patient suffered from chronic urinary tract and bladder infections and that she had been told by her personal physician not to hold her urine for any prolonged period of time. Nevertheless, respondent required her to drink a quart of water before every therapy session and not to urinate until she returned home at night.

E. In June 1979, respondent ridiculed patient Alyson L. until she cried. When her nose started to run, he told her she was a "waste of time" and that she should wipe her nose on her sleeve "like little Pollacks do."

F. During October, November, and December 1979, respondent repeatedly ridiculed Daniel T. for living his life like a baby. As a therapy assignment, he required the patient to eat only baby food, sleep in a crib and wear diapers.

G. During 1978, respondent regularly ridiculed Robert W. for being "insane" and a "neurotic Jew" and openly referred to him as "the little Jew in the big Cadillac."

H. During May 1980, respondent ridiculed patient Susan S. for not having a boy friend. As a therapy assignment he required the patient to go out on five dates a week and find a "boyfriend" or "mate" by a specific date, or, he, in the alternative, would "assign" one from the Center patients.

I. Respondent assigned Kathy K.'s therapy sessions over to an unlicensed therapist, who conducted therapy sessions on Kathy K. from 1972 until 1974. Woldenberg's conduct created the risk of serious emotional injury to the patient.

V

Respondent testified in his own behalf and established the following facts:

1. That he and a number of others founded the Center for Feeling Therapy at the time in which they were all enrolled in therapy at the Primal Institute. The Center was patterned after Primal Therapy, with some basic modifications.

2. Respondent underwent a surgical internship after graduating from medical school, followed by seventeen months in general medicine in the U.S. Navy.

3. Respondent's psychiatric training up to the point of enrolling in Primal Therapy was limited to a few courses taken in medical school.

4. Since the demise of the Center respondent reentered medical training and secured the specialty of radiology. He is presently board certified in radiology and is engaged in a radiology practice out-of-state.

VI

A. The professional services performed through various professionals, including respondent, at the Center for Feeling Therapy included physical and emotional abuse. Although the psychological approach engaged in at the Center is not in the mainstream of traditional psychotherapy, some patients maintained they benefited psychologically.

B. The findings herein should not be construed as favoring one theory of psychotherapy over any other. However, undoubtedly, any patient-oriented therapy would have as its fulcrum the improvement of a patient's self-image or self-esteem. Here the record abundantly establishes that by subjecting the patients to bizarre and humiliating behavior, the result to many patients was the loss of self-esteem with an increase of depression.

VII

Respondent argues that laches bars the complainant from proceeding here. The record stands devoid of any evidence which establishes that respondent suffered any prejudice by virtue of any delay in the preparation or presentation of the case.

VIII

All allegations not heretofore found affirmatively are hereby determined to be unproved by the evidence.

* * * * *

Pursuant to the foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

I

Cause for disciplinary action exists against respondent pursuant to Section 2234 of the Business and Professions Code, within the meaning of Sections 2234(b) (formerly Section 2361(b)) and Section 2264 (formerly Section 2329) of the Business and Professions Code.

II

No cause for disciplinary action exists against respondent pursuant to Sections 726, 2052, 2234(a), (c), (d), (e) (formerly 2361(f)), (f), 2053, 2054, 2261 (formerly 2411), 2262, 2263, 2271, 2273 and 17500 of the Business and Professions Code.

* * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

The Physician's and surgeon's certificate No. G-15581 heretofore issued to respondent, Lee Steven Woldenberg, M.D., is hereby revoked; provided, however, said revocation shall be stayed and respondent placed on probation for a period of ten (10) years upon the following terms and conditions:

1. Respondent, while engaged in the practice of medicine, shall limit his practice to the specialty of Radiology;
2. Respondent shall obey all federal, state and local laws, and all rules governing the practice of medicine in California;
3. Respondent shall submit quarterly declarations under penalty of perjury on forms provided by the Division, stating whether there has been compliance with all the conditions of probation;
4. Respondent shall comply with the Division's probation surveillance program;
5. Respondent shall appear in person for interviews with the Division's medical consultant upon request at various intervals and with reasonable notice;
6. In the event respondent should leave California to reside or to practice outside the State, respondent must notify in writing the Division of the dates of departure and return. Periods of residency or practice outside California will not apply to the reduction of this probationary period;

7. If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may set aside the stay order and impose the revocation of the respondent's certificate.

* * * * *

Respondent shall not petition for the removal of said conditions, or any of them, until expiration of five (5) years from the date of this order. Upon successful completion of probation, respondent's certificate will be fully restored.

I hereby submit the foregoing which constitutes my Proposed Decision in the above-entitled matter, as a result of the hearing had before me on said dates, at Los Angeles, California, and recommend its adoption as the decision of the Board of Medical Quality Assurance.

DATED: Feb. 13, 1986



MILFORD A. MARON
Administrative Law Judge
Office of Administrative Hearings

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