



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

February 16, 1996

Patrick Joseph Greene, M.D.
50 Glenbrook Road
Stamford, CT 06902

Dear Doctor Greene:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on February 14, 1996.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Thomas E. Gretter, M.D.
Secretary

TEG:em
Enclosures

CERTIFIED MAIL RECEIPT NO. P 741 123 689
RETURN RECEIPT REQUESTED

Mailed 2-23-96



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry, approved by the State Medical Board, meeting in regular session on February 14, 1996, constitute a true and complete copy of the Findings, Order and Journal Entry in the matter of Patrick Joseph Greene, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.

(SEAL)

Thomas E. Gretter, M.D.
Secretary

2/15/96

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

*

*

PATRICK JOSEPH GREENE, M.D.

*

FINDINGS, ORDER AND JOURNAL ENTRY

This matter came on for consideration after a citation letter was mailed to Patrick Joseph Greene, M.D., by the State Medical Board of Ohio on October 12, 1995, and December 4, 1995.

By letter dated October 11, 1995, notice was given to Patrick Joseph Greene, M.D., that the State Medical Board intended to consider disciplinary action regarding his license to practice medicine and surgery in Ohio, and that he was entitled to a hearing if such hearing was requested within thirty (30) days of the mailing of said notice. In accordance with Section 119.07, Ohio Revised Code, said notice was sent via certified mail, return receipt requested, to the last known address of Patrick Joseph Greene, M.D., that being 50 Glenbrook Road, Stamford, CT, 69020. After the notice was returned to the Medical Board offices marked as being unclaimed, the notice was resent via certified mail, return receipt requested, on December 4, 1995, to 302 Upper Broadway, Decorah, IA, 50101. The certified mail receipt was signed and returned to the Medical Board offices.

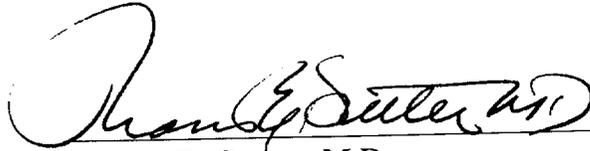
No hearing request has been received from Patrick Joseph Greene, M.D., and more than thirty (30) days have now elapsed since the mailings of the aforesaid notice.

WHEREFORE, for the reasons outlined in the October 11, 1995 letter of notice, which is attached hereto and incorporated herein, it is hereby ORDERED that the license of Patrick Joseph Greene, M.D., to practice medicine and surgery in the State of Ohio be

PERMANENTLY REVOKED

This Order shall become effective February 14, 1996

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the
14th day of February, 1996, and the original thereof shall
be kept with said Journal.



Thomas E. Gretter, M.D.
Secretary

2/14/96

Date

(SEAL)

AFFIDAVIT

I, Debra Jones, being duly cautioned and sworn, do hereby depose and say:

- 1) That I am employed by the State Medical Board of Ohio (hereinafter, "The Board")
- 2) That I serve the Board in the position of Chief, Continuing Medical Education, Records, and Renewal;
- 3) That in such position I am the responsible custodian of all public licensee records maintained by the Board pertaining to individuals who have received certificates issued pursuant to Chapter 4731., Ohio Revised Code;
- 4) That I have this day carefully examined the records of the Board pertaining to Patrick Joseph Greene, M.D.;
- 5) That based on such examination, I have found the last known address of record of Patrick Joseph Greene, M.D. to be:

50 Glenbrook Road
Stamford, CT 69020

- 6) Further, Affiant Sayeth Naught.



Debra L. Jones, Chief
Continuing Medical Education,
Records and Renewal

Sworn to and signed before me, Lauren Lubow, Notary
Public, this 31st day of January, 1996



Notary Public

LAUREN LUBOW, Attorney At Law
NOTARY PUBLIC, STATE OF OHIO
My commission has no expiration date.
Section 147.03 R.C.



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

October 11, 1995

Patrick Joseph Greene, M.D.
50 Glenbrook Road
Stamford, CT 06902

Dear Doctor Greene:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about February 8, 1995, the Board of Registration in Medicine, Commonwealth of Massachusetts, issued a Final Decision and Order on Summary Suspension, sustaining the June 29, 1994, Order of Suspension. The Final Decision and Order on Summary Suspension (a copy of which is attached hereto and fully incorporated herein) is based upon the Board's conclusion that you represent "an immediate and serious threat to the public health, safety and welfare." This determination was based on evidence indicating that you had stated on applications for privileges in anesthesiology that you were "Board eligible" when in fact you are not, and further based upon minimal standards of care issues raised, in at least two hospitals, concerning the care you rendered.

The Final Decision and Order on Summary Suspension, as alleged in paragraph (1) above, individually and/or collectively, constitutes "(t)he limitation, revocation, or suspension by another state of a license or certificate to practice issued by the proper licensing authority of that state, the refusal to license, register, or reinstate an applicant by that authority, or the imposition of probation by that authority, for an action that also would have been a violation of this chapter, except for nonpayment of fees," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code, to wit: Sections 4731.22(B)(5) and (6).

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must

Mailed 10/12/95

October 11, 1995

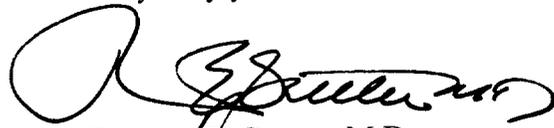
be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

- Copies of the applicable sections are enclosed for your information.

Very truly yours,



Thomas E. Gretter, M.D.
Secretary

TEG/bjm
Enclosures

CERTIFIED MAIL # P 348 886 959
RETURN RECEIPT REQUESTED

rev.2/15/95

The ability of the Board to remove a physician's means of practicing a profession is one of the most serious powers available to the Board and is justified by the weight of the Board's responsibility to protect the public. Suspension of this privilege, even for the length of time it takes to hold an adjudicatory hearing and deliver an opinion on the merits, cannot be undertaken without certain statutory and constitutional protections. We believe that the purpose of the seven-day hearing is to provide the Respondent with the opportunity to present a defense in a manner which usually is not possible at the time of the Board action. At this seven-day hearing, Complaint Counsel shall have the burden of justifying any finding in the Board's summary suspension order that Respondent has challenged. At such hearing, either party may introduce evidence, may adduce testimony and may call witnesses (including a party).

Our ruling does not mean that the seven-day hearing is identical to the hearing on the merits. The purpose of the seven-day hearing is to determine the necessity for *the Board's* summary action. In order to make the most use of the Board's expertise in assessing the qualifications of the profession it regulates, the hearing should be held close in time (at or near the seven-day mark) to the Board's action. Additionally, the Administrative Magistrate retains significant tools to limit the scope of the hearing. The Magistrate may limit the issues on his or her own motion to those required to determine the necessity for summary action (by confining the issues to those involving immediate threat and leaving aside for the hearing on the merits those which do not constitute a threat to the public, e.g. tax evasion). The Magistrate may further limit the issues to be heard or vary the standard procedures upon consultation with the parties. G.L. c. 30A, § 10. Under some circumstances, and to avoid the possibility of trying a case twice, the parties may be convinced to merge the summary suspension hearing with the hearing on the merits, if that hearing can be scheduled in a reasonable time.

We note that, at the hearing in this case, Respondent had a full opportunity to introduce evidence, and no such request was denied by the Administrative Magistrate. Respondent had the opportunity to call witnesses and chose not to. Accordingly, we believe that the Respondent was not prejudiced by the standard of review applied by the Magistrate. Based upon the full record appearing in this case, we believe that there is sufficient evidence to conclude that the Respondent represents "an immediate and serious threat to the public health, safety and welfare" within the meaning of 243 C.M.R. 1.03(11)(a), and that his license should be summarily suspended pending the outcome of a hearing on the merits.

Accordingly, the June 29, 1994, Order of Suspension is sustained.

The Respondent has the right to appeal this Final Decision and Order within 30 days, pursuant to G.L. c. 30A, §§ 14 and 15, and G.L. c. 112, § 64. The Respondent is hereby ordered to provide any employer or health care facility with which he has any appointment, privileges or other association, with a copy of this Final Decision and Order, by certified mail, return receipt requested, and the Respondent is further directed to certify to the Board, within (10) days, that he has complied with this directive.

By Order of the Board

Date: February 8, 1995



Paul G. Gitlin, J.D.
Chairman

Notified by
Certified Mail
2/10/95 (zm)

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss.

Division of Administrative
Law Appeals

Docket No. RM-94-777

Board of Registration
in Medicine,
Petitioner

*

*

*

v.

*

Patrick J. Greene, M.D.,
Respondent

*

Appearance for Petitioner:

Jamie MacDonald, Esq.
Board of Registration
in Medicine
10 West Street
Boston, MA 02111

Appearance for Respondent:

Paul Cirel, Esq.
Zerendow & Cirel
One Financial Center
Boston, MA 02111

Administrative Magistrate:

Maria A. Imparato, Esq.

RECOMMENDED DECISION ON SUMMARY SUSPENSION

In accordance with the provisions of 243 CMR 1.03 (11) (a), a hearing was held on August 12, 1994 to determine the necessity of the action of the Petitioner summarily suspending the license of the Respondent on June 29, 1994.

The Respondent moved to impound the record. The motion was allowed without objection.

Petitioner submitted the documentary evidence on which it relied to summarily suspend the Petitioner's license, which was marked as Exhibit 1, Tabs A - R. Additional documents were submitted. (Exs. 2 - 12) No testimony was taken.

Based upon the information contained in Exhibit 1, I conclude that there was sufficient evidence to support the Petitioner's conclusion that the Respondent represented "an immediate and serious threat to the public health, safety and welfare" within the meaning of 243 CMR 1.03 (11) (a), and that his license should be summarily suspended pending the outcome of a hearing on the merits.

Exhibit 1 indicates that the Respondent did not complete his third year of anesthesiology residency at Norwalk Hospital (Tab A), but that on his application for a Massachusetts license in 1992 he indicated that he had completed a one year fellowship at Norwalk Hospital, and that he had never been enrolled in a residency training program that he did not complete (Tab D).

The evidence indicates that the Respondent is neither certified nor Board eligible by the American Board of Anesthesiology (Tab B), but that on his application for a locum tenens appointment at North Adams Regional Hospital (NARH) in 1992, he indicated that he was Board eligible, and he requested Class I privileges that require Board certification or eligibility (Tab F).

The evidence indicates that during his tenure at NARH, nurses and doctors were concerned about the Respondent's competence to practice anesthesiology because at least two patients had runs of tachycardia during intubation (Tab G), one patient had blue upper and lower nailbeds and dusky facial color during extubation (Tab I), one patient had

marked bruising and swelling in the soft palate of the throat because of a rough intubation (Tab J), and one patient began to wake up several times during surgery and then had a prolonged awakening after surgery (Tab L).

The evidence indicates that the Respondent was denied permanent privileges at NARH after his resignation in 1992 due to concerns about his competence (Tab M), but on his application for Massachusetts license renewal in 1993 he failed to mention his work at NARH when asked to list hospitals where he had been associated in the previous two years, and he denied that he had been disciplined for any violation of the standards of practice of any health care facility (Tab E).

The evidence indicates that while he was employed at United Hospital Center (UHC) in Clarksburg, West Virginia from July 1990 to August 1991, the Respondent was not permitted to take independent night call and he could practice only with supervision (Tabs C and M), but on his applications for privileges at NARH, the Respondent denied that he had ever been subject to practice restrictions (Tab F).

The evidence indicates that in his application for clinical privileges at Quincy Hospital in August, 1992, the Respondent failed to mention NARH when asked to list all health care facilities where he had worked in the previous ten years, failed to mention any work in Massachusetts when asked for all previous professional practice, and claimed one

year of anesthesiology training at Norwalk Hospital (Tab O).

The evidence indicates that on his application for privileges at St. Luke's Hospital in New Bedford in January, 1993, the Respondent failed to mention his work at NARH when asked for all the health care facilities where he had worked in the previous ten years, indicated that he had a one year fellowship at Norwalk Hospital, and denied that he had ever been subjected to any disciplinary action including failure to proceed with an application (Tab P).

The evidence indicates that in his application for privileges at Cortland Memorial Hospital in Cortland, New York, filed in February, 1993, the Respondent indicated a one year fellowship at Norwalk Hospital, and denied that his privileges had ever been restricted, and denied that he had ever been denied membership on any hospital staff (Tab Q).

The evidence indicates that in his application for privileges at Mercy Hospital in Cadillac, Michigan in August, 1993, the Respondent denied that his privileges had ever been limited, reduced or not renewed, denied that he had ever been denied membership on any hospital staff, denied that his request for clinical privileges had ever been denied or granted with limitations, and claimed to be board eligible in anesthesiology (Tab R).

The Respondent offered evidence to rebut some of the Petitioner's evidence. Exhibit 3 indicates that in 1966, the Respondent worked for Norwalk Anesthesiology rather than Norwalk Hospital, and Exhibit 6 indicates that the Respondent

was notified that the Executive Committee a NARH recommended denial of his privileges, not that the committee actually denied him privileges. The Respondent also submitted letters of recommendation. The Respondent's evidence will be more appropriately considered at a hearing on the merits.

I conclude that Exhibit 1 (exclusive of Tab M which was excluded from consideration as confidential peer review material in my Recommended Ruling on Respondent's Motion to Dismiss or in the Alternative to Exclude Evidence), supports the conclusion of the Petitioner that the Respondent poses an immediate and serious threat to the public health, safety and welfare, and supports the necessity of the summary suspension of his license, pending a hearing on the merits of the Statement of Allegations.

I recommend that the summary suspension order be sustained.

DIVISION OF ADMINISTRATIVE LAW APPEALS,

Maria A. Imparato
Maria A. Imparato, Esq.
Administrative Magistrate

DATED:

Oct 13, 1994