



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK

OFFICE OF PROFESSIONAL DISCIPLINE
ONE PARK AVENUE, NEW YORK, NEW YORK 10016-5802

April 14, 1999

Ronald Brown, Physician
5920 Avonhoe Road
Philadelphia, Pennsylvania 19138

RECEIVED
APR 16 1999
OFFICE OF PROFESSIONAL
MEDICAL CONDUCT

Re: Application for Restoration

Dear **Dr. Brown**:

Enclosed please find the Commissioner's Order regarding Case No. **99-44-60** which is in reference to Calendar No. **16784**. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

Daniel J. Kelleher
Director of Investigations

By: 
Gustave Martine
Supervisor

DJK/GM/bt

cc: **Amy Kulb, Esq.**
Jacobson & Goldberg
585 Stewart Avenue
Garden City, New York 11530

The University of the State of New York
Education Department



IN THE MATTER

of the

Application of RONALD S. BROWN for restoration of his license to practice as a physician in the State of New York.

Case No. 99-44-60

It appearing that the license of RONALD S. BROWN, 5920 Avonhoe Road, Philadelphia, Pennsylvania 19138, authorizing him to practice as a physician in the State of New York, was revoked by action of the Board of Regents on December 11, 1987, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on March 16, 1999, it is hereby

ORDERED that the petition for restoration of License No. 149723, authorizing RONALD S. BROWN, to practice as a physician in the State of New York, is denied, but that upon submission of proof demonstrating successful completion of the Special Purposes Examination ("SPEX") of the Federation of State Medical Boards and submission of further proof of his successful completion of a retraining program acceptable to the Office of Professional Medical Conduct, the execution of the order of revocation of his license shall be stayed, and he will be placed on probation for a period of five years under specified terms and conditions.

IN WITNESS WHEREOF, I, Richard P. Mills, Commissioner of Education of the State of New York for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this day of April, 1999.


Commissioner of Education

Case No. 99-44-60

It appearing that the license of RONALD S. BROWN, 5920 Avonhoe Road, Philadelphia, Pennsylvania 19138, to practice as a physician in the State of New York, having been revoked by action of the Board of Regents on December 11, 1987, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having agreed with and accepted the recommendations of the Peer Review Panel and the Committee on the Professions, now, pursuant to action taken by the Board of Regents on March 16, 1999, it was

VOTED that the petition for restoration of License No. 149723, authorizing RONALD S. BROWN to practice as a physician in the State of New York, be denied, but that upon submission of proof demonstrating successful completion of the Special Purposes Examination ("SPEX") administered by the Federation of State Medical Boards and submission of further proof of his successful completion of a retraining program acceptable to the Office of Professional Medical Conduct, the order of revocation shall be stayed, and petitioner shall be placed on probation for a period of five years under specified terms and conditions.

THE UNIVERSITY OF THE STATE OF NEW YORK
The State Education Department

Report of the Committee on the Professions
Application for Restoration of Physician License

Re: **RONALD S. BROWN**

Attorney: Amy T. Kulb

Ronald S. Brown, 5920 Avonhoe Road, Philadelphia, Pennsylvania 19138, petitioned for restoration of his physician license. The chronology of events is as follows:

- 04/16/82 Issued license number 149723 to practice as a physician in New York State.
- 09/12/86 Commissioner of Health summarily suspended license.
- 09/16/86 Charged with professional misconduct by Department of Health.
- 01/30/87 Commissioner of Health ordered that Summary Order remain in effect.
- 05/28/87 Hearing Committee of State Board for Professional Medical Conduct recommended revocation.
- 12/01/87 Regents Review Committee recommended suspension for five years, last four years stayed, and probation for four years.
- 12/11/87 Board of Regents voted revocation.
- 01/25/88 Commissioner's Order effective.
- 07/05/94 Petition for restoration of physician license submitted.
- 01/09/98 Peer Committee restoration review.
- 10/15/98 Report and recommendation of Peer Committee. (See "Report of the Peer Committee.")

12/17/98

Report and recommendation of Committee on the Professions. (See "Report of the Committee on the Professions.")

Disciplinary History. (See attached documents of the State Board for Professional Medical Conduct and Report of the Regents Review Committee.) On September 12, 1986, the Commissioner of Health summarily suspended Dr. Brown's license to practice as a physician in New York State as his continued practice constituted an imminent danger to the health of the people of this State. On September 16, 1986, the Department of Health charged Dr. Brown with 28 specifications of professional misconduct. Specifically, he was charged with practicing the profession fraudulently (First through Fifteenth Specifications), practicing the profession with gross negligence and/or gross incompetence (Sixteenth through Twenty-Third Specifications), practicing the profession with negligence on more than one occasion (Twenty-Fourth Specification), engaging in unprofessional conduct by having exercised undue influence on his patients (Twenty-Fifth Specification), engaging in unprofessional conduct by failing to maintain a record for each patient which accurately reflected his evaluation and treatment of the patient (Twenty-Sixth and Twenty-Seventh Specification), and engaging in unprofessional conduct by conduct in the practice of medicine which evidences moral unfitness to practice medicine (Twenty-Eighth Specification). The charges related to his practice at the Third Avenue Medical Center and included charges related to his care of eight patients, his dispensing and distribution of massive amounts of controlled substances, and his issuance of thousands of prescriptions for controlled substances to permit a pharmacy on the premises to fill the prescriptions and generate fraudulent Medicaid billings.

A Hearing Committee of the State Board for Professional Medical Conduct concluded, in its report dated January 26, 1987, that Dr. Brown's prescribing practices constituted an imminent danger to the health of the people of the State of New York. Accordingly, the Hearing Committee recommended that the Summary Order of the Commissioner of Health remain in effect until the Hearing Committee submitted its final report. On January 30, 1987, the Commissioner of Health ordered that the Summary Order remain in effect. On May 25, 1987, the Hearing Committee concluded that the charges of fraudulent practice should be sustained for the first through fifth and seventh specifications; the charges of gross negligence be sustained for the sixteenth and eighteenth through twenty-second specifications; the charges of gross incompetence be sustained for the sixteenth, nineteenth, twenty-first, and twenty-second specifications; the charge of practicing the profession with negligence on more than one occasion be sustained for the twenty-fourth specification; the charge of unprofessional conduct by having exercised undue influence on his patients not be sustained for the twenty-fifth specification; the charge of unprofessional conduct by failing to maintain a record for each patient which accurately reflected his evaluation and treatment of the patient not be sustained for the twenty-sixth specification but sustained for the twenty-seventh specification; and the charge of unprofessional conduct by engaging in conduct in the practice of medicine which evidences moral unfitness to practice medicine be sustained for the twenty-eighth specification. The Hearing Committee recommended that Dr.

Brown's license be revoked and the Commissioner of Health concurred with that recommendation.

On December 1, 1987, a Regents Review Committee, by a vote of 2 to 1, found Dr. Brown guilty of the first through fifth and seventh specifications of the charges; guilty to the extent indicated in the report of the Hearing Committee of the sixteenth, nineteenth, and twenty-first through twenty-second specifications of the charges as to gross incompetence; guilty to the following extent of the twenty-fourth and twenty-seventh specifications as to Patients A, D, F, and G and the twenty-eighth specification solely as to practicing fraudulently; and not guilty of the remainder of the specifications of the charges. The majority recommended that the measure of discipline recommended by the Department of Health be modified and that Dr. Brown's license be suspended for five years, and that the execution of the last five years be stayed at which time he would be placed on probation for the four years under specified terms and conditions.

On December 11, 1987, the Board of Regents voted that Dr. Brown was guilty to the extent indicated on page 8 and page 9 of the Report of the Regents Review Committee and not guilty as indicated on page 9 of that Report; and, based upon a more serious view of Dr. Brown's conduct and in agreement with the Hearing Committee and the Commissioner of Health, revoked Dr. Brown's license to practice as a physician in the State of New York. The Commissioner's Order was effective January 25, 1988.

The Office of Professional Discipline reports that it received an application for the restoration of Dr. Brown's license on August 30, 1990. At the applicant's request, the restoration file was closed on January 29, 1992, before any Peer Committee meeting was held. The Office of Professional Discipline reports that the case was closed based upon anticipated criminal action in Pennsylvania. Dr. Brown was subsequently convicted by pleas in Philadelphia on January 5, 1993 on federal charges to two counts of Distribution of Controlled Substance Other than in the Usual Course of Professional Practice and was sentenced to five years' probation under specified terms and conditions. On July 5, 1994, Dr. Brown submitted his second application for the restoration of his license.

Recommendation of the Peer Committee. (See attached Report of the Peer Committee.) The Peer Committee (Harris, Gitman, Bentivegna) convened on January 9, 1998. In its report dated October 15, 1998, the Committee recommended that the revocation of Dr. Brown's license be stayed and that he be placed on probation for five years under specified terms and conditions, including the submission of quarterly reports from a psychiatrist or psychologist, continued participation in Alcoholic Anonymous and Narcotics Anonymous, a prohibition of prescribing controlled drugs, and working in a highly structured environment free of addictive drugs. However, the Committee further recommended that the stay take effect only after Dr. Brown has successfully completed a course in retraining and has passed the Special Purposes Examination (SPEX) of the Federation of State Medical Boards. The retraining must

include 150 hours of continuing medical education courses, at least 90 hours of which must be Category 1A courses.

Recommendation of the Committee on the Professions. On December 17, 1998, the Committee on the Professions (Porter, Templeman) met with Dr. Ronald Brown to consider his application for restoration of his physician license. Amy T. Kulb, his attorney, accompanied him. Prior to the meeting Dr. Brown had been informed that only two Committee members would be available to meet with him and that he could either reschedule his meeting or proceed with the two members. Although Dr. Brown had previously indicated that he wished to proceed, Mr. Porter, Committee Chair, verified this understanding with him. Mr. Porter explained that if Dr. Brown chose to proceed and the vote of the Committee was unanimous, the Committee's recommendation would be forwarded to the Board of Regents. However, if the two Committee members could not agree on their recommendation, Mr. Porter said that Dr. Brown would be given the option of either meeting with a new Committee or having a third member of the Committee review the record and participate in formulating the final recommendation. Dr. Brown said that he wished to proceed within the parameters outlined by Mr. Porter.

Dr. Brown presented the Committee with the following:

- Copies of transcripts for the Spring 1998 and Fall 1998 terms at the Community College of Philadelphia reflecting his study in a program leading to an Alcohol & Drug Abuse Certificate.
- A letter, dated December 2, 1998, from David I. Canavan, M.D., Medical Director, Physicians' Health Program, Medical Society of New Jersey, indicating that Dr. Brown has been an active participant in the program since 1995, has been drug free for six years, is attending Alcoholics Anonymous each week, is participating in individual counseling on a monthly basis, and is on quarterly urine testing with all results being consistently negative.

The Committee asked Dr. Brown to explain why he lost his license. He replied that he lost his license in New York in 1988 because he wrote prescriptions for "bad" medications at a clinic and also wrote prescriptions for patients that were not needed. He said, "I can only take account for what I did. It's a shame that I didn't do what I was trained for." Dr. Brown said that at the time he was using drugs and alcohol and tried to clean himself up after his revocation. He reported that he went to Philadelphia to work for a physician who hired him even though Dr. Brown said that he told him his license had been revoked. Dr. Brown said that he saw the doctor's Medicaid patients, but about a year after he was hired "what happened in New York followed me there." He indicated that since he lost his Medicaid privileges in New York, he also lost them in Pennsylvania. He told the committee that he was "hurt by this" as he was turning his life around.

Dr. Brown reported that he got another job in the prison system in a clinic-like setting and soon his drug habit got worse. He said that he began to write prescriptions for controlled substances that he was "selling on the street." He reported that it was at about this time that he submitted an application for restoration of his license in New York. Dr. Brown said that state and federal charges were subsequently brought against him, and he surrendered his license in Pennsylvania. He indicated that he also withdrew his restoration application in New York. Dr. Brown stated that he stopped taking drugs and obtained a job reviewing medical charts and offering opinions on treatment processes. He told the Committee, "When the federal government told me they would charge me, I had a relapse."

Dr. Brown stated that after his relapse, he entered an intensive 28-day rehabilitation program and continued treatment as an outpatient. He said that it was at that time that he learned he was an addict and realized he had been denying it for most of his life. Dr. Brown told the Committee that he previously denied being an addict, was hiding it from everyone, and "didn't want to announce to Pennsylvania or New York earlier" that he was an addict. He said that he has been clean since 1992 and that he felt good being clean and learned a lot about himself. He reported that with the help of Alcoholics Anonymous and the medical societies of New York and Pennsylvania, he finished his five years of federal probation in March, paid his court-imposed fine, and completed the required community service.

Dr. Brown said that he worked at St. Joseph's Hospital in Philadelphia doing utilization review and quality assurance for about three years. He stated that he was eventually terminated from that position because "The new management wasn't happy with me as an unlicensed physician." He reported that he then "took jobs here and there" and began taking coursework to become a Certified Addictions Counselor. Dr. Brown said that he was instrumental in helping a friend, his sister, and his niece "come to grips with what's going on" through Alcoholics Anonymous and they have been clean for 18 months, three years, and two years, respectively. Dr. Brown told the Committee that his wife just got her pharmacy license and he was glad to be able to help her as she had helped him while he was doing his residency. He reported that his son just completed high school and said that he was glad that "they were able to overcome some of my bad problems."

The Committee asked Dr. Brown to focus on the misconduct that resulted in the revocation of his license. He responded that he was writing prescriptions for patients in the clinic that were not medically necessary. He said that he was salaried at the time and "just followed suit in what was already being done." He stated, "I just went along with it. I received no financial benefits." Additionally, he indicated that he was not treating his patients properly and not maintaining proper records. Dr. Brown told the Committee that he feels guilt and shame for what he did and was "still grappling with it." He said, "I didn't have the maturity in the 80's that I have now. I now see myself as breaching the responsibilities of the profession." He stated that he was not disputing anything in the record.

The Committee asked Dr. Brown if he felt he had a real or fraudulent practice at the clinic. He replied that from his perspective, "it was a real practice even though I had an addiction at the time I was doing it." He reported that the clinic had an agenda to see as many patients as possible. The Committee asked Dr. Brown if he felt any patients were harmed because he was "on drugs" while seeing them. He replied, "Thank God nobody was harmed. It was partly God's will and partly me being somewhat responsible. Something could have happened. I wasn't thinking clearly at all times."

Dr. Brown reported that from 1986 to 1988 he didn't work and did a lot of reflecting. He said that he now realizes that he wasn't mature at that time and still blamed everyone else for what happened to him - - the clinic, his drug addiction, and the people who hired him at the clinic. He indicated that when he moved to Philadelphia he was not using drugs, but then he lost his Medicaid privileges. Dr. Brown said that after he began working for the prison system, he again started using drugs, writing prescriptions that were not warranted and began to actually sell prescriptions to support his own drug habit. Dr. Brown reported that he voluntarily turned in his Pennsylvania medical license in 1991, stopped taking drugs, but had a relapse in early 1992. Regarding the federal charges against him, Dr. Brown reported that he volunteered to become a "federal witness" and did benefit from this cooperation in that he did not have to serve any actual jail time. He indicated that since 1992 the Pennsylvania Medical Society and his probation officer have monitored him consistently. He said that he also joined the New Jersey and New York physicians' monitoring programs.

The Committee asked Dr. Brown about his therapy. He responded that he has come to understand how important both his individual therapy sessions with a psychiatrist and psychologist have been as well as his group therapy sessions. He said that through group therapy you "can express yourself well and get out a lot of things bothering you inside." He stated that he has learned that he will be an addict for life and will be recovering for the rest of his life.

The Committee asked how they could be assured that his previous misconduct would not recur. He replied that he and his family have been going through some difficult times and they have learned to cope. He said that when he feels pressures, he could go to a meeting, call up his sponsor, contact Dr. Canavan, talk to anyone like his lawyer or psychologist, or contact the Pennsylvania Medical Society. Dr. Brown stated, "There's always someone I can talk to." He said, "I can now judge my own feelings." He indicated that Dr. Canavan and the Physicians' Health Program have been a valuable resource in helping him find appropriate types of employment opportunities and have been very helpful to him in the restoration process. Dr. Brown said that he understands the shame he brought upon himself and the medical profession and told the Committee that "shame is not something you lose very easily." He reported that he is able to talk with his therapist about shame and guilt and is still struggling with his feelings. He stated that he'd like another chance to prove himself.

Dr. Brown said that he has started taking courses to become a Certified Addictions Counselor. He stated that he wants to help addicts understand that addiction

is not the end of the world and that they can get over it and build new lives. He indicated that if his license were restored, he has thought about going into the military. He said that he also likes internal medicine and would like to practice in a hospital or private clinic. Dr. Brown told the Committee that he understands that he needs to refresh his medical skills and needs "to get myself up to speed." He reported that he found a refresher course at the Hahnemann School of Medicine and shared information he received with the Committee. He said that he has taken 100 continuing medical education credits, but has participated in few live courses. Dr. Brown indicated that he eventually plans to live in Pennsylvania, but wants to clear up his record in New York where the discipline occurred and practice in New York until his license is restored in Pennsylvania.

The Committee on the Professions (COP) concurs with the Peer Committee that Dr. Brown "has made a significant effort at rehabilitation" and "has demonstrated . . . that he is truly remorseful." Dr. Brown presented substantial documentation of his rehabilitative efforts and resulting behavioral modifications in his life. The COP believes that Dr. Brown has demonstrated that he has an adequate support system in place and agrees with the assessment of the Peer Committee that "Because of the therapy applicant has undergone, his support by family and friends and his relationship with his wife and son any recurrence is unlikely." The COP believes that Dr. Brown has demonstrated his understanding of the root causes of his misconduct and has taken appropriate steps to make certain that it will not recur. Dr. Brown has provided appropriate verification that he has been clean of drugs and alcohol since 1992. The COP, likewise, concurs with the Peer Committee that Dr. Brown needs additional education before resuming practice.

Therefore, after a complete review of the record, including its meeting with Dr. Brown, the Committee on the Professions voted to concur with the recommendation of the Peer Committee that the revocation of Dr. Brown's license to practice as a physician in the State of New York be stayed and that he be placed on probation for five years. However, the Committee amended the third term of probation recommended by the Peer Committee to specify that during the probationary period Dr. Brown can practice only in an Article 28 facility under supervision. The amended terms of probation are attached to this report and labeled Exhibit "B." Further, the Committee on the Professions voted that the stay of the revocation shall take effect upon verification of Dr. Brown's successful passing of the Special Purposes Examination (SPEX) of the Federation of State Medical Boards and verification of his successful completion of a retraining program acceptable to the Office of Professional Medical Conduct. The Committee on the Professions modified the recommendation of the Peer Committee regarding the specific content of the retraining program as it felt the Office of Professional Medical Conduct should make that assessment. The Committee on the Professions does not believe that the retraining should be restricted to continuing medical education courses.

Joseph B. Porter, Chair

Leslie Templeman

EXHIBIT "B"

TERMS OF PROBATION
OF THE COMMITTEE ON THE PROFESSIONS
FOR

RONALD S. BROWN

1. That applicant, during the period of probation, shall be in compliance with the standards of conduct prescribed by the law governing applicant's profession;
2. That applicant shall submit written notification to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, 433 River Street, Suite 303, Troy, New York 12180, of any employment and/or practice, applicant's residence, telephone number, or mailing address, and any change in employment, practice, residence, telephone number or mailing address within or without the State of New York;
3. That applicant shall submit written proof from the Division of Professional Licensing Services (DPLS), New York State Education Department (NYSED), that applicant has paid all registration fees due and owing to the NYSED and applicant shall cooperate with and submit whatever papers are requested by DPLS in regard to said registration fees, said proof from DPLS to be submitted by applicant to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, no later than the first three months of the period of probation;
4. That applicant shall submit written proof to the New York State Department of Health, addressed to the Director, Office of Professional Medical Conduct, as aforesaid, that 1) applicant is currently registered with the NYSED, unless applicant submits written proof that applicant has advised DPLS, NYSED, that applicant is not engaging in the practice of applicant's profession in the State of New York and does not desire to register, and that 2) applicant has paid any fines which may have previously been imposed upon applicant by the Board of Regents; said proof of the above to be submitted no later than the first two months of the period of probation;
5. That applicant shall continue in treatment with a psychologist or psychiatrist of his own choosing and at his own expense, said psychologist or psychiatrist having been approved by the Director, Office of Professional Medical Conduct, with quarterly reports regarding applicant's fitness to practice his profession submitted to the Director of the Office of Professional Medical Conduct;
6. That applicant shall only practice as a physician in an Article 28 facility under the supervision of a physician, said supervising physician and said setting to be selected by applicant and previously approved, in writing, by the Director of the Office of Professional Medical Conduct. Said supervision shall include the random selections and review by said

supervisor of applicant's patients records, office records and hospital charts in regard to applicant's practice and applicant shall also be required to make such records available to said supervisor at any time requested by said supervisor and that said supervisor shall submit a report, once every three months, regarding the above-mentioned supervision of applicant's practice to the Director of the office of Professional Medical Conduct;

7. That applicant shall not prescribe controlled or mind or mood altering drugs during the period of probation and shall only prescribe on hospital or institutional prescription forms during said period;
8. That applicant shall continue to participate in Alcoholic Anonymous and Narcotics Anonymous during the period of probation, with evidence of such to be presented quarterly to the Director of the Office of Professional Medical Conduct;
9. That applicant shall make quarterly visits to an employee of the Office of Professional Medical Conduct of the New York State Department of Health, unless otherwise agreed to by said employee, for the purpose of said employee monitoring applicant's terms of probation to assure compliance therewith, and applicant shall cooperate with said employee, including the submission of information requested by said employee, regarding the aforesaid monitoring; and
10. That upon receipt of evidence of noncompliance with or any other violation of any of the aforementioned terms of probation, the Department of Health may initiate a violation of probation proceeding and/or such other proceedings pursuant to the Public Health Law, Education Law, and/or Rules of the Board of Regents.



The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT
OFFICE OF PROFESSIONAL RESPONSIBILITY
STATE BOARD FOR MEDICINE

-----X
In the Matter of the Application of

RONALD S. BROWN

**REPORT OF
THE PEER
COMMITTEE
CAL. NO. 16785**

for the restoration of his license to
practice as a physician in the State of
New York.

-----X

Applicant, RONALD S. BROWN, was authorized to practice as a
physician in the State of New York by the New York State Education
Department.

PRIOR DISCIPLINE

Applicant's medical license was revoked by Regents Order No.
7791, effective January 25, 1988, after his having been found
guilty of fraudulent, negligent, and grossly incompetent practices.
The aforesaid findings resulted from actions by applicant that had
previously warranted a Summary Suspension (September 12, 1986).

A prior petition for restoration was opened at the Office of
Professional Discipline (OPD) August 30, 1990. During the
associated investigative interview, applicant informed OPD that he
had learned from his past mistakes and that it will never happen
again. Such assurances notwithstanding, applicant was convicted by

RONALD S. BROWN (16785)

pleas in Philadelphia on January 5, 1993 on federal charges of illegal distribution of controlled substances.

According to applicant's attorney (both then and now), that prior restoration file had been closed at applicant's request by the Prosecution Division of OPD, before any Peer Hearing had taken place. Per OPD records, said closing was effective January 29, 1992, based upon anticipated criminal action.

The Pennsylvania licensing authorities had informed OPD on May 5, 1991 that "...information came about quite inadvertently and unexpectedly during a routine pharmacy inspection which showed that Dr. Brown was engaging in highly unusual prescription practices... you will note that Dr. Brown exclusively prescribed Doriden (Glutethimide), a Schedule II controlled substance, along with Empirin #4 (with Codeine), a Schedule III controlled substance, and Bromanlyl (a Codeine-based cough syrup), a Schedule V controlled substance. These prescriptions comprise all of Dr. Brown's prescription activity at one pharmacy for 1991 to date. For your information, Doriden is a highly-abused controlled substance in the United States, especially when taken with Tylenol #4 or Empirin #4 (street name: 'fours and doors'), or with a Codeine-based cough syrup (street name: 'pancakes and syrup'), all of which give the user a Heroin-like high."

Applicant's present reinstatement application contains his admission to OPD, for the first time, of what applicant

RONALD S. BROWN (16785)

characterizes as "a drug abuse problem that had plagued me on and off for years." Applicant goes on to describe a history of drinking and experimentation with "recreational drugs" as a teenager, and then progressing to cocaine and heroin addiction.

THE APPLICATION

On July 5, 1994 applicant petitioned the New York State Education Department for the restoration of his license to practice as a physician in the State of New York.

In his petition submitted for the restoration of his license, applicant stated in part:

12. During the disciplinary proceedings, I voluntarily chose not to practice in Pennsylvania and occupied myself with odd jobs unrelated to the practice of medicine. There was a tremendous sense of guilt attached to again having my wife be the primary support of the family, but the guilt that would have been attached to practicing medicine prior to my sorting out my goals and priorities through an introspective rehabilitative process would not weigh [sic] this. My license to practice in New York State was revoked by an Order effective January 25, 1988. The proceedings had been lengthy and troubling because of my counsel's concern over a potential conflict of interest by a member of the hearing panel who had previously held a high administrative position working directly with the Commissioner of Health. Nevertheless, these sixteen (16) months were a valuable period of self-evaluation for me, particularly as I was fortunate enough to have the continued love and support of my family throughout this ordeal.
13. I realized following the finality of the revocation of my New York State license that there would come a time when I would have to summon the courage to return to the practice of medicine. I still felt an overwhelming sense of shame not only that I had

RONALD S. BROWN (16785)

let down my family and tarnished my cherished profession but, most importantly, that I had let down the indigent patients by becoming a part of the very exploitation that I had several years earlier set out to rectify and positively change. By that Summer, I felt confident that with two (2) years distance from my misconduct and having gone through the disciplinary proceedings, I had gained sufficient insight into how I had gone astray and that I was strong enough to consider practicing in Pennsylvania. Anxious to ease the financial burden on my wife, I began to explore practice opportunities in Pennsylvania.

14. In June, 1988, through my search, I met an internist who was established in practice in Pennsylvania for twenty-five (25) years and was looking for a young physician to share the burden. I explained my situation to him honestly and forthrightly and showed him copies of the disciplinary charges, the peer panel report, and the Order revoking my New York State license. I advised him that I could not consider a partnership because of the uncertainty of what the future could hold for my Pennsylvania license but offered to work for him at an hourly wage. Much to my surprise, he offered me a part-time job, to increase to full-time after a few months if things worked out, and I determined that I would prove myself worthy.
15. I applied myself enthusiastically to my work with Dr. Hawkins. The positive feedback that I received from him made me feel good about myself, and I determined to move forward with my career. I began regularly attending continuing education, both to enhance my knowledge and skills and towards my eventual goal of board certification. During 1988 and 1989, I completed approximately 175 hours of continuing medical education.
16. In 1990, I went to work at the Holmesburg Prison of the Philadelphia Prison System as an attending physician, mainly for the security and benefits of public employment. I continued to receive excellent performance evaluations during this employment. I continued, as well, to attend

RONALD S. BROWN (16785)

approximately 100 hours of continuing medical education each year.

17. In March, 1991, I entered treatment at the Stryker Institute of Pennsylvania Hospital in an attempt to come to terms with a drug abuse problem that had plagued me on and off for years. I am the youngest of nine (9) children of parents who were both alcoholics, and most of my siblings had fallen into the same sad pattern of alcohol or drug abuse. As a teenager, I began drinking on the weekends and eventually progressed to experimenting with recreational drugs. Eventually, I began to use cocaine and finally heroin. Several times, I had stopped taking drugs on my own but had eventually relapsed. My heroin dependence drove me to the point at which in January, 1991, I began to sell controlled drug prescriptions for \$50.00 each to support my habit. I knew that I had hit bottom and unless I overcame it, I would lose my family, my career, and possibly my life.
18. My license to practice medicine in Pennsylvania was suspended in May, 1991. While I was determined to overcome my drug problem and felt very positive about this, I was extremely depressed about the suspension of my license, although I well understood that the authorities had no choice but to protect the public interest. I truly love being a doctor, and despite my abuse of that privilege to support my drug dependence, I have always been devoted to helping people. The prospect of again not being able to work as a doctor made me feel at times as if I had nothing to live for. My guilt at having again disappointed my wife, who had given me such unselfish emotional and financial support over the years, was overwhelming.
19. After completing a 28-day in-patient treatment program, I became involved in an aftercare program with hopes that it would enable me to sustain a stable recovery. I sought assistance from the Physicians Health Program of the Pennsylvania Medical society. I entered into a treatment and monitoring agreement with the Physicians Health Program. My aftercare program included individual therapy and weekly group therapy with a

RONALD S. BROWN (16785)

psychiatrist, Dr. Limoges, daily AA/NA meetings, participation in Caduceus meetings, and random and supervised urine monitoring.

20. After several months, I felt that I was ready to return to work, and I was very anxious to do so in order to help support my family. In July, 1991, I was fortunate enough to secure a position in utilization review/quality assurance at St. Joseph's Hospital in Philadelphia. I have now been employed in that capacity for three (3) years. My performance evaluations have consistently been excellent and, most importantly, my work keeps me connected to medicine. I have continued to meet my goal of completing 100 hours of continuing medical education each year. Since 1992, I have been a lecturer twice yearly on quality assurance issues to doctors and nurses in the Critical Care Program at St. Joseph's Hospital.
21. I found it very difficult to live with the fear that beyond the loss of my license, I could still face criminal charges for my illegal sale of controlled drug prescriptions between January and March, 1991. Despite my supportive aftercare program and my positive feelings about my employment at St. Joseph's Hospital, in early 1992 I suffered a relapse. If anything, it made me more determined than ever to fight for my recovery, and in March, 1992, I entered an in-patient treatment program at Parkside Lodge in Moorestown, New Jersey.
22. The assessment at Parkside was that I had a number of issues, some of which go as far back as my childhood, that had to be fully explored if I was to maintain a stable recovery long term. After completing a 28-day program at Parkside, I transferred to their out-patient program in Woodridge, Illinois for two (2) more months treatment. While it was painful to be separated from my wife and son, I knew that this was something that I had to do for all of us.
23. I was discharged from Parkside on May 18, 1992. The insight that I had gained about myself and the disease of drug addiction gave me the confidence to

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face the future sober, regardless of what it might bring. I am proud to say that I have maintained a stable recovery now for over two (2) years and have continued my commitment to my aftercare program.

24. Several months thereafter, the U.S. attorney did bring charges against me for the illegal sale of 107 controlled drug prescriptions at \$50.00 per prescription between January and March, 1991. with the assistance of my counsel, I fully and truthfully cooperated with the Government during a number of debriefing sessions with the DEA in connection with its investigation of unlawful prescription sales. I chose to do this despite the fact that I might still have faced the possibility of incarceration. It was a painful process, and the support of my therapists and family got me through it.
25. On January 5, 1993, I pleaded guilty to the two count information charging me with distribution of Doriden and Empirin with Codeine outside the legitimate scope of my medical practice and without a legitimate medical purpose, in violation of 21 U.S.C. §841 (a)(1). The Government made my cooperation known to the Court in a motion filed on March 16, 1993. On March 23, 1993, I was sentenced to five (5) years probation. The terms included five (5) months home detention, continued compliance with my treatment and monitoring program, 200 hours of community service, and a \$2,000.00 fine. I meet with my probation officer once a week and am in compliance with all conditions of my probation to date.
26. To date, I am continuing to participate in individual and group therapy with Dr. Limoges, weekly therapy with Dr. Pollan, and AA/NA meetings daily and Caduceus meetings. Random and supervised urine monitoring is done weekly, both by my probation officer and by my employer. Reports of my progress in therapy and urine test results are sent both to my probation officer and the Pennsylvania Medical society.
27. I continue to be employed in utilization review/quality assurance at St. Joseph's Hospital

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in excellent standing. My wife and son continue to be supportive of my recovery. My wife is currently attending Temple University to become a pharmacist, and it is a wonderful feeling that after all these years of supporting me, she is doing something for herself. I have come to accept that drug addiction is a disease in remission that I will have to face for the rest of my life, and I am committed to continued treatment and monitoring in the years ahead.

THE MEETING

On January 9, 1998 this Peer panel met to consider the application in this matter. applicant appeared and was represented by Amy Kulb, Esq. Dennis Spillane, Esq. represented the Division of Prosecutions of the Office of Professional Discipline. The parties began by making opening statements.

Applicant offered several documents at the meeting which were accepted and which are made apart of the material herein.

Applicant spoke to the committee and repeated much of what was stated in his application. He was then questioned by Mr. Spillane and the panel. Mr. Spillane as well as the panel went on to question applicant about what caused him to conduct himself as he did and what he could tell them he would do to avoid any recurrence of such activity. Applicant stated that he has been through therapy and noted that he had been drug and alcohol free for six years.

He stated that he would stay sober by seeing his therapist and continuing in AA and NA for the rest of his life (he attends two to

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three times a week now). he stated that he is a spokesperson for AA and NA and he takes people to meetings and goes to people's homes. He also helped his sister and niece stop abusing drugs.

More specifically, Mr. Spillane asked about applicant's patient records while at the Harlem Clinic and applicant replied that he was heavily involved in drug use at that time. He stated that his present knowledge of medicine due to CME is as good as when involved in training at Harlem Hospital.

Applicant then spoke about his current support group such as his wife, who is a pharmacist, and family and the State Medical Societies and AA and NA.

Under questioning by the panel applicant went into a detailed history of his drug abuse and how it was ongoing and involved with his then practice of medicine and his then patients.

RECOMMENDATION

We unanimously recommend that the application herein be granted and that the revocation of applicant's license to practice medicine in the State of New York be stayed. Applicant has made a significant effort at rehabilitation. We could see this in his demeanor as well as the documents presented. Because of the therapy applicant has undergone, his support by family and friends and his relationship with his wife and son any recurrence is unlikely.

The applicant has demonstrated to this panel that he is truly

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remorseful.

The stay of the revocation shall take place when applicant has successfully completed a course in retraining and has passed the Special Purposes Examination (SPEX) and has submitted satisfactory written evidence of such to the Office of Professional Medical Conduct (OPMC). Said retraining shall include 150 hours of continuing medical education courses, at least 90 hours of which shall be category 1A courses.

We further recommend that applicant be placed on probation for a period of five years under the standard terms of probation plus the following terms of probation:

1. That applicant shall continue in treatment with a psychologist or psychiatrist of his own choosing and at his own expense, said psychologist or psychiatrist having been approved by the State Board for Medicine, with quarterly reports to OPMC.
2. That applicant, after successful retraining and passing the SPEX, shall not prescribe controlled or mind or mood altering drugs during the period of probation and shall only prescribe on hospital or institutional prescription forms during said period.
3. That applicant, after successful retraining and passing the SPEX, shall during the period of probation, work only in a highly structured environment that is free of addictive drugs, under supervision with quarterly employer reports to OPMC.
4. That applicant shall continue to participate in Alcoholic Anonymous and Narcotics Anonymous with evidence of such to be presented quarterly to OPMC.

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Respectfully submitted,

David Harris, MD, Chairperson

Paul Gitman, MD

Saverio S. Bentivegna, MD

Paul Harris MD 10/15/98

Chairperson

Dated