

**BEFORE THE BOARD OF MEDICAL PRACTICE
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE)	
FORMAL COMPLAINTS AGAINST)	DECISION AND ORDER
LEON MORTON GREEN, M.D.)	Complaint Nos. 10-03-02; 10-18-02;
		And Complaint No. 00-33

BACKGROUND

A formal complaint designated as Complaint No.00-33 alleging unprofessional conduct, including unethical behavior, incompetence, and gross negligence was filed by the Executive Director of the Board of Medical Practice in February of 2001 against Leon M. Green, M.D. On May 11, 2001 and on June 11, 2001 a hearing was held before a Board of Medical Practice Hearing Panel on Complaint No. 00-33. The Panel which heard the evidence concerning Complaint No. 00-33 issued its report which was considered and adopted by the Board on November 6, 2001. After an evaluation of Dr. Green at the Colorado Personalized Education for Physicians in January of 2002 he was placed on probation for three years by Order of the Board dated September 10, 2002.

On May 5, 2003, during the time Dr. Green was on probation as a result of the disciplinary action imposed from Complaint No. 00-33, the Board's Executive Director and the prosecuting Deputy Attorney General filed additional complaints against Dr. Green arising out of Board investigations designated as Nos. 10-03-02 and 10-18-02.

At the time of the filing of the additional complaints in May of 2003, the Executive Director and the prosecuting Deputy Attorney General also filed a motion for the temporary suspension of Dr. Green which was accompanied by approximately 68 pages of attachments.

The motion was presented to the Board on May 6, 2003 and, at that hearing, the Board determined that the formal written complaint it had received concerning this physician's activities

alleged matters presenting a clear and immediate danger to the public health, and the Board entered an order suspending Dr. Green's license to practice medicine pursuant to 24 *Del. C.* §1738(a). The Board also designated Paul W. Ford, Jr., M.D., Oluseyi N. Senu-Oke, M.D., and public Board Member Michael G. Green as the three member hearing panel to hear the evidence concerning the complaints filed on May 5, 2003.

The evidentiary hearing commenced before the designated hearing panel on Friday, June 13, 2003 in the second floor conference room of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware. Dr. Green was present and represented by Gilbert F. Shelsby, Jr., Esquire. Deputy Attorney General Phebe S. Young presented the evidence in support of the allegations in the formal complaint as provided in 24 *Del. C.* §1734(e). The hearing was continued and scheduled to resume on August 15, 2003. However, on August 7, 2003, Dr. Green, through counsel, submitted a request for a further continuance of the hearing which was granted by the Hearing Panel Chairman. Dr. Green's ability to lawfully practice medicine remained suspended. The hearing resumed on November 21, 2003 and the evidentiary presentations were concluded. The parties were afforded the opportunity to submit written closing arguments which they completed on January 6, 2004. The Hearing Panel met for deliberations on January 23, 2004 and submitted its Report to the Board on March 2, 2004.

The formal Board hearing was scheduled for April 13, 2004 but continued at the request of Dr. Green. The formal Board hearing was rescheduled and conducted on June 1, 2004. The following nine (9) Board members attended and participated in the formal Board hearing: Francis Marro, M.D., Mr. John W. Banks, Karl McIntosh, M.D., Garrett Colmorgen, M.D., Anthony

Policastro, M.D., Galicano Inguito, M.D., Vincent Lobo, D.O., Roberto Villasenor, M.D., and Kathleen Haynes, Esquire. The Respondent, Dr. Leon Morton Green, was present and represented by his attorney Gilbert F. Shelsby, Jr., Esquire. The prosecuting Deputy Attorney General Phebe S. Young was also present. This is the final order of the Board resulting from the formal public hearing conducted on June 1, 2004.

SUMMARY OF THE EVIDENCE

The evidence presented to the Hearing Panel consisted of various documents (32 in number) together with the testimony of Dean W. Stotler, Investigative Administrator for the Division of Professional Regulation, Joseph M. Stratton, a pharmacist, MH, the complaining patient, and paramedics Aaron Seth Karmes and Dawn E. Gulezian. The Respondent, Leon Morton Green, M.D. and Dr. Carol A. Tavani also provided testimony all as set forth in the Report of the Hearing Panel as required by 29 *Del. C.* §10128.

FINDINGS OF FACT

The Board, as required by the provisions of 24 *Del. C.* §1734(f), by unanimous vote of all members participating in the formal public hearing, adopts the findings of fact as set forth in the Hearing Panel Report, to-wit:

1. Leon M. Green, M.D., is a medical doctor licensed to practice medicine in the State of Delaware holding a Certificate to Practice Medicine and Surgery (License No. C1-0001901) which was suspended by action of the Board of Medical Practice on May 6, 2003.
2. The sworn testimony given by Leon M. Green, M.D. at the panel hearing on June 11, 2001 concerning Complaint No. 10-00-33 was inaccurate, incomplete, and lacking in candor insofar as it described the extent of the physical contact between Dr. Green and his patient MC. This has been admitted by Dr. Green. Excluding the speculative assertion that Dr. Green's truthful testimony would have affected that hearing panel's findings and its determination of appropriate sanctions (paragraph 12 of the complaint), the factual allegations contained in Count I of the Complaint have been established by the evidence presented which includes the admissions of Dr. Green.

3. Leon M. Green, M.D., entered into a settlement of a civil lawsuit for medical malpractice brought against him by his former patient MC. By Dr. Green's admission, he never made a report of such settlement to the Board of Medical Practice as he was required to do by 24 *Del. C.* §1728(c). However, his inaction in making the required report was negligent and not willful. The factual allegations of Count II of the complaint have been established by the evidence presented, particularly the admissions of Dr. Green. The conclusion alleged in Count II that he thereby committed unprofessional conduct is not established because 24 *Del. C.* §1731(b)(15) requires that the failure to report must be "willful" and Dr. Green's failure was inadvertent or negligent and he did not have any actual, specific or evil intent in his failure to report.

4. Beginning in August of 1995 Leon M. Green, M.D., had a physician-patient relationship with MH and treated her for mental illness. During that relationship he engaged in a pattern of improper physical contact with MH including: hugging her, embracing her while having an erection; kissing her on the cheek; encouraging her to place her hands on his chest. Dr. Green admits that his physical contact with MH was inappropriate. The Panel finds that these activities were conducted for his own personal and sexual gratification.

5. Leon M. Green, M.D., engaged in an inappropriate pattern of self-disclosure with his patient MH by discussions of his marital situation with her. Dr. Green admits that his personal disclosures to MH were not appropriate.

6. Leon M. Green, M.D., has engaged in a pattern of inappropriate personal and telephone communications with his patient MH by expressing affection, sexual attraction, and other feelings inappropriate to the physician-patient relationship including: telling her he loved her, remarking on how it would feel to "get it on", remarking on how it would feel to engage in oral sex with her, and by giving her personal gifts. These activities were conducted for his own personal and sexual gratification, and the factual allegations of Count III of the complaint have been established by the evidence presented except for paragraphs 18(b)(i), 18(e) and 18(f).

Paragraph 18(b)(i) asserts that Dr. Green told MH that he himself has multiple personalities, Paragraph (e) alleges that Dr. Green violated patient confidentiality by disclosing information about her to his wife, and Paragraph (f) alleges that he exploited the physician-patient relationship for personal gain by requiring MH to come to his office to receive medications on which she had become dependent, and then using the resulting contact to attempt to induce her to terminate the Board's inquiry into his treatment practices. The hearing panel does not unanimously find that the evidence established a violation of patient confidentiality with Dr. Green's wife, or that he attempted to induce a termination of the Board's inquiry, or that he told MH that he himself has multiple personalities.

7. Leon M. Green, M.D., was aware on February 26, 2002 that his patient MH was in his waiting room having ingested a dangerous overdose of Valium and, as he has admitted, he was in a too magically trusting mode, and trusted that God would not let her die like that, and therefore

he actually, intentionally and willfully did not give her any physical assistance nor summon any emergency help for her. The factual allegations of Count IV of the complaint have been established by the evidence presented with the exception of paragraph 25 which asserts: "Throughout this entire event, Respondent's sole actions were to tell family members, 'She'll be fine, she just took 100 Valium' and to acknowledge the presence of emergency personnel by saying, 'Oh good, you're here. I can go back into my little cubby-hole'". These statements attributed to Dr. Green by the complaint are not unanimously found to be supported by the evidence.

8. Leon M. Green, M.D., continually prescribed medications for MH which were at exceedingly high dosages and in combinations which can be described as bizarre, and to which MH became dependant and/or addicted. Dr. Green continued to prescribe his medication treatment regimen for MH even after it was questioned by the Rockford Center and by Medicaid officials. He proposed a medication reduction plan for MH in response to such questioning and then took active steps to acquire replacement medications for MH from various mail order pharmacies and have them sent directly to his office. Additionally, he failed to get appropriate laboratory tests to adequately safeguard this patient and properly monitor her hepatic functions.

9. Leon M. Green, M.D., prescribed large quantities of pain medications for his patient MH and treated her for physical conditions in addition to providing psychiatric treatment.

The allegations contained in the "Motion for Temporary Suspension Pending Hearing" filed by the prosecutor in this case were stated to be incorporated by reference into the formal complaint against Dr. Green as Count VII (miss-numbered as VIII). The hearing panel finds that, for the most part, these assertions are encompassed within the first six counts of the formal complaint as follows:

Allegation 1 of the motion provides "Respondent has demonstrated an unwillingness to adhere to safe and effective drug regimes for patients or to provide justification for prescriptions in dangerously large quantities". See Finding No. 8 above.

Allegation 2 of the motion asserts "Respondent has demonstrated a pattern of extreme boundary violations with vulnerable patients." See Findings Nos. 4 and 6 above.

Allegation 3 of the motion asserts "Respondent has demonstrated a willingness to control patients through emotion means or through manipulation of addictive drugs so as to make patients more vulnerable to his desires and needs." The Panel makes no finding concerning this allegation.

Allegation 4 of the motion asserts "Respondent has demonstrated a lack of candor in his dealings with this Board...." See Findings No. 2 above.

Allegation 5 of the motion asserts "These examples of Respondent's continuing failure to

appropriately treat patient under his care, and of Respondent's pattern of behavior and treatment which is harmful to patients, together with the inability of this Board to determine what, if any, patients are presently being harmed by Respondent or are at risk of being harmed, make Respondent's continued practice a clear and immediate danger to the public health within the meaning of 24 *Del. C.* §1738 and require an immediate suspension of Respondent's certificate to practice pending a full hearing on the issues presented in the complaint." See conclusion No. 5 below.

CONCLUSIONS OF LAW

The Board, by the unanimous affirmative vote of all members present and participating in the formal hearing, accepts and adopts the hearing panel recommended conclusions of law as follows:

1. Leon M. Green, M.D., has not committed unprofessional conduct as defined by 24 *Del. C.* §1731(b)(15) by willfully failing to report the malpractice settlement with patient MC as required by 24 *Del. C.* §1728(c).

2. Leon M. Green, M.D., has by his misconduct with patient MH, engaged in unprofessional conduct within the meaning of 24 *Del. C.* §1731(b)(11) ("Misconduct, incompetence or gross negligence in the practice of medicine.")

3. Leon M. Green, M.D., has by his misconduct with patient MH, engaged in unprofessional conduct within the meaning of 24 *Del. C.* §1731(b)(3) ("Any dishonorable or unethical conduct likely to deceive, defraud or harm the public.") as interpreted by Board Rules 15.1.2 ("Exploitation of the doctor/patient privilege for personal gain or sexual gratification.") and 15.1.10 ("Any other act tending to bring discredit upon the profession.").

4. Leon M. Green, M.D., has by his willful lack of attention to patient MH on February 26, 2002, engaged in unprofessional conduct within the meaning of 24 *Del. C.* §1731(b)(11) (Misconduct, incompetence or gross negligence in the practice of medicine.) and within the meaning of 24 *Del. C.* §1731(b)(3) (Any dishonorable or unethical conduct likely to deceive, defraud or harm the public) as interpreted by Board Rule 15.1.6 (Willfully failing to treat a person under his care who required such treatment.)

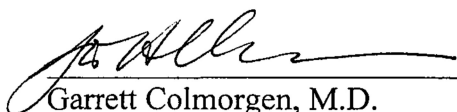
5. The Hearing Panel concludes that its findings of fact constitute a clear and immediate danger to the public health were Dr. Green allowed to resume practice, and that the Board ordered temporary suspension of the medical license of Leon M. Green, M.D. should remain in effect until such time as the full Board can deliberate and reach its own conclusions of law based upon the

findings of fact made by the Hearing Panel pursuant to 24 *Del. C.* § 1734(f) and make its own determination of an appropriate disciplinary sanction for Dr. Green.

DISCIPLINARY ACTION

By the unanimous affirmative vote of the nine (9) members of the Board participating in the formal Board hearing, the Delaware Board of Medical Practice vacates the temporary order of suspension imposed upon the Respondent on May 6, 2003 and hereby revokes the Certificate to Practice Medicine and Surgery in the State of Delaware (License No. C1-0001901) of Leon Morton Green, M.D. IT IS SO ORDERED THIS 8th DAY OF JUNE, 2004.

BY ORDER OF THE BOARD:



Garrett Colmorgen, M.D.

Board President

24 *Del. C.* §1734(a)(3)

**BEFORE THE BOARD OF MEDICAL PRACTICE
IN AND FOR THE STATE OF DELAWARE**

IN RE:)
Leon M. Green, M.D.) **Case Nos. 10-03-02 & 10-18-02**
)

ORDER ACCEPTING COMPLAINT AND OF TEMPORARY SUSPENSION

AND NOW, this 6th day of May, 2003,

WHEREAS, the Executive Director of the Board of Medical Practice through the prosecuting Deputy Attorney General has filed with the Board a written Complaint and Motion for Temporary Suspension; and,

WHEREAS, said Complaint and Motion allege, among other things, that the Respondent has engaged in and may continue to engage in activity which presents a clear and immediate danger to the public health; and

WHEREAS, Respondent and/or his legal counsel was given not less than 24 hours notice of the presentation to the Board of the Complaint and Motion and of the opportunity to be heard in opposition to entry of an Order of Temporary Suspension together with a copy of the Complaint in compliance with 24 *Del. C.* §1738 (a); and,

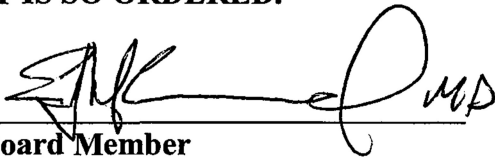
WHEREAS, after due consideration of the Complaint and the Motion and any response thereto, the Board, by the affirmative vote of at least eight members, has determined that the available information is sufficient to support the entry of an Order temporarily suspending Respondent's license to practice medicine in the State of Delaware;


IT IS HEREBY ORDERED:


- 1. That Respondent's license to practice medicine (License No. C1-0001901) is suspended immediately until further Order of this Board;**

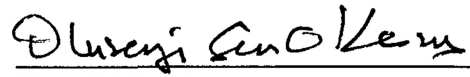
2. That a hearing shall meet at a time set by the panel to hear evidence related to the Complaint;
3. That Respondent shall be served with a copy of the Complaint;
4. That this Board shall reconsider the sanctions imposed in Case No. 00-33 in light of the further relevant facts alleged in the current Complaint.

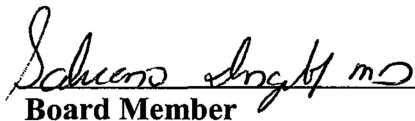
IT IS SO ORDERED.

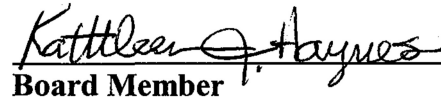

Board Member



Board Member


Board Member

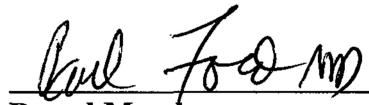

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**BEFORE THE BOARD OF MEDICAL PRACTICE
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE)	
FORMAL COMPLAINT AGAINST)	OPINION AND ORDER
LEON MORTON GREEN, M.D.)	Complaint No. 00-33
)	
)	Order Imposing Discipline

BACKGROUND

A Complaint alleging unprofessional conduct including unethical behavior, misconduct, incompetence, and gross negligence was lodged by the Executive Director of the Board of Medical Practice ("Board") against Leon M. Green, M.D. The Complaint was presented to and accepted by the Board as a Formal Complaint at the Board's meeting on February 6, 2001.

As directed by Section 1734(a) of the Medical Practice Act, the Board designated a three member hearing panel consisting of Janet Kramer, M.D., Bentley Hollander, M.D., and Mr. Yogesh Kansal to consider the evidence to be presented concerning this Complaint. An evidentiary hearing was scheduled and conducted upon due notice to Dr. Green, and on September 13, 2001, the designated hearing panel filed its Hearing Panel Report with the Board.

The Board met to consider the Hearing Panel Report on November 6, 2001. Gilbert F. Shelsby, Jr., Esquire, who represented Dr. Green at the Panel Hearing, also represented him at the Formal Public Hearing. Phoebe Young, Esquire, the prosecuting Deputy Attorney General, appeared in support of the Complaint.

After open, public deliberations, the Board¹ determined to suspend Dr. Green's Certificate

¹ During all Board sessions Dr. Stephen Fanto, the Assisting Board Member, and the members of the Hearing Panel were recused and did not participate in the Board's deliberations or decisions.

to Practice Medicine and Surgery in the State of Delaware but to stay the operation of such suspension provided Dr. Green made application for assessment at his own expense to the Assessment Center Program of the Post Licensure Assessment System developed by the Federation of State Medical Boards and the National Board of Medical Examiners ("CPEP"). Dr. Green was to submit himself for such assessment within ninety (90) days of the date of the Order of the Board dated November 8, 2001 and fully cooperate with the assessment process.

Dr. Green cooperated with the CPEP evaluation which was conducted on January 17-18, 2002. The CPEP evaluation report was filed with the Board and on May 7, 2002 the Board met in open public session to consider the report and to determine what further disciplinary sanctions were appropriate to protect the public and to address the deficiencies noted in the report. The prosecuting Deputy Attorney General took the position that nothing in the CPEP report was of a confidential nature and Dr. Green, through his attorney, waived any confidentiality which might be associated with the content of the CPEP report. The Board therefore proceeded to consider the CPEP report marked as 5/7/02 Exhibit No. 1 in open public session.

After discussion, the Board tabled consideration of appropriate disciplinary sanctions pending further discussions among Dr. Green and his attorney, together with the Acting Executive Director and the prosecuting Deputy Attorney General, in conjunction with Board member Dr. Karl McIntosh, a practicing psychiatrist. Dr. McIntosh undertook the responsibility to assist the parties in identifying a satisfactory preceptor for Dr. Green and to assist in developing a program designed to meet Dr. Green's deficiencies as noted in the CPEP report.

On June 4, 2002, Dr. McIntosh submitted an interim report of the progress he had made with Dr. Green in developing a program to address certain observed deficiencies. Dr. McIntosh reported that Dr. Green had submitted an application for an Intensive Diagnostic Interview course and an

application for a course in Psychopharmacology, both to be given at Harvard Medical School. Dr. Green had also explored a course involving Sexual Feelings in Psychotherapy and was attempting to contact the Director of Psychiatry at Christiana Health Services, an individual who has experience in training residents. The Board considered Dr. McIntosh's report and comments by Dr. Green and determined to table this matter for additional information and a further recommendation from Dr. McIntosh. Dr. McIntosh submitted a supplemental report and recommendation to the Board on July 23, 2002. Copies of the supplemental report were provided to Dr. Green, his attorney, and to the prosecuting Deputy Attorney General, as well as to each Board member. This document is the final Order of the Board reflecting the Board's deliberation and decision of September 10, 2002 and imposing disciplinary sanctions upon Leon Morton Green, M.D.

SUMMARY OF CPEP REPORT

This document reported that, based upon the analysis performed, Dr. Green's cognitive function screen performance was normal and his health information review indicated no problems that should limit his ability to practice medicine. Dr. Green demonstrated adequate communications skills. However, he did not show good judgment in his style of patient care documentation and his patient care documentation was unacceptable. Overall, Dr. Green demonstrated adequate medical knowledge and communications skills, but his clinical judgment varied and was at times questionable. He demonstrated need in decision-making related to management of boundaries, transference, and counter-transference; choice of therapeutic modalities; consistent use of mental status exams, other tools as a part of initial patient evaluation and patient progress monitoring, and the use of pharmacotherapy tailored to the individual. He also demonstrated need in differential diagnosis and the need for ongoing psychotherapy supervision and a reduction in isolation as well as the need for an improved documentation system.

CREATION OF A SUPERVISORY COMMITTEE

Pursuant to the power of the Board to designate various Board Committees as set forth in 29 *Del. C.* §1730(a)(13), the Board, by resolution and the affirmative vote of not less than a majority of its members, hereby establishes a Supervisory Committee consisting of Board member Karl McIntosh, M.D., and Peter Zorach, M.D. who is not a member of the Board, to function as a Board Committee to administer terms and conditions of probation for Dr. Leon Green. Such committee is to provide supervision and mentoring of Dr. Green so long as it deems necessary and shall conduct periodic random chart reviews of Dr. Green's patients and provide quarterly written reports concerning Dr. Green's progress to the Executive Director of the Board.

DISCIPLINARY ACTION

By the affirmative vote of not less than nine (9) of the members of the Board, the Delaware Board of Medical Practice accepts the recommendations of Dr. Karl McIntosh and, on the basis of the totality of the record in this case, imposes the following disciplinary sanction on Leon Morton Green, M.D.:

I. The Board hereby removes and terminates the suspension of Dr. Green's Certificate to Practice Medicine and Surgery in the State of Delaware which suspension was imposed, and conditionally, and indefinitely stayed on November 6, 2001, and imposes a period of probation which shall last for not less than three (3) years from the date of this Order during which Dr. Green shall be subject to the following terms and conditions:

A. He shall cooperate with the Committee providing supervision, mentoring, and periodic chart reviews of his patients; and,

B. he shall attend and successfully complete the following educational interventions:

1. Intensive Diagnostic Interviewing presented by Harvard Medical School Department of Continuing Education to be held at the Massachusetts Mental Health Center, 74 Fenwood Road, Boston, Massachusetts on September 11-13, 2002; and,

2. Psychopharmacology, presented by Harvard Medical School Department of Continuing Education to be held at the Westin Hotel, Copley Place, 10 Huntington Avenue, Boston, Massachusetts on October 11-13, 2002; and

3. The 18th Annual Meeting of the International Society for Traumatic Stress Studies to be held on November 7, 2002 at The Baltimore Marriott, Waterfront Hotel, Baltimore, Maryland, to include participation in the following events:

- (i) Risk Management in the treatment of complex trauma
- (ii) Structural Dissociation and Phase-oriented treatment of Chronic Trauma.

C. Dr. Green shall demonstrate to the satisfaction of the Executive Director and the Supervision Committee successful remediation of the deficiencies noted in the Colorado Personalized Education for Physicians (CEPEP) Assessment Report and Executive Summary.

The Board reserves the jurisdiction and authority to take such other or further action in this matter as may be deemed necessary or proper to protect the public health, safety, and welfare should there be any failure to comply with the terms and conditions of probation or other charges filed by the Office of the Attorney General against Leon Morton Green, M.D.

BY ORDER OF THE BOARD:

DATED: _____

9/10/2002



Edward J. McConnell, M.D.
Board President

**BEFORE THE BOARD OF MEDICAL PRACTICE
OF THE STATE OF DELAWARE**

IN THE MATTER OF THE)	
FORMAL COMPLAINT AGAINST)	OPINION AND ORDER
LEON MORTON GREEN, M.D.)	Complaint No. 00-33

BACKGROUND

A complaint alleging unprofessional conduct including unethical behavior, misconduct, incompetence and gross negligence was lodged against Leon M. Green, M.D. The Complaint was presented to and accepted by the Board of Medical Practice as a Formal Complaint at the Board's meeting on February 6, 2001. As directed by Section 1734(a) of the Medical Practice Act, the Board designated a three member hearing panel consisting of Janet Kramer, M.D., Bentley Hollander, M.D., and Public Board member Mr. Yogesh Kansal to consider the evidence to be presented concerning the complaint. An evidentiary hearing was scheduled upon due notice to Dr. Green and, on September 13, 2001, the designated hearing panel filed its Hearing Panel Report with the Board..

The Board met to consider the Hearing Panel Report on November 6, 2001. This is the written opinion and order of the Board after formal hearing as required by 24 *Del. C.* §1734(f). At the formal public hearing , Dr. Green was represented by Gilbert F. Shelsby, Jr., Esquire. Phoebe Young, Esquire, the prosecuting Deputy Attorney General, appeared in support of the complaint.

SUMMARY OF THE EVIDENCE

The summary of the evidence as required by 29 *Del. C.* §10128 is set forth in the Report of the Hearing Panel which is attached hereto and by this reference incorporated herein.

FINDINGS OF FACT

The Board , as required by the provisions of 24 *Del. C.* §1734(f), by unanimous vote¹ of all members participating in the hearing, adopts the findings of fact set forth in the hereto attached Hearing Panel Report.

CONCLUSIONS OF LAW

The Board, by the unanimous affirmative vote of all members present and participating in the formal hearing, accepts and adopts the conclusions of law A, B, C and E and as set forth in the attached Hearing Panel Report. The Board does not accept Conclusion D as submitted by the Hearing Panel and revises proposed Conclusion D to read as follows:

His admitted exploitative misbehavior for his own gratification without any therapeutic value to the patient constituted misconduct in violation of 24 *Del C.* §1731(b)(11).

This Conclusion, as modified, is adopted by the unanimous vote of all participating Board members.

DISCIPLINARY ACTION

By the unanimous affirmative vote of the eleven members of the Board participating in the formal hearing, the Delaware Board of Medical Practice accepts, with modifications as noted below, the disciplinary recommendations of the Hearing Panel and imposes the following disciplinary sanction on Leon Morton Green, M.D.:

1. The Board hereby suspends Dr. Green's Certificate to practice medicine and surgery in the State of Delaware for an indefinite period, but holds such suspension in abeyance pending a full assessment and evaluation of Dr. Green under the following conditions:

a. Dr. Green shall, within five (5) business days of the date of this Order, in coordination with the Executive Director of the Board, make application for assessment at his own expense by

¹ The members of the Board participating in the formal hearing on November 6, 2001 were: Catherine Hickey, Esquire; Garrett Colmorgen, M.D.; Michael G. Green; Constantine W. Michell, D.O.; V. Raman Sukumar, M.D.; Bruce Bolasny, M.D.; Vance Daniels; Carolyn E. McKown; Francis Marro, M. D.; Galicano Inguito, M.D., and Karl McIntosh, M.D.

the Assessment Center Program of the Post Licensure Assessment System developed by the Federation of State Medical Boards and the National Board of Medical Examiners. He shall submit himself for such assessment within ninety (90) days of the date of this Order and fully cooperate with the assessment process.

b. If Dr. Green complies with these time requirements for assessment and fully cooperates with the Assessment Center, the suspension of his certificate to practice medicine and surgery in the state of Delaware shall continue to be held in abeyance pending receipt and consideration by of the assessment report by the Board..

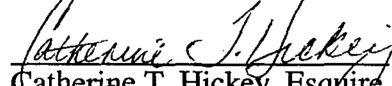
c. Upon receipt of the Assessment Report, the Board will promptly convene in executive session to discuss medical information contained in such Assessment Report. After discussion of the medical information contained in the Assessment Report, the Board will, in open session, discuss and determine what further disciplinary action, if any, is appropriate to protect the public and, to the extent deemed necessary and feasible, to further educate and/or rehabilitate Dr. Green.

d. The Board reserves the jurisdiction and authority to enter such other or further Orders as may be deemed necessary and proper for Dr. Green's failure to fully cooperate with the assessment process in a timely manner or upon consideration of the Assessment Report.

e. The Board may require Dr. Green to comply with appropriate recommendations resulting from the assessment concerning further or remedial education and any practice conditions or limitations deemed appropriate for the safety and security of patients which may include, if warranted, a period of probation and a contract with the Physician's Health Committee of the Medical Society of Delaware.

DATED: November 8, 2001

BY ORDER OF THE BOARD:


Catherine T. Hickey, Esquire
Board President