

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

vs.

DANIEL H. GOLWYN, M.D.,

Respondent.

CASE NO. 0106956.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Medicine against Daniel H. Golwyn, hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a licensed physician in the State of Florida having been issued license number ME 0014438. Respondent's last known address is 701 East Semoran Boulevard, Altamonte Springs, Florida 32715.

3. Respondent has, for a period of over fifteen years, suffered from drug and alcohol abuse.

4. On or about July 10, 1987, Dr. Roger Goetz of the Physician's Recovery Network conducted an intervention of behalf of Respondent at the Peabody Hotel. Respondent was instructed to report to Mt. Sinai Medical Center in Miami, Florida for admission to a Board approved alcohol treatment program on July 13, 1987.

5. On or about July 13, 1987 Respondent checked into the Mt. Sinai Medical Center Chemical Dependency unit for evaluation with an admitting diagnosis of alcoholism and sedative dependency.

6. Subsequent to his admission a right hip fracture was diagnosed, requiring a transfer to the orthopedic service. Respondent's hospitalization in the orthopedic unit lasted approximately seven weeks. Upon admission to Mt. Sinai, a drug screen performed on Respondent tested positive for the sedatives, benzodiazapenes and benedryl.

7. During his hospitalization at Mt. Sinai, Respondent exhibited full-blown alcohol and sedative withdrawal syndrome. Respondent admitted taking both Valium in doses of 10-15 mgs. and Xanax in unmeasured amounts.

8. Valium is a brand name for diazepam and is a Schedule IV controlled substance, with a potential for abuse which may lead to limited physical or psychological dependence.

9. Xanax is a brand name for alprazolam and is a Schedule IV controlled substance, with a potential for abuse which may lead to limited physical or psychological dependence.

10. Respondent was advised during his orthopedic treatment that he was alcohol and sedative dependent and in need of comprehensive treatment. Upon discharge from the orthopedic service it was ordered that Respondent be transferred to the Alcohol Treatment Program.

11. Respondent refused to be treated for alcohol and sedative dependence and on or about September 3, 1987, he discharged himself from Mt. Sinai against medical advice. Respondent did not complete the treatment program at Mt. Sinai for his alcoholism and drug abuse problem.

12. Since his discharge from Mt. Sinai, Respondent has failed to enter or complete a Board approved treatment program pursuant to Section 458.3315, Florida Statutes.

13. Respondent is unable to practice medicine with reasonable skill and safety to patients by reason of his use of alcohol and drugs.

COUNT ONE

14. Based on the foregoing, the Respondent has violated Section 458.331(1)(s), Florida Statutes, in that he is unable to practice medicine with reasonable skill and safety by reason of illness or use of alcohol, drugs, narcotics, chemicals, or any other type of material or as a result of a mental or physical condition.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine to enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an

administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 15th day of September, 1989.

LARRY GONZALEZ
Secretary



BY: Stephanie A. Daniel
Chief Medical Attorney

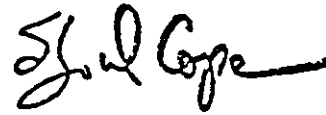
COUNSEL FOR DEPARTMENT:

Don Hyman
Senior Attorney
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1940 North Monroe Street,
Suite 60
Tallahassee, FL 32399-0792
(904)488-0062

MS/mkh
MSH
PCP:

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK

DATE

9-15-89

**STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS**

**DEPARTMENT OF PROFESSIONAL
REGULATION,**

Petitioner,

**DOAH CASE: 89-005901
DPR CASE: 0106956**

vs.

DANIEL H. GOLWYN, M.D.

Respondent.

STIPULATION

DANIEL H. GOLWYN, M.D., referred to as Respondent, and the Department of Professional Regulation, referred to as Department, stipulate and agree to the following joint Stipulation and Final Order of the Board of Medicine, referred to as Board, incorporating this Stipulation and agreement in this case.

STIPULATED FACTS

1. At all times material to this matter, Respondent was a licensed physician in the State of Florida having been issued license number ME 0014438.
2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint attached as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed physician, admits that in such capacity he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, attached hereto as Exhibit "A", if proven, constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. Respondent agrees to reimburse the Department for \$2,000.00 in costs. These costs shall be paid by the Respondent to the Executive Director of the Board within ninety (90) days of its imposition by Final Order of the Board.

3. Effective on the date of the filing of the Final Order incorporating the terms of this Stipulation, Respondent's license to practice medicine shall be placed on probation for a period of five (5) years. The terms and conditions of probation shall include:

A. Respondent shall comply with all state and federal statutes, rules and regulations pertaining to the practice of medicine, including Chapters 455, 458, and 893, Florida Statutes, and Rule 21M, Florida Administrative Code.

✓ B. Respondent shall not consume, inject or ingest any controlled substances unless prescribed, dispensed or administered by a practitioner authorized by law to prescribe, administer or dispense controlled substances. Any controlled substances prescribed by another practitioner shall be consumed, injected or ingested for a medically justifiable purpose only. Furthermore, Respondent shall advise the Board in writing of any controlled substances which he is taking, immediately. Such written notification shall provide the name, strength and dosage of the controlled substance, the name of the practitioner responsible for prescribing, administering, dispensing or ordering the controlled substance, and the medical reason for which the drug is prescribed.

✓ C. Respondent shall not consume alcohol.

✓ D. Respondent shall see a psychiatrist approved by the Board at least once per month for evaluation and treatment. Respondent shall submit the name and a curriculum vitae of a proposed treating psychiatrist to the Board in conjunction with its consideration of this Stipulation for review. Respondent's treating psychiatrist shall submit reports to the Board on a quarterly basis detailing

Respondent's current psychiatric condition, providing specific information about the diagnosis of Respondent's psychiatric condition, the results of any psychiatric testing, examination or evaluation, and any update of the patient's psychiatric history.

✓ E. Respondent shall submit to random blood and urine testing for the purposes of ascertaining Respondent's compliance with his probation. The random blood and/or urine screen shall be conducted as follows:

✓ i. An investigator of the Department shall at unannounced times contact the Respondent and shall request that the Respondent appear within 24 hours at an independent laboratory or medical facility and furnish a specimen of blood and/or urine as directed by the investigator.

✓ ii. The Respondent shall, upon such request, provide said blood and/or urine specimen within 24 hours and shall provide it in the presence of an employee of the laboratory or medical facility or the investigator.

✓ iii. Respondent shall not at any time refuse to provide the requested specimen, within the 24 hour period.

✓ iv. Respondent shall, at the time that the specimen is furnished, advise the investigator of all drugs or medications taken by the Respondent (whether legend or otherwise) in the period since the last random specimen was obtained. Failure to submit to a random blood and/or urine

screen shall constitute a violation of the terms of this Stipulation.

✓ F. Respondent shall not prescribe, dispense or administer any controlled substances as defined by Chapter 893, Florida Statutes to himself.

G. Respondent shall submit quarterly reports, in affidavit form, the contents of which shall be specified by the Board. The reports shall include:

i. Brief statement of why physician is on probation.

ii. Description of practice location.

iii. Describe current practice (type and composition).

iv. Brief statement of compliance with probationary terms.

v. Describe relationship with monitoring physician.

vi. Advise Board of any problems.

4. Respondent understands that during the course of the probation, quarterly reports shall be prepared by investigators with the Department detailing Respondent's compliance with the terms and conditions of this probation. Respondent waives confidentiality of these reports as to the Board and Department only so that the Board may review these reports.

5. Respondent shall pay all costs necessary to comply

with the terms of the Final Order issued based on this Stipulation. Such costs include, but are not limited to, the cost of preparation of investigative reports detailing compliance with the terms of this Stipulation, the cost of analysis of any blood or urine specimens submitted pursuant to this Stipulation, and the Board's administrative costs directly associated with Respondent's probation. See Section 458.331(2), Florida Statutes.

6. It is expressly understood that this Stipulation is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs of the Stipulated Facts, Stipulated Conclusions of Law and Stipulated Disposition) shall have no force and effect unless a Final Order is entered incorporating the terms of this Stipulation, by the Board.

7. Respondent shall appear before the Board at the meeting of the Board where this Stipulation is considered. Respondent, in conjunction with the consideration of this Stipulation by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff.

8. Should this Stipulation be rejected, no statement made in furtherance of this Stipulation, by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment only.

9. Respondent and the Department fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions other than the alleged violations of Section 458.331(1)(s), Florida Statutes for the period of time up to and including the date of the Board's consideration of this Stipulation.

10. Upon the Board's adoption of this Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint Stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said Stipulation.

11. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this proceeding. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

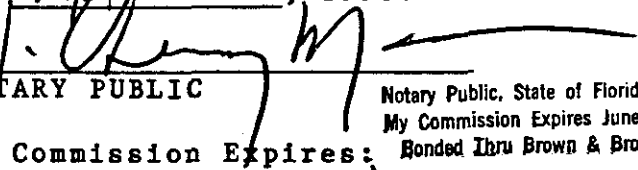
12. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file

materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

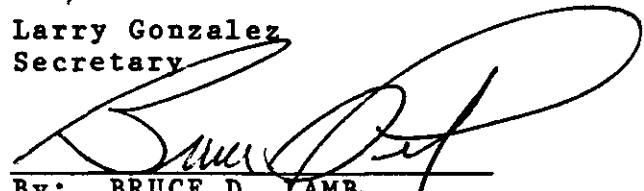
SIGNED this 4th day of April, 1990.


DANIEL H. GOLWYN, M.D.

Sworn to and subscribed before me this 4th day of April, 1990.


NOTARY PUBLIC Notary Public, State of Florida at Large
My Commission Expires June 30, 1993
My Commission Expires: Bonded Thru Brown & Brown, Inc.

APPROVED this 1st day of May, 1990.

Larry Gonzalez
Secretary

By: BRUCE D. LAMB
Chief Trial Attorney

FILED

Department of Professional Regulation
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

Shul Coye

CLERK

DATE

8-16-90

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

-vs-

DPR CASE NUMBER: 0106956
LICENSE NUMBER: ME 0014438

DANIEL H. GOLWYN, M.D.,

Respondent.

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on August 3, 1990, in Jacksonville, Florida, for consideration of an Oral Stipulation entered into between the parties in the above-styled case. Said Oral Stipulation incorporated terms of a written stipulation rejected by the Board (attached hereto as Exhibit A). Upon consideration of the Oral Stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

The terms and conditions of the Oral Stipulation are as follows:

1. Pages one and two of the original Stipulation (Exhibit A) are adopted and incorporated herein.

2. Respondent shall comply with all state and federal statutes, rules and regulations pertaining to the practice of medicine, including Chapters 455, 458, and 893, Florida Statutes, and Rules 21M, Florida Administrative Code.

3. Respondent shall appear before the Probation Committee at the first meeting after said probation commences, at the last meeting of the Probation Committee preceding termination of probation, and at such other times requested by the Committee. Respondent shall be noticed by Board staff of the date, time and place of the Board's Probation Committee meeting whereat Respondent's appearance is required. The next scheduled meeting of the Probation Committee is September 20, 1990, in Tampa, Florida. Failure of the Respondent to appear as requested or directed shall be considered a violation of the terms of this Order, and shall subject the Respondent to disciplinary action.

4. In the event Respondent leaves the State of Florida for a period of thirty (30) days or more, or otherwise does not engage in the active practice of medicine in Florida, then certain provisions of Respondent's probation (and only those provisions of said probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida. Respondent must keep current residence and business addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

5. In the event that Respondent leaves the active practice of medicine in this state for a period of thirty days or more, the time period of probation shall be tolled.

6. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Probation Committee may require Respondent to appear before the Probation Committee and demonstrate his ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine in this State.

7. Respondent shall submit quarterly/semiannual reports in affidavit form, the contents of which shall be specified by the Board. The reports shall include:

- (a) Brief statement of why physician is on probation.
- (b) Practice location.
- (c) Describe current practice (type and composition).
- (d) Brief statement of compliance with probation terms.
- (e) Advise Board of any problems.

8. Respondent shall see a psychiatrist approved by the Board or Probation Committee at least once per month for evaluations and treatment.

9. Respondent shall not consume, inject or ingest any controlled substances unless prescribed or administered by another practitioner authorized by law to prescribe or dispense controlled substances. However, the drugs shall only be consumed, injected or ingested for a medically justifiable purpose. Furthermore, Respondent shall immediately advise the Board in writing of any controlled substances which Respondent is taking. Such written notification shall provide the name, strength and dosage of the controlled substance, the name of the practitioner, dispensing or ordering the controlled substance, and the medical reason for which the drug is prescribed.

10. Respondent shall not consume alcohol.

11. Respondent shall participate and comply with the Physicians' Recovery Network. Respondent shall enter into an after care contract with the Physicians' Recovery Network and shall cause the Network to send to the Board a copy of the after care contract entered into. Respondent shall comply with all of the conditions of his after care contract with the Florida Medical Foundation's Physicians' Recovery Network. Respondent shall execute a release for the Physicians' Recovery Network to authorize the Network to release information to the Board of Medicine as needed to monitor progress in the Network's program.

12. Respondent shall cause the director of the Physicians' Recovery Network to report to the Board of Medicine any problems that may occur with Respondent and any violations of Chapter 458, Florida Statutes. Respondent shall cause the director to make such a report within 60 days of the occurrence of any problems, or violations of Chapter 458, Florida Statutes.

13. Respondent shall attend AA or NA meetings on a frequency of at least one meeting per week. Additionally, Respondent shall attend Cadeucus meetings on a frequency of not less than one meeting per week. To the extent religious beliefs or acceptance of religious beliefs are inconsistent with Respondent's successful completion of these programs, Respondent shall attend alternate programs as directed by the Consultant, Physicians' Recovery Network.

14. Respondent shall submit to random blood and/or urine testing for the purposes of ascertaining Respondent's compliance

with his probation. The random blood and/or urine screen shall be conducted as follows:

1. An investigator shall at unannounced times present himself to the Respondent and shall request that the Respondent furnish a specimen of blood and/or urine to the investigator.
2. The Respondent shall, upon such request, immediately provide said blood and/or urine specimen and shall provide it in the presence of the investigator.
3. Respondent shall not at any time refuse to immediately provide the requested specimen.
4. Respondent shall, at the time that the specimen is furnished, advise the investigators of all drugs or medications taken by the Respondent (whether legend or otherwise) in the period since the last random specimen was obtained.

Failure to submit to a random blood and/or urine screen shall constitute a violation of the terms of this Order.

15. During this period of probation, semi-annual investigative reports will be compiled by the Department of Professional Regulation concerning Respondent's compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

16. In addition, Paragraphs 6-12 of the Stipulated Disposition of the original Stipulation (Exhibit A) are adopted and incorporated herein.

17. Respondent agrees to an emergency suspension of his license if he fails to comply with the terms of his contract with the Physicians' Recovery Network.

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall

adhere to and abide by all of the terms and conditions of the Stipulation.

This Order takes effect upon filing with the Clerk of the Department.

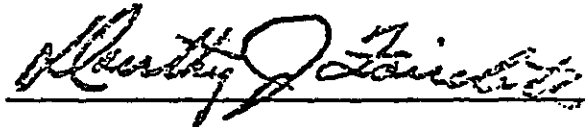
DONE AND ORDERED this 13 day of August, 1990.

BOARD OF MEDICINE


MARGARET C.S. SKINNER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Daniel H. Golwyn, M.D., P.O. Box 1408, Altamonte Springs, Florida 32715; Gary R. Dorst, Attorney at Law, 127 N. Magnolia Avenue, Orlando, Florida 32801; and J. Cheney Mason, Attorney at Law, 127 N. Magnolia Avenue, Orlando, Florida 32801, and by interoffice delivery to Bruce D. Lamb, Chief Trial Attorney, Department of Professional Regulation, 730 S. Sterling Street, Suite 201, Tampa, Florida 33601, at or before 5:00 P.M., this 16 day of August, 1990.


BRUCE D. LAMB