

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2001-12840**

**WILLIAM GREENFIELD, M.D.,**

**RESPONDENT.**

**ADMINISTRATIVE COMPLAINT**

Petitioner, Department of Health, by and through undersigned counsel, files this Administrative Complaint before the Board of Medicine against Respondent, William Greenfield, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of Medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed physician within the state of Florida and was issued license number ME 10262.

3. Respondent's address of record is 1380 NE Miami Gardens Drive, Suite 205, Miami, Florida 33179-4776.

4. Respondent is not board certified.

**FACTS RELATING TO STANDARD OF CARE VIOLATION**

5. In August of 1991, Respondent began treating Patient A.G. for depression and borderline personality.



6. In 1998 or 1999, Respondent hired Patient A.G. as a part-time office assistant.

7. Respondent did not cease treatment of Patient A.G. during her employment period.

8. On or about October 17, 2000, Respondent terminated Patient A.G.'s employment.

9. A reasonably prudent similar physician would not have hired a patient as an employee.

#### **COUNT ONE -- STANDARD OF CARE**

10. Petitioner realleges and incorporates paragraphs one (1) through nine (9) as if fully set forth herein.

11. Section 458.331(1)(t), Florida Statutes (2001), sets forth grounds for disciplinary action by the Board of Medicine and provides that a physician may be subject to discipline for gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

12. Respondent committed gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, by employing a patient.

13. Based on the foregoing, Respondent has violated Section 458.331(1)(t), Florida Statutes, by committing gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a

reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

### **FACTS RELATING TO LEGAL OBLIGATION**

14. On or about April 12, 1999, Respondent completed and submitted the Mandatory Practitioner Profile Questionnaire to the Department of Health.

15. Respondent indicated on the questionnaire that he had staff privileges at Aventura Medical Center and Parkway Medical Center.

16. On or about March 6, 2000, Respondent resigned his privileges at Parkway Medical Center.

17. Respondent failed to notify the Department within 45 days of any corrections, updates or modifications to his core credentials data, as required by Section 456.047, Florida Statutes.

### **COUNT TWO – LEGAL OBLIGATION**

18. Petitioner realleges and incorporates paragraphs one (1) through four (4) and paragraphs fourteen (14) through seventeen (17) as if fully set forth in this count.

19. Section 458.331(1)(g), Florida Statutes (2001), sets forth grounds for disciplinary action by the Board of Medicine and provides that a physician may be subject to discipline for failing to perform any statutory or legal obligation placed upon a licensed physician.

20. Section 456.047(3)(a)2, Florida Statutes, provides that every health care practitioner shall notify the department within 45 days of any corrections, updates or modifications to the core credentials data either through his or her designated credentials verification organization or by submitting the data directly. Corrections,

updates, and modifications to the core credentials data provided the department under this section shall comply with the updating requirements of Section 456.039(3) or Section 456.0931(3) related to profiling.

21. Based on the foregoing, Respondent has violated Section 458.331(1)(g), Florida Statutes, by failing to perform any statutory or legal obligation placed upon a licensed physician.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 23 day of JUNE, 2003.

John O. Agwunobi, M.D., M.B.A.  
Secretary, Department of Health

*Trisha D. Bowles*

Trisha D. Bowles  
Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, Bln C-65  
Tallahassee, FL 32399-3265  
Florida Bar # 0179892  
(850) 410-4563  
(850) 414-1989 FAX

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Vicki R. Kenan*  
DATE: 6/25/03

tdb

Reviewed and approved by: ORL (initials) 4/29/03 (date)

PCP: June 20, 2003  
PCP Members: El-Bahri, Long, McMillin

## **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

## **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**

PRACTITIONER REGULATION  
LEGAL

2003 OCT 17 PM-1:23

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH  
BOARD OF MEDICINE**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**DOH CASE NUMBER 2001-12840**

**WILLIAM GREENFIELD, M.D.,**

**Respondent.**

**CONSENT AGREEMENT**

William Greenfield, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes.

**STIPULATED FACTS**

1. At all times material hereto, the Respondent was a licensed physician in the State of Florida having been issued license number ME 10262.

2. The Respondent was charged by an Administrative Complaint filed by the Agency and properly served upon the 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 hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

**STIPULATED CONCLUSIONS OF LAW**

1. The Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. The Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

**STIPULATED DISPOSITION**

1. **FUTURE CONDUCT.** The Respondent shall not in the future violate Chapters 456, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, the Respondent shall read Chapters 456, 458, 893 and the Rules of the Board of Medicine, at Section 64B8, Florida Administrative Code.

2. **LETTER OF CONCERN.** Respondent shall receive a Letter of Concern from the Board of Medicine.

3. **ADMINISTRATIVE FINE.** The Board shall impose an administrative fine in the amount of two thousand dollars (\$2,000.00) against the Respondent. The fine

shall be paid by the Respondent to the Board of Medicine within THIRTY DAYS of its imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINES IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND THE RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN THIRTY DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS).**

4. **REIMBURSEMENT OF COSTS.** In addition to the amount of any fine noted above, the Respondent agrees to reimburse the Department for any administrative costs incurred in the investigation, prosecution, and preparation of this case, including costs assessed by the Division of Administrative Hearings, if applicable, and by the Board of Medicine office. **The agreed upon Agency costs to be reimbursed in this case is three thousand, nine hundred nineteen dollars and forty-two cents (\$3,919.42).** The costs shall be paid by the Respondent to the Board of Medicine within THIRTY DAYS of its imposition by Final Order of the Board. **THE RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL**



**OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS CONSENT AGREEMENT, SPECIFICALLY: IF THE RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE WITHIN THIRTY DAYS OF THE FILING OF THIS FINAL ORDER, THE RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY THE RESPONDENT FROM THE BOARD. (SEE EXHIBIT B OF THIS CONSENT AGREEMENT FOR BOARD ADDRESS AND STANDARD TERMS).**

5. **CONTINUING MEDICAL EDUCATION.** Within one year of the date of the filing of a Final Order in this cause, Respondent shall attend Continuing Medical Education (CME) in the area of Legal and Ethical Implications in Medicine. Respondent shall submit a written plan to the Chairman of the Probationer's Committee for approval prior to the completion of said continuing education hours and course. The Board confers authority on the Chairman of the Probationer's Committee to approve or disapprove said continuing education hours or course. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the entry of the Final Order in this matter. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was previously provided during the course of any audit or

discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education course shall consist of a formal, live lecture format.

6. **COMMUNITY SERVICE.** During the next twelve months following the filing date of a Final Order in this case, Respondent shall perform thirty (30) hours of community service. Community service shall consist of the delivery of medical services directly to patients, without fee or cost to the patient, for the good of the people of the state of Florida. Such community service shall be performed outside the Respondent's regular practice setting. Respondent shall submit a written plan for performance and completion of the community service to the Board for approval prior to performance of said community service. Affidavits detailing the completion of community service requirements shall be filed with the Board quarterly.

7. **MITIGATING FACTORS:** In arriving at this disposition the parties considered the following mitigating factors: Respondent has no prior discipline with the Board and there were no legal restraints on Respondent at the time of the offense.

#### **STANDARD PROVISIONS**

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

2. Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

3. Respondent and the Department fully understand that this joint agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

4. Upon the Board's adoption of this Agreement, 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 Agreement and the Final Order of the Board incorporating said Agreement.

5. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

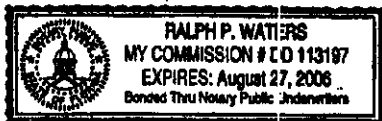
6. This agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement 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 15 day of October, 2003.

Wm Greenfield, MD  
William Greenfield, M.D.

Before me, personally appeared Wm Greenfield, whose identity is known to me by Personally (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 15 day of October, 2003.



Ralph P. Waters  
NOTARY PUBLIC

My Commission Expires:

APPROVED this 21<sup>st</sup> day of October, 2003.

John O. Agwunobi, M.D., M.B.A.,  
Secretary, Department of Health

By: Wings S. Benton  
Wings S. Benton  
Deputy General Counsel  
Department of Health

**EXHIBIT B**

**STANDARD TERMS APPLICABLE TO CONSENT AGREEMENTS**

The following are the standard terms applicable to all Consent Agreements, including supervision and monitoring provisions applicable to licensees on probation.

A. **PAYMENT OF FINES.** Unless otherwise directed by the Consent Agreement, all fines shall be paid by check or money order and sent to the Board address as set forth in paragraph E, below. The Board office does not have the authority to change terms of payment of any fine imposed by the Board.

B. **COMMUNITY SERVICE AND CONTINUING EDUCATION UNITS.** Unless otherwise directed by the Consent Agreement, all community service requirements, continuing education units/courses must be completed, and documentation of such completion submitted to the Board of Medicine at the address set forth below in paragraph E, **WITHIN ONE YEAR OF THE DATE OF THE FINAL ORDER.**

C. **ADDRESSES.** The Respondent must keep current residence and practice addresses on file with the Board. The Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, if the Respondent's license is on probation, the Respondent shall notify the Board within ten (10) days in the event that the Respondent leaves the active practice of medicine in Florida.

D. **COSTS.** Pursuant to Section 458.331(2), Florida Statutes, the Respondent shall pay all costs necessary to comply with the terms of this Consent Agreement. Such costs include, but are not limited to, the cost of preparation of Investigative Reports detailing compliance with the terms of the Consent Agreement, obtaining supervision or

monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with the Respondent's probation.

E. **BOARD ADDRESS.** Unless otherwise directed by the Board office, all fines/costs shall be sent to Department of Health, HMQAMS/Client Services, P.O. Box 6320, Tallahassee, FL 32314-6320. ATTN: Medical Compliance Officer. All reports, correspondence and inquiries must be sent to Department of Health, HMQAMS/Client Services/Bin C01, 4052 Bald Cypress Way, Tallahassee, FL 32399-3251, ATTN: Medical Compliance Officer.

CM

Final Order No. DOH-03-1503-5 -MOA  
FILED DATE - 12/11/03  
Department of Health

STATE OF FLORIDA  
BOARD OF MEDICINE

By: Heather Coleman  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH Case No.: 2001-12840  
License No.: ME0010262

WILLIAM GREENFIELD, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on December 7, 2003, in Tampa, Florida, for the purpose of considering a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, the Board rejected the Consent Agreement and offered a Counter Consent Agreement which was accepted on the record by the parties. The Counter Consent Agreement incorporates the original Consent Agreement with the following amendments:

1. The fine set forth in Paragraph 3 if the Stipulated Disposition shall be reduced to \$1,000.
2. The requirement for community service as set forth in Paragraph 6 of the Stipulated Disposition shall be deleted.

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the amendments set forth above. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement as amended.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 11<sup>th</sup> day of December, 2003.

BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director  
for Raghavendra Vijayanagar, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to WILLIAM GREENFIELD, M.D., 1380 NE Miami Gardens Drive, Suite 205, Miami, Florida 33179-4779; to Richard Baron, Esquire, 501 Northeast 1<sup>st</sup> Avenue, Miami, Florida; and by interoffice delivery to Denise O'Brien and Pamela Page, Department of Health, 4052 Bald Cypress



Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 11 day  
of December, 2003.

Erica Prime

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