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**File No.:** 18-49-02613

**Docket No:** -49-18

(ITS File No. 17-49-05910/Docket No. 0445-49-18)

**PARTIES**

### **APPLICABLE LAW**

### **LICENSURE STATUS**

2. At all relevant and material times, Respondent held the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD424844, which was originally issued on July 13, 2004; however, Respondent's license has

been under immediate temporary suspension as of March 1, 2018 (File No. 17-49-05910/Docket No. 0445-49-18)<sup>1</sup>.

**STIPULATED FACTS**

3. The Respondent admits that the following allegations are true:

a. Absent additional Board action, Respondent's license may be continually reactivated, renewed, or reinstated upon the filing of the appropriate documentation and payment of the necessary fees.

b. Respondent's last known address on file with the Board is: 7700 Chapel Road, Elkins Park, PA 19027.

c. On or about December 19, 2016, Respondent self-reported to the Bureau of Professional and Occupational Affairs (BPOA) that he was asked to submit to a fitness for duty drug test by his employer after he started acting strangely at work. The drug test was positive for Alprazolam, and Respondent admitted to taking Alprazolam. In addition, Respondent admitted to a diagnosis of Bipolar disorder, and being under the care of a psychiatrist.

d. Pursuant to a July 18, 2017 letter from Respondent to this Petitioner, Respondent admitted to having PTSD and Bipolar I disorder. In addition, Respondent stated that he is currently very debilitated and unable to think clearly or make rational decisions. He further indicated that he has post concussive syndrome from head injuries sustained from an assault by a patient in January of 2017.

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<sup>1</sup> The members of the Probable Cause Screening Committee that signed the Order granting the Petitions for Immediate Temporary Suspension were: John M. Mitchell, LP, CCP, Keith Loiselle, and Charles A. Castle, MD.

e. A Petition for Mental and Physical Examination was presented to the Medical Board's Probable Cause Screening Committee (PCSC) at its October 31, 2017 meeting. The Petition was granted by the Board's PCSC.<sup>2</sup>

f. Pursuant to the Board's October 31, 2017 Order Compelling Mental and Physical Examination, as well as, the Notice of Mental and Physical Examination, Respondent was required to submit to a mental and physical examination by Richard M. Sobel, M.D. (Dr. Sobel) on December 15, 2017.

g. Respondent appeared and was examined by Dr. Sobel.

h. Following his in-person examination and review of the provided documentation, Dr. Sobel produced a February 24, 2018 written report, which opined within a reasonable degree of medical certainty that:

(1) "Dr. Danielson presents with a history of bipolar affective disorder, a diagnosis of ADHD, hypersomnolence<sup>3</sup> of unknown etiology, a history of three psychiatric hospitalizations, and a history of three separate inpatient treatments for alcohol and sedative abuse."; and

(2) "Based on Dr. Danielson's history of alcoholism, self-prescription of alprazolam, current overuse of stimulants, lack of openness about and failure to accept these behaviors as dangerous, it is my opinion that Dr.

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<sup>2</sup> The petition was reviewed and signed by PCSC members: 1) Bruce A. Brod, MD, 2) Keith E. Loiselle and 3) Charles A. Castle, MD.

<sup>3</sup> Hypersomnolence is a condition characterized by excessive sleepiness, regardless of how much sleep an individual receives/obtains.

Danielson is not safe to practice medicine in the Commonwealth of Pennsylvania at this time.”

i. Based on the findings and professional opinion in Dr. Sobel’s report, a Petition for Immediate Temporary Suspension (ITS) was presented, and approved by the Board’s Probable Cause Screening Committee by a March 1, 2018 Order.

j. The ITS was upheld by a by a March 19, 2018 Order following the filing of a March 16, 2018 Joint Motion to Waive the Hearing and Continue the Immediate Temporary Suspension until the end of the 180-day period.

k. Pursuant to the findings and professional opinion in Dr. Sobel’s report, Respondent is unable to practice the profession with reasonable skill and safety to patients.

#### **ALLEGED VIOLATIONS**

4. The Commonwealth alleges that the Board is authorized to suspend or revoke, or otherwise restrict Respondent’s license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; or impose a civil penalty under Section 908 of the Mcare Act, 40 P.S. §§ 1303.908, and/or Section 5(b)(4) of ACT 48, 63 P.S. § 2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at Section 41(5) of the Act in that he cannot practice as a medical physician and surgeon with reasonable skill and safety to patients by reason of illness, addiction to hallucinogenic, narcotic or other drugs or alcohol, or mental incompetence.

#### **PROPOSED ORDER**

5. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:



a. The Board finds that it is authorized to suspend or revoke, or otherwise restrict Respondent's license under Sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; or impose a civil penalty under Section 908 of the Mcare Act, 40 P.S. §§ 1303.908, and/or Section 5(b)(4) of ACT 48, 63 P.S. §2205(b)(4) and/or impose the costs of investigation under Section 5(b)(5) of ACT 48, 63 P.S. § 2205(b)(5), because Respondent violated the Act at Section 41(5) of the Act in that he cannot practice as a medical physician and surgeon with reasonable skill and safety to patients by reason of illness, addiction to hallucinogenic, narcotic or other drugs or alcohol, or mental incompetence.

**INDEFINITE SUSPENSION**

b. Respondent's license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, along with any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as "authorizations to practice the profession") issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board are hereby **INDEFINITELY SUSPENDED**, but with the indefinite suspension requiring the completion of a minimum of one (1) year of active suspension. The effective date of the one (1) year minimum suspension shall deem to be effective as of March 1, 2018, which was the start of the immediate temporary suspension of Respondent's license.

c. Pursuant to the indefinite suspension, Respondent agrees to:

(1) cease practicing as a physician and surgeon in the Commonwealth on and after the effective date of this Consent Agreement, and shall not indicate any ability to

practice the profession in the Commonwealth in any manner whatsoever unless Respondent's license is reinstated by the Board,

(2) not work as an unlicensed assistant to any person holding an authorization from the Board to practice the profession,

(3) not possess a controlling interest in any organization requiring an authorization from the Board to practice the profession, and

(4) not possess a controlling interest in any organization whose employees require an authorization from the Board to practice the profession when conducting the business of the organization.

d. As a prerequisite condition for reinstatement of Respondent's license to practice medicine and surgery in the Commonwealth of Pennsylvania,

(1) Respondent shall submit to a mental and physical examination by a board approved provider, and must receive a determination that he is able to practice the profession with reasonable skill and safety to his patients and the public;

(2) Should the above referenced mental and physical examination result in a determination that Respondent is able to practice the profession with

reasonable skill and safety to his patients and the public,  
but only if he is under an approved monitoring program,  
Respondent will be required to comply with the  
Professional Health Monitoring Program (PHMP) and  
enroll in the Disciplinary Monitoring Program (DMU);

(3) submitting to a skills assessment by a Board  
approved assessor, which results in a finding that  
Respondent has the requisite skills and knowledge  
necessary so that the resumption of unsupervised practice  
does not present a threat to the public health and safety.

(4) Respondent shall have the burden of  
demonstrating to the satisfaction of the Board that the  
Respondent bears the requisite honesty, trustworthiness,  
integrity, and competency to be entrusted to hold a license  
to practice medicine and surgery;

(5) Respondent shall have the burden of  
demonstrating to the satisfaction of the Board that the  
Respondent is not currently under criminal investigation,  
has not been charged with a crime, and/or has not been  
convicted, entered a plea of nolo contendere, guilty or  
entered into ARD.

(6) Respondent acknowledges if the Respondent  
petitions for reinstatement of his license to unrestricted

status, the Board may take actions, which include, but are not limited to a) requiring the Respondent to appear at a formal or informal hearing to determine the Respondent's honesty, trustworthiness, integrity, and competency, and b) granting with conditions c) or denying the petition.

(7) Respondent's failure to fully comply with any terms of this Agreement may also constitute grounds for additional disciplinary action.

(8) Nothing in this Agreement shall preclude the prosecuting attorney for the Commonwealth from filing charges or the Board from imposing disciplinary or corrective measures for violations or facts not contained in this Agreement.

(9) Respondent shall bear the responsibility of all costs incurred by Respondent in complying with the terms of this Order, including production of records.

e. For purposes of this paragraph, the term 'controlling interest' shall include being an owner, officer, manager, director, partner, member, or associate, as well as owning any quantity of outstanding corporate stock sufficient to control or direct the actions of the firm.

f. Respondent shall, within ten (10) days of adoption of this Consent Agreement and Order, surrender Respondent's wall certificate, biennial renewal

~~certificate and wallet card (or notarized affidavit of their loss or destruction) by~~

mailing them to:

Jason Anderson  
Prosecuting Attorney  
Bureau of Professional and Occupational Affairs  
P.O. Box 69521  
Harrisburg, PA 17106-9521

or by delivering them in person at:

Bureau of Professional and Occupational Affairs  
One Penn Center  
2601 North 3rd St.  
Harrisburg, Pennsylvania

g. The **IMMEDIATE TEMPORARY SUSPENSION** of Respondent's  
licenses at File No. 17-49-05910/Docket No. 0445-49-18 is hereby **MADE**  
~~FINAL~~ by this Order.

h. This Order constitutes disciplinary action by the Board and shall be  
reported to other licensing authorities and any applicable national licensing  
databank as a disciplinary action by the Board.

~~i. This case shall be deemed settled and discontinued upon the Board~~  
issuing an Order adopting this Consent Agreement.

#### **ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS**

6. Respondent agrees that if Respondent is charged with a violation of an Act enforced  
by this Board in the future, this Consent Agreement and Order shall be admitted into evidence  
without objection in that proceeding.

#### **ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING**

7. Respondent waives the filing of additional pleadings, including but not limited to an  
Amended Order to Show Cause in this matter. Respondent knowingly and voluntarily waives

~~the right to an administrative hearing in this matter, and knowingly and voluntarily waives the following rights related to that hearing: to be represented by counsel at the hearing; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any final adverse decision.~~

#### **ACKNOWLEDGMENT OF RIGHT TO ATTORNEY**

8. Respondent acknowledges that he is aware that he has the right to consult with, ~~and/or be represented by, private legal counsel of Respondent's choosing and at Respondent's~~ expense when reviewing, considering and accepting the terms of this Consent Agreement.

#### **WAIVER OF CLAIM OF COMMINGLING AND OTHER CONSTITUTIONAL CLAIMS**

9. Respondent expressly waives any constitutional rights and issues, such as ~~commingling of prosecutorial and adjudicative functions by the Board or its counsel, which may~~ arise or have arisen during the negotiation, preparation and/or presentation of this Consent Agreement. Respondent specifically agrees that if the Board rejects this agreement, it may assume that the facts and averments as alleged in this Consent Agreement are true and correct for ~~the limited purpose of recommending a sanction, based on those assumed facts, that would be~~ acceptable to the Board before hearing the case. In the event that the Board does assume the facts and averments as alleged in this Consent Agreement are true for purposes of making a recommendation as to an acceptable sanction, such action shall not constitute commingling of ~~prosecutorial and adjudicative functions by the Board or its counsel, and the Respondent~~ expressly waives any constitutional rights and issues related to alleged commingling, bias, or violation of due process rights to have an unbiased and impartial adjudicator in any subsequent hearing. If a hearing is subsequently held, neither this Consent Agreement nor the proposed

~~terms of settlement may be admitted into evidence and any facts, averments, and allegations~~  
contained in the Consent Agreement must be proven at hearing unless otherwise separately  
stipulated. This paragraph is binding on the participants even if the Board does not approve this  
Consent Agreement.

**NO MODIFICATION OF ORDER**

10. Respondent agrees, as a condition of entering into this Consent Agreement, not to  
seek modification at a later date of the Stipulated Order adopting and implementing this Consent  
Agreement without first obtaining the express written concurrence of the Prosecution Division.

**AGREEMENT NOT BINDING ON OTHER PARTIES**

11. The Office of General Counsel has approved this Consent Agreement as to form and  
legality; however, this Consent Agreement shall have no legal effect unless and until the Board  
issues an Order approving and adopting this Consent Agreement.

**EFFECT OF BOARD'S REJECTION OF CONSENT AGREEMENT**

12. Should the Board not approve this Consent Agreement, presentation to and  
consideration of this Consent Agreement and other documents and matters by the Board shall not  
prejudice the Board or any of its members from further participation in the adjudication of this  
matter. This paragraph is binding on the participants even if the Board does not approve this  
Consent Agreement.

**AGREEMENT DOES NOT PREVENT ADDITIONAL DISCIPLINE BASED ON OTHER COMPLAINTS**

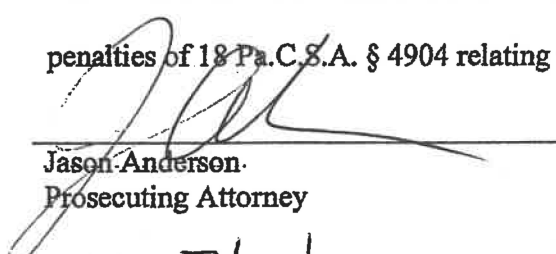
13. Nothing in this Order shall preclude the Prosecution Division for the Commonwealth  
~~from filing charges or the Board from imposing disciplinary or corrective measures for violations~~  
or facts not contained in this Consent Agreement;

**ENTIRE AGREEMENT**

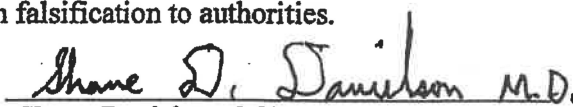
14. This agreement contains the whole agreement between the participants; provided however, that the captions printed in the various provisions of this agreement are for ease of reading only and are not to be interpreted as forming any part of this agreement. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.

**VERIFICATION OF FACTS AND STATEMENTS**

15. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. § 4904 relating to unsworn falsification to authorities.

  
Jason Anderson  
Prosecuting Attorney

DATED: 7/20/18

  
Shane Danielson, M.D.  
Respondent

DATED:



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs.**

**File No.: 18-49-02613**

**vs.**

**Shane Danielson, M.D.  
Respondent**

**Docket No: -49-18**

(ITS File No. 17-49-05910/Docket No. 0445-49-18)

**ORDER**

*AND NOW, this 5<sup>th</sup> day of September* 2018, the STATE BOARD OF MEDICINE

("Board") approves and adopts the foregoing Consent Agreement and incorporates the terms of paragraph 5, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**

  
\_\_\_\_\_  
Ian J. Harlow  
Commissioner

For the Commonwealth:

For the Respondent:

Date of mailing:

**BY ORDER:  
STATE BOARD OF MEDICINE**

  
\_\_\_\_\_  
Keith E. Loisele  
Chair

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