

PROTHONOTARY

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
MAR 28 3 37 PM '90
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS
OCCUPATIONAL AFFAIRS

Commonwealth of Pennsylvania,
State Board of Medicine

vs.

File No. 88-49-00809

Maurice S. Cerul, M.D.,
Respondent

ORDER

AND NOW, this 28th day of March, 1990, the Pennsylvania State Board of Medicine, upon consideration of the foregoing Stipulation and Consent Agreement entered into between the prosecuting attorney and the Respondent, Maurice S. Cerul, M.D., License No. MD-008281-E, the Board concludes that Respondent has violated the Medical Practice Act of 1985, the Act of December 20, 1985, P.L. 457, No. 112, as amended, 63 P.S. §422.41(3) and §422.41(8), in that he has been convicted of misdemeanor violations of the Controlled Substance, Drug, Device and Cosmetic Act, 35 Pa. C.S.A. §780-113(a)(13), "distribution by a practitioner to a drug dependent person," which relate to a health profession, and is guilty of unprofessional conduct as it relates to the underlying conduct of the misdemeanors.

IT IS THEREFORE ORDERED that Maurice S. Cerul, M.D.'s license to practice medicine and surgery within the Commonwealth of Pennsylvania be and it hereby is **SUSPENDED** for two years and no more.

IT IS FURTHER ORDERED that, said suspension be and it hereby is STAYED with the exception of three (3) months active suspension in favor of PROBATION subject to the following terms and conditions:

1. Said probation shall commence after the completion of the three month active suspension also provided for below and endure for a period of time concurrent with Respondent's court-ordered probation;

2. Respondent shall obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions, and all rules and regulations and laws pertaining to the practice of medicine in this Commonwealth;

3. Respondent shall continue enrollment in the Impaired Physician Program of the Pennsylvania Medical Society and attend the counseling and other programs to which the IPP directs him for a time to be determined by the IPP.

4. Respondent shall refrain from using alcohol, or controlled substances except such as may be prescribed for him for a bona fide medical condition by another practitioner;

5. If Respondent is prescribed or dispensed a controlled substance by another practitioner, Respondent shall, within seventy-two (72) hours of receiving such medication, report in writing to the Board the name of the physician prescribing the drug, the illness or medical condition diagnosed, the type, strength, amount and dosage of the medication, and a

signed statement consenting to the release of medical information from the prescribing physician to the Board for purpose of verification;

6. Respondent shall advise his treating physician of his history of drug abuse and also of the Board's Order in the case at hand, prior to receiving any controlled substances or prescriptions for controlled substances from the physician;

7. Respondent shall have submitted and be responsible for arranging for the quarterly submission to the Board of reports from the counseling and drug rehabilitation organizations which the IPP directs him to attend which certifies his attendance and participation in such meetings and sessions;

8. In addition to regular screens administered by the Impaired Physician Program or the Allegheny Probation Office, Respondent shall submit to periodic, unannounced, observable toxicology screens by agents of the Pennsylvania Bureau of Professional and Occupational Affairs, including blood and/or urine screens, in order to detect the presence of controlled substances in his body, and will be available for the screens within three hours after notification by the agents;

9. Respondent shall pay the costs of the screening tests made upon the specimens in paragraph 8 above.

10. Respondent at all times during the period of his probation, shall cooperate with the Board or any of its agents or employees, with the supervision and investigation of Respondent's compliance with the terms and conditions of his

probation;

11. Respondent shall pay a civil penalty in the amount of \$20,000 to be paid in equal monthly installments of \$500 until paid in full, payment to commence the last day of the month after the completion of the active suspension provided for hereinbelow.

IT IS FURTHER ORDERED that the Respondent's license be and it hereby is suspended for three (3) months and said suspension shall commence sixty (60) days after the "Date of Mailing" indicated on this Order.

IT IS FURTHER ORDERED that in the event of a violation of the terms of probation provided by this Order, notification of a violation of this Order shall result in the immediate suspension of Respondent's license to practice medicine and surgery as follows:

1. The Board's prosecuting attorney shall present to the Board a Petition and Affidavit with a copy to Respondent postmarked at least five (5) days prior to the Board's action which indicates that Respondent has violated any provision of this Order, before which the Respondent will be personally contacted by Bureau personnel to explain and justify the conduct, if he can;

2. The Board, upon a determination that Respondent has violated the terms of this Order, the Board shall at its next scheduled Board meeting without holding a formal hearing issue a preliminary order dissolving this Order, terminating the

probation, and activating the suspension herein;

3. The Respondent shall be notified of the Board's preliminary order within three (3) days of its issuance by certified mail and first class mail, postage prepaid, sent to the last registered address on file with the Board;

4. That within thirty (30) days of the receipt of notification of the Board's action, the Respondent may request that a formal hearing be convened concerning Respondent's violation of this Order and to seek relief from the issuance of the preliminary order. This hearing will be scheduled within forty-five (45) days of the Board's receipt of said request. The suspension will remain in effect until the hearing is convened and the Board or hearing examiner enters an adjudication and order based on the hearing;

5. That the facts and averments in this Stipulation and Consent Agreement will be deemed admitted and uncontested at this hearing;

6. That if the Board makes a determination adverse to Respondent at this hearing, the Board will issue a final order imposing all of any part of the balance of the two-year suspension provided for herein of Respondent's license to practice medicine and surgery;

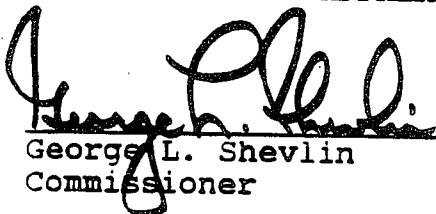
7. That if a request for a formal hearing is not received from the Respondent within the prescribed thirty (30) day period, the Board's preliminary order will become final within thirty (30) days of its mailing.

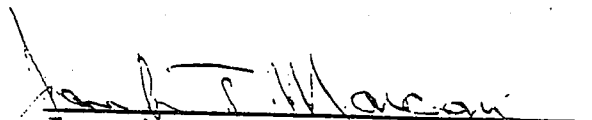
IT IS FURTHER ORDERED that this Order may be vacated upon Respondent's competent proof to the Board of his successful completion of the Court-ordered probation, but in no event earlier than December 31, 1995.

BY ORDER:

BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS

STATE BOARD OF MEDICINE


George L. Shevlin
Commissioner


Joseph T. Marconis, M.D.
Chairman

Respondent's Address:

Maurice S. Cerul, M.D.
4841 Ellsworth Avenue
Pittsburgh, PA 15213
Karen L. Stevens, Esquire

Prosecuting Attorney:

88-49-00809

File No.:

Date of Mailing: March 29, 1990

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BUREAU OF PROFESSIONAL AND OCCUPATIONAL AFFAIRS

Commonwealth of Pennsylvania,
State Board of Medicine

vs.

Maurice S. Cerul, M.D.,
Respondent

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File No. 88-49-00809

STIPULATION AND CONSENT AGREEMENT

IT IS HEREBY STIPULATED by the prosecuting attorney and Maurice S. Cerul, M.D. to the following:

1. The State Board of Medicine (hereinafter "Board") is a departmental administrative board of the Pennsylvania Department of State, organized under the provisions of the Medical Practice Act of 1985, Act of December 20, 1985, P.L. 457, No. 112, as amended, 63 P.S. §422.3.
2. The Board issued License Number MD-008281-E to Maurice S. Cerul, M.D. (hereinafter "Respondent") entitling him to practice medicine and surgery in the Commonwealth of Pennsylvania on July 20, 1965.
3. The Respondent's current and registered address on file with the Board is 4841 Ellsworth Avenue, Pittsburgh, PA 15213.
4. On or about October 2, 1989, the prosecuting attorney for the Board filed an Order to Show Cause at Docket No. 88-49-00809 alleging that on or about June 6, 1988, the Respondent pleaded nolo contendere to ten (10) misdemeanor violations of the Controlled Substances, Drug, Device and Cosmetic Act, specifically 35 Pa. C.S.A. §780-113(a)(13), "distribution by a practitioner to a drug

dependent person," being misdemeanors relating to a health profession, in violation of §422.41(3) of the Medical Practice Act of 1985, the Act of December 20, 1985, P.L. 457, No. 112, as amended, 63 P.S. §422.41(3).

5. The Respondent has been advised of and acknowledges his awareness of his rights to a formal hearing, to appear and be heard in person and/or by counsel, to confront and cross-examine those witnesses which may be called to testify against him, to examine and challenge such documentary or other physical evidence as may be produced against him by the Commonwealth, to offer evidence in his defense, to present legal arguments, and to appeal any decision adversely affecting his license to practice medicine and surgery in the Commonwealth of Pennsylvania.

6. The Respondent knowingly, voluntarily and intelligently waives his right to a formal hearing in this matter and agrees to completely and finally resolve the allegations raised in the Order to Show Cause through this Stipulation and Consent Agreement.

7. Respondent admits that the following is true:

a. On or about December 9, 1987, a Criminal Information was filed against the Respondent in the Court of Common Pleas of Allegheny County, Pennsylvania at various Criminal Docket numbers charging the Respondent with thirty-three (33) violations of Section 13(a)(13) of the Controlled Substance, Drug, Device and Cosmetic Act, "prescribing to a drug dependent person," misdemeanors, 35 P.S. §780-113(a)(13), and thirty-three (33) violations of Section 13(a)(14) of the Controlled

Substance, Drug, Device and Cosmetic Act, "prescribing not in good faith, not within the scope of the patient relationship, etc.," felonies, 35 P.S. §780-113(a)(14).

b. On June 6, 1988, the Respondent plead nolo contendere to ten (10) misdemeanor counts in the Informations described in paragraph a. above.

c. On June 6, 1988, as a result of his pleas outlined in paragraph b. above, all the remaining counts were dismissed, the Respondent was sentenced to 11½ to 23 months incarceration served in alternative to the County Jail at the Alcohol Rehabilitation Center (ARC) House Facility, of which he served approximately eight months, was placed on ten (10) years probation, fined \$20,000, ordered to participate in the Impaired Physicians Program, to surrender his DEA certificates to prescribe Schedule II, IIN, III, IIIN and IV substances, to perform 200 hours community service, and to pay the costs of prosecution and his alternative housing.

d. The misdemeanors in paragraphs a, b and c above relate to a health profession.

e. From December 18, 1986 to March 20, 1987, the Respondent wrote for patient L.G.:

<u># of Prescriptions</u>	<u>Quantity</u>	<u>Drug</u>
12	2100	Tussionex tabs.
5	190	Valium 10 mg.
9	483	Percocet
10	347	Dolophine (Methadone)
1	16 oz.	Tussionex

f. From January 21, 1989 to June 24, 1987, the Respondent

wrote for patient M.A.W.:

<u># of Prescriptions</u>	<u>Quantity</u>	<u>Drug</u>
14	287	Dolophine (Methadone)
18	823	Percocet
9	1248	Tussionex tabs.
9	182 oz.	Tussionex syrup
1	50	Halcion .25 mg.
1	40	Xanax

g. From December 17, 1986 to June 24, 1987, Respondent wrote for patient R.W.:

<u># of Prescriptions</u>	<u>Quantity</u>	<u>Drug</u>
26	3380	Tussionex tabs.
24	1212	Percocet
21	584	Dolophine (Methadone) 10 mg.
4	86	Tussionex syrup
3	200	Valium 10 mg.

h. From May 7, 1987 to June 29, 1987, the Respondent wrote for patient R.I.:

<u># of Prescriptions</u>	<u>Quantity</u>	<u>Drug</u>
1	120	Tussionex tabs.
2	90	Valium 5 mg.
10	160 oz.	Tussionex syrup
7	320	Tylenol #4 (with Codeine)
3	140	Valium 10 mg.

i. From December 24, 1986 to June 22, 1987, the Respondent wrote for patient G.M.:

<u># of Prescriptions</u>	<u>Quantity</u>	<u>Drug</u>
31	2510	Tussionex tabs
40	1865	Percocet
26	495	Desoxyn 15 mg.

j. From December 22, 1986 to June 22, 1987, the Respondent wrote for patient A.D.:

<u># of Prescriptions</u>	<u>Quantity</u>	<u>Drug</u>
32	2260	Tussionex tabs
8	220	Valium 10 mg.

25	1180	Percocet
23	490	Desoxyn 15 mg.
1	20	Douden 500 mg.
1	20	Preludin 75 mg.

k. From December 18, 1986 to June 15, 1987, Respondent wrote for patient L.J.:

<u># of Prescriptions</u>	<u>Quantity</u>	<u>Drug</u>
27	2184	Tussionex tabs
44	1744	Percocet
8	205	Dalmane 30 mg.
1	2	Seconal 100 mg.
7	160	Dolophine 10 mg. (Methadone)
2	9	Preludin 75 mg.

l. Respondent does not have and did not on July 15, 1987 medical records of patients G.M., M.A.W., R.W., and R.I.

m. The patients listed above came to Respondent for psychiatric treatment.

n. The prescriptions written as outlined in paragraphs e, f, g, h, i, j and k above is unprofessional conduct.

8. Based upon the facts admitted in paragraph 7 above, the Pennsylvania State Board of Medicine has jurisdiction to impose discipline upon the Respondent pursuant to Sections 41(3) and 41(8) of the Medical Practice Act of 1985, 63 P.S. §§422.41(3) and 422.41(8).

9. The Respondent consents to the issuance of an Order by the Board as follows:

a. That Respondent's license to practice medicine and surgery within the Commonwealth of Pennsylvania be suspended for a period of two (2) years, and no more.

b. That said suspension be **STAYED** with the exception of three (3) months active suspension, in favor of **PROBATION**

subject to the following terms and conditions:

(1) Said probation shall commence after the completion of the three-month active suspension provided for in paragraph 9.c. and shall endure for a period of time concurrent with the Respondent's court-ordered probation;

(2) Respondent shall obey all laws of the United States, the Commonwealth of Pennsylvania and its political subdivisions, and all rules and regulations and laws pertaining to the practice of medicine in this Commonwealth;

(3) Respondent shall continue enrollment in the Impaired Physician Program of the Pennsylvania Medical Society and attend the counseling and other programs to which the IPP directs him for a time to be determined by the IPP;

(4) Respondent shall refrain from using alcohol, or controlled substances except such as may be prescribed for him for a bona fide medical condition by another practitioner;

(5) If Respondent is prescribed or dispensed a controlled substance by another practitioner, Respondent shall, within seventy-two (72) hours of receiving such medication, report in writing to the Board the name of the physician prescribing the drug, the illness or medical condition diagnosed, the type, strength, amount and dosage of the

medication, and a signed statement consenting to the release of medical information from the prescribing physician to the Board for purpose of verification;

(6) Respondent shall advise his treating physician of his history of drug abuse and also the Board's Order in the case at hand, prior to receiving any controlled substances or prescriptions for controlled substances from the physician;

(7) Respondent shall have submitted and be responsible for arranging for the quarterly submission to the Board of reports from the counseling and drug rehabilitation organizations which the IPP directs him to attend which certifies his attendance and participation in such meetings and sessions;

(8) In addition to regular screens administered by the Impaired Physician Program or the Allegheny County Probation Office, Respondent shall submit to periodic, unannounced, observable toxicology screens by agents of the Pennsylvania Bureau of Professional and Occupational Affairs, including hair, blood and/or urine screens, in order to detect the presence of controlled substances in his body, and will be available for the screens within three hours after notification by the agents;

(9) Respondent shall pay the costs of the

scientific tests, made upon the specimens in subparagraph (8) above;

(10) Respondent, at all times during the period of his probation, shall cooperate with the Board or any of its agents or employees, with the supervision and investigation of Respondent's compliance with the terms and conditions of his probation;

(11) Respondent shall pay a civil penalty in the amount of \$20,000 to be paid in equal monthly installments of \$500 until paid in full, payment to commence on the last day of the month after the completion of the active suspension provided for in paragraph 9.c.

c. The Respondent's license is suspended for three (3) months and said suspension shall commence sixty (60) days after the "Date of Mailing" indicated on the Order pursuant to this Stipulation and Consent Agreement.

d. Notification of a violation of the Order shall result in the immediate suspension of Respondent's license to practice medicine and surgery as follows:

1. The Board's prosecuting attorney shall present to the Board a Petition and Affidavit with a copy to Respondent postmarked at least five days prior to the Board's action, which indicates that Respondent has violated any provision of the original Order, before which the Respondent will be personally contacted to explain and justify the

conduct, if he can.

2. The Board, upon a determination that Respondent has violated the terms of the original Order, the Board shall at its next scheduled Board meeting without holding a formal hearing issue a preliminary order dissolving its previous order staying the suspension, terminate the probation, and activate the suspension;

3. The Respondent shall be notified of the Board's preliminary order within three (3) days of its issuance by certified and first class mail, postage prepaid, sent to the last registered address on file with the Board;

4. That within thirty (30) days of the receipt of notification of the Board's action, the Respondent may request that a formal hearing be convened concerning Respondent's violation of the original Order and to seek relief from the issuance of the preliminary order. This hearing will be scheduled within forty-five (45) days of the Board's receipt of said request. The suspension will remain in effect until the hearing is convened and the Board or hearing examiner enters an adjudication and order based on the hearing;

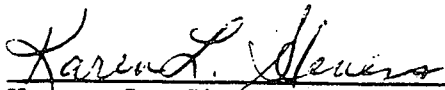
5. That the facts and averments in this Stipulation and Consent Agreement will be deemed

admitted and uncontested at this hearing;


6. That if the Board makes a determination adverse to Respondent at this hearing, the Board will issue a final order imposing all or any part of the balance of the two year suspension provided for in paragraph 9.a.

7. That if a request for a formal hearing is not received from the Respondent within the prescribed thirty (30) day period, the Board's preliminary order will become final within thirty (30) days of its mailing.

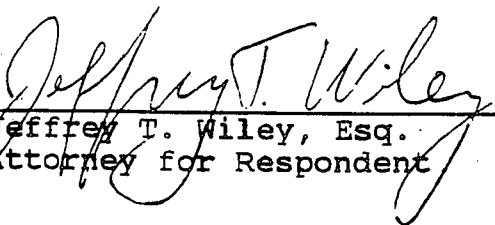
e. The suspension and probation order providing for same may be vacated upon Respondent's competent proof to the Board of his successful completion of the Criminal court-ordered probation, but in no event earlier than December 31, 1995.



Karen L. Stevens
Prosecuting Attorney
Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs



Maurice S. Cerul, M.D.,
Respondent



Jeffrey T. Wiley, Esq.
Attorney for Respondent

DATE: March 12, 1990