

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: DANIEL L. FRIEDMAN, M.D.
License No.: 0116-005713

ORDER

In accordance with Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Daniel L. Friedman, M.D., on August 28, 1997, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Informal Conference Committee ("Committee") were: Cheryl Jordan, M.D., Chairman; Connell J. Trimber, M.D.; and Joseph A. Leming, M.D. Dr. Friedman appeared personally and was represented by legal counsel, William H. Archambault, Esquire. The purpose of the informal conference was to inquire into allegations that Dr. Friedman may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated May 22, 1997.

FINDINGS OF FACT

Now, having properly considered the evidence and testimony presented, the Committee makes the following Findings of Fact:

1. On or about May 15, 1995, Dr. Friedman was arrested in Charlottesville, Virginia, for possession with intent to sell, give or distribute more than one-half ounce, but less than five pounds, of marijuana, a felony pursuant to Section 18.2-248.1 of the Code. On June 1, 1995, Dr. Friedman was found guilty in the City of Charlottesville General District Court of the reduced charge of misdemeanor possession of marijuana. Dr. Friedman received a jail sentence of thirty days imposed with all suspended, conditioned upon being of good behavior and keeping the peace. Dr. Friedman's driver's license was suspended for a period of six months, and he was placed on probation for a period of two years.

2. By his own admission, Dr. Friedman has used marijuana intermittently since the seventh grade, and has used marijuana regularly from his second year of residency at the University of Virginia until a sobriety date of May 8, 1995. Further, Dr. Friedman consumed alcohol until being diagnosed with pancreatitis in March 1995.

3. By his own admission, for several months beginning in approximately August 1994, Dr. Friedman self-prescribed up to 150 mg daily of Zoloft (Schedule VI) to treat his dysthymia.

4. In approximately June 1995, Dr. Friedman underwent a four-day evaluation at the William J. Farley Institute for Recovery ("Farley") in Williamsburg, Virginia. Dr. Friedman was diagnosed with alcohol dependence, cannabis dependence, and primary, early-onset dysthymia. Farley recommended that Dr. Friedman participate in a residential treatment program, and that he contact the Medical Society of Virginia's Physicians' Health and Effectiveness Committee ("MSV PHEC") and enter into a contract.

5. By his own admission, Dr. Friedman chose not to enter an inpatient treatment program and instead participated in, and successfully completed, an intensive outpatient program through Charter Behavioral Health Systems (“Charter”) in Charlottesville, Virginia. Marilyn Claytor, Director of Substance Abuse Programs at Charter, and Robert Claytor, Dr. Friedman’s chemical dependency therapist at Charter, appeared on Dr. Friedman’s behalf and stated that Dr. Friedman also successfully completed Charter’s Aftercare Program.

6. On or about September 6, 1996, the MSV PHEC met and recommended that a contract be offered to Dr. Friedman, and mailed an agreement for his signature. Dr. Friedman advised the MSV PHEC by letter dated January 14, 1997, that upon the advice of his attorney he was deferring action on participating pending an appearance before the Board.

7. As a result of his arrest for possession of marijuana, Dr. Friedman was suspended from his residency program at the University of Virginia for a period of six weeks in 1995. Further, the Credentials Committee at the University of Virginia Health Sciences Center placed Dr. Friedman on probation for a period of six months. The Credentials Committee continues to monitor Dr. Friedman.

8. Dr. J. Randolph Canterbury, Chair, Department of Psychiatric Medicine at the University of Virginia Health Sciences Center, stated that Dr. Friedman’s clinical practice activities have been outstanding. Dr. Catherine A. Leslie, Residency Program Director of the Department of Psychiatric Medicine at the University of Virginia Health Sciences Center and Dr. Friedman’s Residency Training Director in 1995, stated that Dr. Friedman is a caring, competent and responsible physician. Further, Dr. Dorothy Tompkins, University of Virginia, appeared on behalf of Dr. Friedman and provided information on his progress in recovery.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee concludes that Dr. Friedman is in violation of Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(9) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that the disposition of the matter of Daniel L. Friedman, M.D., be CONTINUED for a period of no longer than thirty (30) days on the following terms and conditions:

Dr. Friedman

1. Within thirty (30) days of entry of this order, Dr. Friedman shall enter into an Aftercare Agreement with the Medical Society of Virginia's Physicians' Health and Effectiveness Program. Such agreement shall be for a time period of not less than thirty-six (36) months.

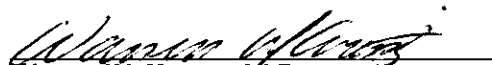
2. Upon receipt of documentation that Dr. Friedman has entered into such agreement, this matter shall be closed.

Pursuant to Section 54.1-2919 of the Code of Virginia, 1950, as amended, Dr. Friedman may, not later than 5:00 p.m., on October 6, 1997, notify Warren W. Koontz, M.D., Executive Director at 6606 West Broad Street, Richmond, Virginia 23230, in writing that he desires a hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this order shall be vacated.

Therefore, this order shall become final on October 6, 1997, unless a request for a hearing is received as described above.

Pursuant to Section 9-6.14:14 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD


Warren W. Koontz, M.D.
Executive Director
Virginia Board of Medicine

Entered: Sept 5, 1997

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