

1 **BEFORE THE ARIZONA MEDICAL BOARD**

2  
3 In the Matter of

4 **RICHARD PAUL GREENBERG, M.D.**

5 Holder of License No. 13656  
6 For the Practice of Allopathic Medicine  
7 In the State of Arizona.

Case No. MD-06-0091A

**CONSENT AGREEMENT FOR  
PRACTICE RESTRICTION**

8 **CONSENT AGREEMENT**

9 By mutual agreement and understanding, between the Arizona Medical Board  
10 ("Board") and Richard Paul Greenberg, M.D. ("Respondent"), the parties agreed to the  
11 following disposition of this matter.

12 1. Respondent has read and understands this Consent Agreement and the  
13 stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement").  
14 Respondent acknowledges that he has the right to consult with legal counsel regarding  
15 this matter.

16 2. By entering into this Consent Agreement, Respondent voluntarily  
17 relinquishes any rights to a hearing or judicial review in state or federal court on the  
18 matters alleged, or to challenge this Consent Agreement in its entirety as issued by the  
19 Board, and waives any other cause of action related thereto or arising from said Consent  
20 Agreement.

21 3. This Consent Agreement is not effective until approved by the Board and  
22 signed by its Executive Director.

23 4. All admissions made by Respondent are solely for final disposition of this  
24 matter and any subsequent related administrative proceedings or civil litigation involving  
25 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
or made for any other use, such as in the context of another state or federal government

1 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
2 any other state or federal court.

3 5. Upon signing this agreement, and returning this document (or a copy  
4 thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of  
5 the Consent Agreement. Respondent may not make any modifications to the document.  
6 Any modifications to this original document are ineffective and void unless mutually  
7 approved by the parties.

8 6. This Consent Agreement, once approved and signed, is a public record that  
9 will be publicly disseminated as a formal action of the Board and will be reported to the  
10 National Practitioner Data Bank and to the Arizona Medical Board's website.

11 7. If any part of the Consent Agreement is later declared void or otherwise  
12 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in  
13 force and effect.

14 8. Any violation of this Consent Agreement constitutes unprofessional conduct  
15 pursuant to A.R.S. §32-1401(27)(r) – (“[v]iolating a formal order, probation, consent  
16 agreement or stipulation issued or entered into by the board or its executive director under  
17 this chapter.”) and may result in disciplinary action pursuant to A.R.S. §32-1451.

18 9. ***Respondent has read and understands the condition(s) of probation.***

19   
20 RICHARD PAUL GREENBERG, M.D.

6-5-2006  
Date

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1 **FINDINGS OF FACT**

2 1. The Board is the duly constituted authority for the regulation and control of  
3 the practice of allopathic medicine in the State of Arizona.

4 2. Respondent is the holder of license number 13656 for the practice of  
5 allopathic medicine in the State of Arizona.

6 3. The Board initiated case number MD-06-0091A after Respondent informed  
7 the Board that he entered into a Consent Order with the North Carolina Medical Board  
8 ("North Carolina Board") for practice restriction.

9 4. In 2005 a North Carolina Hospital ("Hospital") restricted Respondent's  
10 surgical privileges and required Respondent obtain a concurring opinion prior to  
11 performing any spinal surgery and to have a Board Certified surgeon scrub with him when  
12 performing any spinal surgery.

13 5. North Carolina Board performed a review of Respondent's patient records  
14 and found quality of care issues. Based on these findings, Respondent and North Carolina  
15 Board entered into a Consent Order for practice restriction requiring he not perform  
16 surgery and refer any patients requiring surgery to another neurosurgeon. The Consent  
17 Order also required random and periodic chart reviews. (North Carolina Consent Order  
18 incorporated by reference.)

19 **CONCLUSIONS OF LAW**

20 1. The Arizona Medical Board possesses jurisdiction over the subject matter  
21 hereof and over Respondent.

22 2. The conduct and circumstances described above constitute unprofessional  
23 conduct pursuant to A.R.S. § 32-1401(26)(o) - ("[a]ction that is taken against a doctor of  
24 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or  
25 physical inability to engage safely in the practice of medicine, the doctor's medical

1 incompetence or for unprofessional conduct as defined by that jurisdiction and that  
2 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this  
3 paragraph. The action taken may include refusing, denying, revoking or suspending a  
4 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise  
5 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on  
6 probation by that jurisdiction.”). Specifically, the conduct and circumstances described  
7 above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(q) - (“[a]ny  
8 conduct or practice that is or might be harmful or dangerous to the health of the patient or  
9 the public.”) and A.R.S. § 32-1401(27)(ll) – (“[c]onduct that the board determines is gross  
10 negligence, repeated negligence or negligence resulting in harm to or the death of a  
11 patient.”).

12 **ORDER**

13 IT IS HEREBY ORDERED that:

14 1. Respondent’s license is restricted in that he shall not perform any type of  
15 surgery until Respondent applies to the Board and receives permission to do so. The  
16 Board may require any combination of examinations to determine Respondent’s ability to  
17 resume the practice of medicine. Respondent may evaluate and treat patients. In the  
18 event a patient requires surgical intervention, Respondent shall refer that patient to  
19 another neurosurgeon.

20 A. Obey All Laws

21 Respondent shall obey all state, federal and local laws, all rules governing the  
22 practice of medicine in Arizona, and remain in full compliance with any court order criminal  
23 probation, payments and other orders.

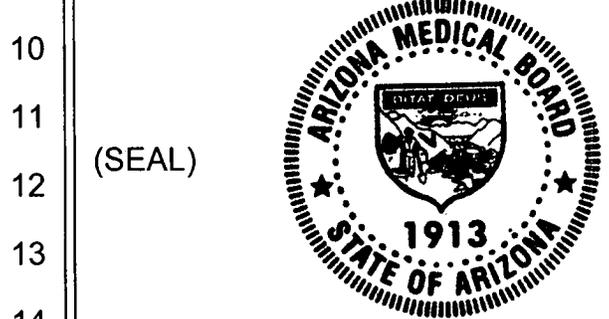
24 B. Tolling

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1 In the event Respondent should leave Arizona to reside or practice outside the  
2 State or for any reason should Respondent stop practicing medicine in Arizona,  
3 Respondent shall notify the Executive Director in writing within ten days of departure and  
4 return or the dates of non-practice within Arizona. Non-practice is defined as any period of  
5 time exceeding thirty days during which Respondent is not engaging in the practice of  
6 medicine. Periods of temporary or permanent residence or practice outside Arizona or of  
7 non-practice within Arizona, will not apply to the reduction of the probationary period.

8 2. This Order is the final disposition of case number MD-06-0091A.

9 DATED AND EFFECTIVE this 11<sup>th</sup> day of August, 2006.



ARIZONA MEDICAL BOARD

By *Timothy C. Miller*  
TIMOTHY C. MILLER, J.D.  
Executive Director

15 ORIGINAL of the foregoing filed this  
16 11<sup>th</sup> day of August, 2006 with:

17 Arizona Medical Board  
18 9545 E. Doubletree Ranch Road  
19 Scottsdale, AZ 85258

20 EXECUTED COPY of the foregoing mailed  
21 this 11<sup>th</sup> day of August, 2006 to:

22 Richard Paul Greenberg, M.D.  
23 Address of Record

24 *Richard Paul Greenberg*  
25 Investigational Review