

<b>IN THE MATTER OF</b>	*	<b>BEFORE THE</b>
<b>ERIC C. GREENBERG, M.D.</b>	*	<b>MARYLAND STATE BOARD</b>
<b>Applicant for Reinstatement</b>	*	<b>OF PHYSICIANS</b>
<b>License Number D50275</b>	*	<b>Case Number 8819-0002</b>
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**ORDER OF REINSTATEMENT WITH CONDITIONS**

This matter concerns the second application of Eric C. Greenberg, M.D. for the reinstatement of his license to practice medicine in Maryland after revocation.

On May 19, 2011, the Maryland State Board of Physicians (the "Board") issued a Final Decision and Order revoking Dr. Greenberg's license to practice medicine in Maryland. Under the Final Decision and Order, Dr. Greenberg was precluded from applying for the reinstatement of his license for three years.

In 2015, Dr. Greenberg applied for the reinstatement of his license. However, in an order, dated May 19, 2016, Board Disciplinary Panel B<sup>1</sup> ("Panel B" or the "Panel") denied his application and further ordered that Dr. Greenberg could not reapply for reinstatement for two years.

On July 2, 2018, Dr. Greenberg reapplied for reinstatement. On December 19, 2018, Panel B met with Dr. Greenberg, Dr. Greenberg's counsel, and the administrative prosecutor to consider his application. The Panel determined, however, that additional information was necessary before making a decision on his application. The Panel subsequently received the additional material. Based upon the information and material

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<sup>1</sup> In 2013, for disciplinary matters, the Board was divided into two disciplinary panels, Md. Code Ann., Health Occ. § 14-401 (2014 Repl. Vol.). Therefore, Dr. Greenberg's reinstatement applications, both of which occurred after 2013, were considered before a Panel rather than before the full Board.

pertinent to his application, the Panel has decided to reinstate Dr. Greenberg's license with conditions.

### **Dr. Greenberg's Disciplinary History**

On May 24, 2006, Dr. Greenberg entered into a Consent Order with the Board in which the Board concluded that he failed to cooperate with a Board investigation. See Md. Code Ann., Health Occ. § 14-404(a)(33). The Board placed Dr. Greenberg on probation with conditions. Dr. Greenberg complied with the conditions, and, on August 3, 2006, his probation was terminated.

On June 27, 2007, based upon another investigation, Dr. Greenberg entered into a second Consent Order with the Board. In this Consent Order, the Board concluded that Dr. Greenberg violated the Maryland Medical Practice Act, Health Occ. §§ 14-101—14-702, by engaging in unprofessional conduct, Health Occ. § 14-404(a)(3)(ii); failing to meet the standards of quality medical care, Health Occ. §§ 14-404(a)(22); and failing to keep adequate medical records, Health Occ. § 14-404(a)(40). The Board ordered that Dr. Greenberg be placed on probation for three years and that he comply with certain conditions during this probationary period.

Soon thereafter, the Board received complaints concerning Dr. Greenberg's prescribing of controlled dangerous substances. Based upon the results of the investigations into the complaints, the Board charged Dr. Greenberg with violating several grounds of the Maryland Medical Practice Act and conditions of his June 27, 2007 Consent Order. On April 16, 2009, the Board summarily suspended Dr. Greenberg's medical license based upon its finding that the public health, safety, or welfare imperatively required emergency action.

Then, on May 19, 2011, after an evidentiary hearing at the Office of Administrative Hearings and an exceptions hearing, the Board issued a Final Decision and Order concluding that Dr. Greenberg had violated the following disciplinary grounds: engaging in unprofessional conduct in the practice of medicine, Health Occ. § 14-404(a)(3)(ii); professional, physical, or mental incompetence, Health Occ. § 14-404(a)(4); and prescribing medications for illegitimate medical purposes, Health Occ. § 14-404(a)(27). The Board also concluded that he violated the June 27, 2007 Consent Order by prescribing medication to family members and by not abstaining from certain substances prohibited under the Consent Order. As a result, the Board revoked his license to practice medicine in Maryland.<sup>2</sup>

#### **Reinstatement Determination**

The violations for which Dr. Greenberg's license was revoked were intentional and flagrant, and they have given the Panel some pause over Dr. Greenberg's judgment. The question now before the Panel is whether Dr. Greenberg has adequately taken responsibility for his actions and whether the Panel has confidence that he will be able to practice medicine safely and without violating the standards of professional conduct.

Since the revocation, Dr. Greenberg has worked as a certified personal trainer. He has also kept up with his required credit hours for continuing medical education and passed the Special Purpose Examination ("SPEX").

At the time of his previous application for reinstatement, the Panel expressed concern that Dr. Greenberg had not shown that he adequately appreciated or

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<sup>2</sup> Because Dr. Greenberg's license was revoked, the Board terminated the summary suspension as moot.

understood the nature and gravity of his past conduct. Dr. Greenberg did not show that he had sufficient insight into his prior actions, and the Panel did not have adequate assurance that he would not repeat the conduct that resulted in the revocation.

In the time since his last application, Dr. Greenberg has expressed greater understanding and insight as to the events that resulted in the revocation of his license and he has taken steps to address his prior conduct. Dr. Greenberg's attitude and insight seem genuine and demonstrate that he has taken responsibility for his past behavior and is sincere about preventing a recurrence. He has acknowledged the impact of his previous poor judgment, and the Panel has determined that it is safe for him to return to the practice of medicine under certain terms and conditions.

The Panel is thus reinstating Dr. Greenberg's license, but, in order to protect the public and the integrity and reputation of the profession, the Panel is placing him on probation for a minimum period of five years and ordering that he enroll in the Maryland Professional Rehabilitation Program. The Panel is also imposing permanent conditions on his return to practice. Dr. Greenberg is permanently prohibited from prescribing and dispensing all controlled dangerous substances. The Panel also deems it necessary that he not practice at his home and that his practice of medicine does not take place in an independent setting, which means that he must practice with, at least, one other licensed physician to ensure there is oversight.

It is thus, by Panel B, pursuant to § 14-409(a)(1)(ii) of the Health Occupations Article and COMAR 10.32.02.06B(4), hereby

**ORDERED** that Eric C. Greenberg, M.D.'s license to practice medicine in Maryland (License Number D50275) is **REINSTATED**; and it is further

**ORDERED** that Dr. Greenberg is **PERMANENTLY**:

1. Prohibited from practicing medicine in an independent practice setting;
2. Prohibited from seeing or treating patients at his home;
3. Prohibited from prescribing or dispensing any controlled dangerous substance,<sup>3</sup>
4. Prohibited from delegating to any physician assistant the prescribing or dispensing of any controlled dangerous substance;
5. Prohibited from certifying any individual for medical cannabis treatment;  
and
6. Required to immediately notify the Board in writing of any medical practice setting at which Dr. Greenberg works, including providing the Board with the name and location of the practice and any other information concerning his medical employment that the Board or Panel deems pertinent to monitor this order; and it is further

**ORDERED** that Dr. Greenberg is placed on **PROBATION** for a minimum period of **FIVE YEARS**.<sup>4</sup> During the probationary period, Dr. Greenberg shall comply with all of the following probationary terms and conditions:

1. Dr. Greenberg shall enroll in the Maryland Professional Rehabilitation Program ("MPRP");
2. Within 5 business days, Dr. Greenberg shall contact MPRP to schedule an initial consultation for enrollment;

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<sup>3</sup> The definition of controlled dangerous substance is set forth in Title 5 of the Criminal Law Article, Annotated Code of Maryland.

<sup>4</sup> If Dr. Greenberg's license expires while he is on probation, the probationary period and any probationary conditions will be tolled.

3. Within 15 business days, Dr. Greenberg shall enter into a Participant Rehabilitation Agreement and Participant Rehabilitation Plan with MPRP;

4. Dr. Greenberg shall fully and timely cooperate and comply with all of MPRP's referrals, rules, and requirements, including but not limited to, the terms and conditions of the Participant Rehabilitation Agreements(s) and Participant Rehabilitation Plan(s) entered into with MPRP, and Dr. Greenberg shall fully participate and comply with all therapy, treatment, testing, and evaluations as directed by MPRP;

5. Dr. Greenberg shall sign and update the written release/consent forms requested by the Board and MPRP, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board, including release/consent forms to authorize MPRP to make verbal and written disclosures to the Board and to authorize the Board to disclose relevant information from MPRP records and files in a public order. Dr. Greenberg shall not withdraw his/her release/consent; and

6. Dr. Greenberg shall also sign any written release/consent forms to authorize MPRP to exchange with (i.e., disclose to and receive from) outside entities (including all of Dr. Greenberg's current treatment providers) verbal and written information concerning Dr. Greenberg and to ensure that MPRP is authorized to receive the medical records of Dr. Greenberg, including, but not limited to, mental health and drug or alcohol treatment records. Dr. Greenberg shall not withdraw his release/consent; and it is further

**ORDERED** that, if Dr. Greenberg has complied with all terms and conditions of probation and the minimum period of probation has passed, Dr. Greenberg may submit a written petition to the Board requesting termination of probation. After consideration of

the petition, the probation may be terminated through an order of the Board or a disciplinary panel. Dr. Greenberg may be required to appear before the Board or Panel B to discuss his petition for termination. The Board or Panel B will grant the petition to terminate the probation if he has complied with all of the probationary terms and conditions and there are no pending complaints; and it is further

**ORDERED** that, if Dr. Greenberg allegedly fails to comply with any term or condition imposed by this order, Dr. Greenberg shall be given notice and an opportunity for a hearing. If a disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if a disciplinary panel determines there is no genuine dispute as to a material fact, Dr. Greenberg shall be given a show cause hearing before a disciplinary panel; and it is further

**ORDERED** that, after the appropriate hearing, if the disciplinary panel determines that Dr. Greenberg has failed to comply with any term or condition of this order, the disciplinary panel may reprimand Dr. Greenberg, place Dr. Greenberg on further probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke Dr. Greenberg's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine upon him; and it is further

**ORDERED** that a violation of probation or of a permanent condition constitutes a failure to comply with a term or condition of this order; and it is further

**ORDERED** that Dr. Greenberg is responsible for all costs incurred in fulfilling the terms and conditions of this order; and it is further

**ORDERED** that this order goes into effect on the date this order is signed by the Executive Director of the Board. . The Executive Director signs this order on behalf of Panel B; and it is further

**ORDERED** that this is a public document.

08/16/2019  
Date

***Signature on File***

Christine A. Farrelly, Executive Director  
Maryland State Board of Physicians