



# Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

June 12, 2018

## **CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Gregory Donald Denzel, D.O.

Re: License No. 186229

Dear Dr. Denzel:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Modification Order No. 18-139. This order and any penalty provided therein goes into effect June 19, 2018.


**You are required to deliver your license and registration within 5 days of the effective date of the surrender provision to: c/o Physician Monitoring Unit, NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719.**

**If your license is framed, please remove it from the frame and only send the parchment paper on which your name is printed. Our office is unable to store framed licenses.**

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct

Please direct any questions to: Board for Professional Medical Conduct, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204, telephone # 518-402-0846.

Sincerely,

  
Robert A. Catalano, M.D.  
Executive Secretary  
Board for Professional Medical Conduct

Enclosure

IN THE MATTER  
OF  
GREGORY DONALD DENZEL, D.O.

MODIFICATION  
ORDER

Upon the proposed Application for a Modification Order of GREGORY DONALD DENZEL, D.O. (Respondent), which is made a part of this Modification Order, it is agreed to and

ORDERED, that the attached Application, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Modification Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Modification Order, either by first class to Respondent at the address in the attached Application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, whichever is first.

SO ORDERED.

DATE: 6/11/2018

  
ARTHUR S. HENGERER, M.D.  
Chair  
State Board for Professional Medical Conduct

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
GREGORY DONALD DENZEL, D.O.

MODIFICATION  
AGREEMENT  
AND  
ORDER

GREGORY DONALD DENZEL, D.O., represents that all of the following statements are true:

That on or about July 15, 1991, I was licensed to practice as a physician in the State of New York, and issued License No.186229 by the New York State Education Department.

My current address is [REDACTED] and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I am currently subject to Administrative Review Board Determination and Order No. 17-007, which went into effect on January 11, 2017. The Administrative Review Board affirmed the Hearing Committee's August 18, 2016 determination, in Determination and Order No. 16-278 of the Hearing Committee, finding Respondent guilty of professional misconduct based upon an Order of the Colorado Medical Board which become effective on or about October 8, 2015. The ARB overturned the Hearing Committee's determination on sanction. The Hearing Committee had suspended Respondent's license until such time as he is restored to full and unrestricted practice in the State of Colorado and provides the Director of OPMC with verification of the successful completion of the Colorado probation

and compliance with all the terms and conditions of that Order. The Administrative Review Board imposed a penalty of a two year suspension, stayed, and probation for five years, with terms of probation as set forth in the Appendix attached to ARB Determination and Order 17-007. (The Administrative Determination and Order and the Hearing Committee Determination and Order are set forth together in attached Attachment I, henceforth "Original Order.")

I hereby apply to the State Board for Professional Medical Conduct for an Order (henceforth "Modification Order"), modifying the Original Order, as follows:

- to permit me to surrender my license as a physician and to preclude my practice of medicine in the State of New York.
- to substitute a surrender of my license for so much of the penalty as remains for me to serve, as set forth in the Original Order (attached "Attachment I").
- to release me from the condition set forth in the Original Order requiring that I register and continue to be registered with the New York State Education Department and pay all registration fees. By its terms, the condition continues so long as I remain a licensee in New York State; upon the effective date of this Modification Order and the surrender of my license, this condition and requirement shall cease.
- to subject me to the terms and conditions set forth in the attached document, entitled "Requirements for Closing a Medical Practice Following a Revocation, Surrender, Limitation or Suspension of a Medical License" (henceforth "Attachment II", which is attached.)

and

All remaining Terms and Conditions will continue as written in the Original Order.

I make this Application of my own free will and accord and not under duress, compulsion or restraint, and seek the anticipated benefit of the requested Modification. In consideration of the value to me of the acceptance by the Board of this Application, I knowingly waive my right to contest the Original Order or the Modification Order for which I apply, whether administratively or judicially, and ask that the Board grant this Application.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Modification Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE

5/29/10

  
GREGORY DONALD DENZEL, D.O.  
RESPONDENT

4  
The undersigned agree to Respondent's attached Modification Agreement and to its proposed penalty, terms and conditions.

DATE: \_\_\_\_\_

\_\_\_\_\_  
Attorney for Respondent ESQ.

DATE: July 4, 2018

  
MARCIA E. KAPLAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 6/8/18

  
KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

ATTACHMENT I

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**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Acting Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

January 4, 2017

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Gregory Donald Denzel, D.O.  
2928 W. 10<sup>th</sup> Street  
Greeley, Colorado 80634-5426

David W. Quist, Esq.  
NYS Department of Health  
ESP-Coming Tower-Room 2512  
Albany, New York 12237

Gregory Donald Denzel, D.O.  
[REDACTED]

Gregory Donald Denzel, D.O.  
[REDACTED]

Gregory Donald Denzel, D.O.  
[REDACTED]

**RE: In the Matter of Gregory Donald Denzel, D.O.**

Dear Parties:

Enclosed please find the Determination and Order (No. 17-007) of the Professional Medical Conduct Administrative Review Board in the above referenced matter. This Determination and Order shall be deemed effective upon receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Riverview Center  
150 Broadway – Suite 355  
Albany, New York 12204



If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

This exhausts all administrative remedies in this matter (PHL §230-c(5)).

Sincerely,

  
James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:cah  
Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
ADMINISTRATIVE REVIEW BOARD FOR PROFESSIONAL MEDICAL CONDUCT

In the Matter of

Grogory Donald Denzel, D.O. (Respondent)

Administrative Review Board (ARB)

A proceeding to review a Determination by a Committee  
(Committee) from the Board for Professional Medical  
Conduct (BPMC)

Determination and Order No. 17-007

COPY

Before ARB Members D'Anna, Koenig, Grabiec, Wilson and Milone  
Administrative Law Judge James F. Horan drafted the Determination

For the Department of Health (Petitioner): David W. Quist, Esq.  
For the Respondent: No submission

The Appellant holds a medical license in Colorado, in addition to his license to practice medicine in New York State (License). In this proceeding pursuant to New York Public Health Law (PHL) § 230-c (4)(a)(McKinney 2016), the ARB considers whether to take disciplinary action against the Respondent's License following disciplinary action against the Respondent's Colorado license for unprofessional conduct in prescribing Suboxone. After a hearing below, a BPMC Committee suspended the Respondent's License until the full restoration of the Respondent's Colorado license. The Petitioner requests in this proceeding that the ARB overturn the Committee's Determination, impose a definite suspension and place the Respondent on probation thereafter. The Respondent made no appearance at the hearing below and made no submission in response to the Petitioner's request. After considering the hearing record and the Petitioner's review submission, the ARB votes to overturn the Committee, to suspend the Respondent's License for two years, to stay the suspension and to place the Respondent on probation for five years under the terms that appear as the Appendix to this Determination.

Committee Determination on the Charges

Pursuant to PHL § 230 *et seq.*, BPMC and its Committees function as a duly authorized professional disciplinary agency of the State of New York. The BPMC Committee in this case conducted a hearing under the expedited hearing procedures (Direct Referral Hearing) in PHL §230(10)(p). The Petitioner charged that the Respondent violated New York Education Law (EL) §§ 6530(9)(b) & 6530(9)(d) (McKinney Supp. 2016) by committing professional

misconduct, because the duly authorized professional disciplinary agency from another state,

- found the Respondent guilty for improper professional conduct [6530(9)(b)], and/or,
- took disciplinary action against the Respondent's medical license in that state [6530(9)(d)],

for conduct that would constitute professional misconduct, if the Respondent had committed such conduct in New York. The Petitioner's Statement of Charges [Direct Referral Hearing Exhibit 1] alleged that the Respondent's misconduct in Colorado would constitute misconduct if committed in New York, under the following specification: practicing the profession with negligence on more than one occasion, a violation under EL § 6530(3). Following the Direct Referral Hearing, the Committee rendered the Determination now on review. In the Direct Referral Hearing, the statute limits the Committee to determining the nature and severity for the penalty to impose against the licensee, see In the Matter of Wolkoff v. Chassin, 89 N.Y.2d 250 (1996).

The evidence before the Committee demonstrated that the Respondent entered into a Stipulated and Final Order (Colorado Order) with the Colorado Medical Board. In the Colorado Order, the Respondent admitted to engaging in unprofessional conduct by failing to examine

personally a number of patients before making medical diagnoses and prescribing Suboxone to the patients. The Colorado Medical Board admonished the Respondent, placed him on probation for five years and prohibited the Respondent from solo practice. The probation terms included a ban on prescribing, maintaining a supply of, administering or dispensing Suboxone. The Order also required the Respondent to undergo an assessment to determine the need for remedial education and/or training, to comply with the outcome of such assessment and to undergo training in ethics.

The Committee found that the Respondent's conduct in Colorado would constitute misconduct in New York and then sustained all charges against the Respondent. The Committee found the strict terms under the Colorado Order warranted due to the potential for harm. The Committee voted to suspend the Respondent's License until the Respondent completes successfully the probation terms under the Colorado Order and the Respondent regains a full and unrestricted license in Colorado.

#### Review History and Issues

The Committee rendered their Determination on August 24, 2016. This proceeding commenced on August 29, 2016, when the ARB received the Petitioner's Notice requesting a Review. The record for review contained the Committee's Determination, the hearing record and Petitioner's brief. The Respondent made no submission nor reply. The record closed when the ARB received the Petitioner's brief on October 6, 2016.

The Petitioner requests that the ARB overturn the sanction that the Committee imposed.

The Petitioner argued that the sanction fell outside the list of sanctioned penalties under PHL § 230-a, that sanction cedes to the Colorado Board the determination about the Respondent's

fitness and compliance, with no assessment by New York's Office for Professional Medical Conduct, and that the sanction provides no New York probation following the suspension. The Petitioner requests that the ARB order a suspension for a fixed time, to be followed by five years on probation, with terms that would include a practice monitor, prescribing restrictions and continuing medical education.

#### ARB Authority

Under PHL §§ 230(10)(i), 230-c(1) and 230-c(4)(b), the ARB may review Determinations by Hearing Committees to determine whether the Determination and Penalty are consistent with the Committee's findings of fact and conclusions of law and whether the Penalty is appropriate and within the scope of penalties which PHL §230-a permits. The ARB may substitute our judgment for that of the Committee, in deciding upon a penalty Matter of Bogdan v. Med. Conduct Bd. 195 A.D.2d 86, 606 N.Y.S.2d 381 (3<sup>rd</sup> Dept. 1993); in determining guilt on the charges, Matter of Spartalis v. State Bd. for Prof. Med. Conduct 205 A.D.2d 940, 613 NYS 2d 759 (3<sup>rd</sup> Dept. 1994); and in determining credibility, Matter of Minielly v. Comm. of Health, 222 A.D.2d 750, 634 N.Y.S.2d 856 (3<sup>rd</sup> Dept. 1995). The ARB may choose to substitute our judgment and impose a more severe sanction than the Committee on our own motion, even without one party requesting the sanction that the ARB finds appropriate, Matter of Kabnick v. Chassin, 89 N.Y.2d 828 (1996). In determining the appropriate penalty in a case, the ARB may consider both aggravating and mitigating circumstances, as well as considering the protection of society, rehabilitation and deterrence, Matter of Brigham v. DeBuono, 228 A.D.2d 870, 644 N.Y.S.2d 413 (1996).

The statute provides no rules as to the form for briefs, but the statute limits the review to only the record below and the briefs [PHL § 230-c(4)(a)], so the ARB will consider no evidence from outside the hearing record, Matter of Ramos v. DeBuono, 243 A.D.2d 847, 663 N.Y.S.2d 361 (3<sup>rd</sup> Dept. 1997).

A party aggrieved by an administrative decision holds no inherent right to an administrative appeal from that decision, and that party may seek administrative review only pursuant to statute or agency rules, Rooney v. New York State Department of Civil Service, 124 Misc. 2d 866, 477 N.Y.S.2d 939 (Westchester Co. Sup. Ct. 1984). The provisions in PHL §230-c provide the only rules on ARB reviews.

#### Determination

The ARB has considered the record and the Petitioner's brief. The ARB affirms the Committee's Determination to sustain the charges against the Respondent. Neither party challenged the Committee's Determination on the charges. The ARB overrules in full the Committee's determination on sanction. The ARB votes 5-0 to suspend the Respondent's License for two years, to stay the suspension and to place the Respondent on probation for five years, under the terms that appear at the Appendix to this Determination.

We agree with the Petitioner that the sanction the Committee imposed fell outside the list of permissible penalties at PHL §230-a. Under PHL §230-a(2), a Committee may suspend a license wholly for a fixed period of time or until a licensee completes retraining, treatment rehabilitation and wholly or partially until a licensee satisfies a BPMP Order. A Committee may not impose an indefinite suspension Ostad v. New York State Dept. of Health, 309 A.D.2d 989,

766 N.Y.S.2d 441 (3<sup>rd</sup> Dept. 2003) and the provisions in PHL 230-a say nothing about permanent suspensions.

The Committee placed the Respondent on suspension until the Respondent regains a full and unrestricted practice in Colorado. It is unclear from the Colorado Order as to when the Respondent could regain a full and unrestricted Colorado license. The Colorado Order required the Respondent to undergo a clinical competence assessment and to then undergo any intervention, remedial education or training program that the assessment determined to be necessary. There was no information in the record as to whether the Respondent has had the assessment or whether the Respondent must undergo any training.

It is also unclear from the Colorado Order whether the Respondent can ever regain a full and unrestricted Colorado license. The Colorado Order placed the Respondent on probation for five years [Direct Referral Exhibit 4, paragraph 11] and the Colorado Order made clear that the Colorado ban on Suboxone would last for the duration of the probation [Direct Referral Exhibit 4, paragraph 14]. The Colorado Order also banned the Respondent from solo practice, but there was no provision in that ban that restricted the ban to only the probation period [Direct Referral Exhibit 4, paragraph 13]. If the solo practice ban is permanent, then the Respondent will never be able to regain a full Colorado license, so the New York suspension under the Committee's sanction would be permanent.

The ARB agrees with the Petitioner that the sanction against the Respondent should include a suspension for a fixed time period. The ARB suspends the Respondent's License for two years and stays the suspension in full. The ARB also agrees that the Respondent should practice on probation for five years after his return to practice in New York, so that New York may assess the Respondent's fitness to practice. The attached probation terms include a

Suboxone ban for four of the five years under the probation as well as requirements that the Respondent practice with a monitor for the entire probation period, maintain a prescribing log for the entire period and undergo continuing medical education in the area of ethics.

ORDER

NOW, with this Determination as our basis, the ARB renders the following ORDER:

1. The ARB affirms the Committee's Determination that the Respondent committed professional misconduct.
2. The ARB overturns the Committee's Determination to suspend the Respondent's License until such time as the Respondent regains a full and unrestricted license in Colorado.
3. The ARB suspends the Respondent's License for two years, stays the suspension and places the Respondent's License on probation for five years, under the terms that appear as the Appendix to this Determination.

Peter S. Koenig, Sr.  
Steven Grabiec, M.D.  
Linda Prescott Wilson  
John A. D'Anna, M.D.  
Richard D. Milone, M.D.



Appendix

TERMS OF PROBATION

1. The Respondent's conduct shall conform to the moral and professional standards of conduct in his profession and in governing law. Any act of professional misconduct by the Respondent as defined by New York Education Law §§ 6530 or 6531 shall constitute a violation of probation and may subject Respondent to an action pursuant to New York Public Health Law § 230 (10) or (19), or both.
2. The Respondent shall remain in continuous compliance with all requirements of New York Education Law § 6502, including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. The Respondent shall not exercise the option provided in New York Education Law § 6502(4) to avoid registration and payment of fees.
3. The Respondent shall provide to the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, Suite 355, 150 Broadway, Albany, New York, 12204, at least every six months and as otherwise requested, or within thirty days of any change in the information, the following information in writing:
  - a. a full description of the Respondent's employment and practice;
  - b. all professional and residential addresses and telephone numbers within and outside of New York State;
  - c. any and all information concerning investigations, arrests, charges, convictions or disciplinary actions by any local, state, or federal agency;
  - d. any and all information concerning investigations, terminations, or disciplinary matters by any institution or facility.
4. The Respondent shall provide to the Director, Office of Professional Medical Conduct (OPMC), Riverview Center, Suite 355, 150 Broadway, Albany, New York, 12204, copies of all applications relating to the practice of medicine, including but not limited to, privileges, insurance, and licensure, in any jurisdiction, concurrent with their submission.

5. The Respondent shall cooperate fully with, and will respond within two weeks, to OPMC requests to provide written periodic verification of Respondent's compliance with these terms of probation. Upon the OPMC Director's request, the Respondent shall meet personally with a person designated by the Director.
6. The probation period shall toll when the Respondent is not engaged in active medical practice in New York State for a period of thirty consecutive days or more. The Respondent shall notify the OPMC Director, in writing, if the Respondent is not currently engaged in, or intends to leave, active medical practice in New York State for a consecutive thirty-day period. The Respondent shall then notify the Director again at least fourteen days before returning to active practice. Upon the Respondent's return to active practice in New York State, the probation period shall resume, and the Respondent shall fulfill any unfulfilled probation terms and such additional requirements as the Director may impose.
7. The OPMC Director, or his/her designee, may review the Respondent's professional performance. This review may include but shall not be limited to:
  - a. A review of office records, patient records, hospital charts, and/or electronic records; and
  - b. Interviews with or periodic visits with Respondent and staff at practice locations or OPMC offices.
8. The Respondent shall maintain complete and legible medical records that accurately reflect the evaluation and treatment of patients, and contain all information required by State rules and regulations concerning controlled substances.
9. Within thirty days of the effective date of this Determination and Order, the Respondent shall practice only when monitored by a licensed physician, board certified in an appropriate specialty, ("Practice Monitor") proposed by Respondent and subject to written approval of the OPMC Director.
  - a. Respondent shall make available to the monitor any and all records or access to the practice requested by the monitor, including on-site observation. The practice monitor shall visit the Respondent's medical practice on a random unannounced basis at least monthly and shall examine a selection (no less than 20) of records maintained by the Respondent. The review will determine whether the

Respondent's charting is conducted in accordance with the generally accepted standards of professional medical care. Any perceived deviation from accepted standards of medical care or refusal to cooperate with the monitor shall be reported within 24 hours to OPMC.

- b. The Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.
  - c. The Respondent shall cause the practice monitor to report quarterly, in writing, to the OPMC Director.
  - d. The Respondent shall maintain medical malpractice insurance coverage with limits no less than \$2 million per occurrence and \$6 million per policy year, in accordance with Section 230(18)(b) of the Public Health Law. Proof of coverage shall be submitted to the OPMC Director within 30 days after the date of this Determination and Order.
10. The Respondent shall maintain a prescribing log during the period of probation. Such log shall include, at minimum, the following information with regard to the prescription: the patient name, the date of prescription, the name of the medication prescribed, as well as the quantity of such medication prescribed and prescribed dosage, and the number of days' supply prescribed. The log shall be subject to review by the Respondent's Practice Monitor. The Respondent shall cause the Monitor to examine this log, and include, as part of Practice Monitor's review of the medical records treated by the Respondent, an examination of medical records identified through examination of the log entries.
11. For the first four years of the period of probation, the Respondent shall not prescribe, maintain a supply of, administer or dispense any formulation of or combination including buprenorphine, including but not limited to Suboxone, for purposes of treatment for addiction.
12. Within three months of the effective date of this Determination and Order, the Respondent shall enroll in and successfully complete a course of Continuing Medical Education in the area of medical recordkeeping. This course is subject to the prior written approval of the OPMC Director and courses taken in the past may not be used to fulfill this requirement.

13. The Respondent shall adhere to Federal and state guidelines and professional standards of care with respect to infection control practices. The Respondent shall insure education, training and oversight of all office personnel involved in the medical care, with respect to these practices.
14. The Respondent shall comply with these Terms of Probation, and shall bear all associated compliance costs. Upon receiving evidence of noncompliance with or a violation of these terms, the OPMC Director and/or the Board for Professional Medical Conduct may initiate a violation of probation proceeding, and/or any other proceeding authorized by law, against the Respondent.

In the Matter of Gregory Donald Denzel, M.D.

Peter S. Koenig, Sr., an ARB Member concurs in the Determination and Order in the  
Matter of Dr. Denzel.

Dated: December 2, 2016



Peter S. Koenig, Sr.



In the Matter of Gregory Donald Denzel, M.D.

Linda Prescott Wilson, an ARB Member concurs in the Determination and Order in the Matter of Dr. Denzel.

Dated: 6 December, 2016



Linda Prescott Wilson

In the Matter of Gregory Donald Denzel, M.D.

Richard D. Milone, M.D., an ARB Member concurs in the Determination and Order in  
the Matter of Dr. Denzel.

Dated: 12/5/16 2016



Richard D. Milone, M.D.

12-07-16:09:18AM:51

# 1 / 2

In the Matter of Gregory Donald Denzel, M.D.

John A. D'Anna, M.D., an ARB Member concurs in the Determination and Order in the

Matter of Dr. Denzel.

Dated: Dec. 7, 2016

  
John A. D'Anna, M.D.





**Department  
of Health**

**ANDREW M. CUOMO**  
Governor

**HOWARD A. ZUCKER, M.D., J.D.**  
Commissioner

**SALLY DRESLIN, M.S., R.N.**  
Executive Deputy Commissioner

August 11, 2016

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

**Gregory Donald Denzel, D.O.**  
[REDACTED]

**David W. Quist, Esq.**  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237

**Gregory Donald Denzel, D.O.**  
[REDACTED]

**Gregory Donald Denzel, D.O.**  
[REDACTED]

**RE: In the Matter of Gregory Donald Denzel, D.O.**

Dear Parties:

Enclosed please find the Determination and Order (No. 16-278) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (f), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway - Suite 510  
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,

  
James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:cah  
Enclosure

STATE OF NEW YORK: DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
GREGORY DONALD DENZEL, D.O.

DETERMINATION  
AND  
ORDER

BPMC #16-278

COPY

A hearing was held on July 14, 2016, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding, dated June 2, 2016 and a Statement of Charges, dated May 2, 2016, were served upon the Respondent, Gregory Donald Denzel, D. O.

Pursuant to Section 230(10)(e) of the Public Health Law, Robert A. Catalano, M.D., M.B.A., Chair, Kenneth J. Steler, D.O., and Gail S. Homick Herrling, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. David A. Lenihan, Esq., Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by Richard J. Zahnleuter, Esq., General Counsel, by David W. Quist, Esq., of Counsel. The Respondent, Gregory Donald Denzel, D.O., did not appear, although duly served by personal service. Evidence was received and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

### STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law §6530(9) (b) ~ by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state.

Respondent is also charged with committing professional misconduct as defined in N.Y Educ. Law § 6530(9) (d) - by having his license to practice medicine revoked, suspended or having other disciplinary action taken, or having his application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation,

suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state. Copies of the Notice of Hearing and the Statement of Charges are attached to this Determination and Order as Appendix 1. A copy of the Colorado Order is attached to this Determination as Appendix 2.

#### WITNESSES

|                     |      |
|---------------------|------|
| For the Petitioner: | None |
| For the Respondent: | None |

#### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. Gregory Donald Denzel, D.O., the Respondent, did not appear at the hearing although duly and personally served with process. (Petitioner's Ex. 2)
2. Gregory Donald Denzel, D.O., the Respondent, was authorized to practice medicine in New York State on or about July 15, 1981, by the issuance of license number 186229 by the New York State Education Department. (Petitioner's Ex. 3)

3. On or about August 28, 2015, Respondent agreed to a Stipulation and Final Agency Order with the Colorado Medical Board which became effective on or about October 8, 2015. Pursuant to the terms that Order, Respondent admitted that he engaged in unprofessional conduct by failing to personally examine a number of patients before making medical diagnoses and prescribing Suboxone to patients while serving as Medical Director of a treatment center. (Petitioner's Ex. 4 and attached hereto as Appendix 2)

4. Pursuant to the terms of that Order, Respondent was admonished and placed on five years' probation subject to terms including prohibition against solo practice and prohibition against prescribing, maintaining a supply of, administering, or dispensing Suboxone. Respondent was also required to undergo an assessment to determine the need for remedial education and/or training, and to comply with the outcome of such assessment; training in ethics; and compliance with other terms and conditions. (Petitioner's Ex. 4)

**VOTE OF THE HEARING COMMITTEE**

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

"Respondent violated New York Education Law §8530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding

was based would, if committed in New York state, constitute professional misconduct under the laws of New York state..."

VOTE: Sustained (3-0)

#### **SECOND SPECIFICATION**

#### **HAVING HAD DISCIPLINARY ACTION TAKEN**

"Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state ...."

VOTE: Sustained (3-0)

#### **HEARING COMMITTEE DETERMINATION**

The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Officer, after considering the documentary evidence, which included an Affidavit of Personal Service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 2), ruled that the Petitioner had met the requirements of law for the service of process, that jurisdiction had been established over the Respondent, and that the hearing could proceed on the merits notwithstanding the Respondent's absence.

The record in this case shows that the Respondent agreed to a Stipulation and Final Agency Order with the Colorado Medical Board in which he admitted that he engaged in unprofessional conduct by failing to personally examine a number of patients before making medical diagnoses and prescribing Suboxone to these patients while serving as

Medical Director of a treatment center. The record goes on to show that because of his actions he was admonished and placed on five years' probation subject to very strict terms.

The New York panel found that these terms were warranted because of the potential harm to patients. These terms included a prohibition against solo practice and a further prohibition against prescribing, maintaining a supply of, administering, or dispensing Suboxone. In addition, the Respondent was also required to undergo an assessment to determine the need for remedial education and/or training, and to comply with the outcome of such assessment. Finally, Colorado demanded that the Respondent undergo training in ethics and compliance with other terms and conditions set forth in the agreed order at pages six and seven. (See Appendix 2 for the Colorado Order)

The panel noted that the Respondent was personally served with notice of this matter and was thus aware of this proceeding and chose to ignore it. Respondent did not appear at the hearing, and the record does not contain any evidence of mitigating circumstances or remorse. The Department requested a Censure and Reprimand along with three years' probation, with a restriction on prescribing Suboxone. The panel based its determination on the documentation in the record and determined to impose a more severe punishment. The panel reviewed the entire record in this matter and, considering the full range of penalties available pursuant to PHL §230-a, determined the appropriate penalty to be a suspension of his license to practice medicine in New York State until the probation imposed by the State of Colorado is successfully completed and Respondent is restored to full and unrestricted practice in that State. Respondent is directed to provide the Director of OPMC with verification of the completion of the Colorado probation and his compliance with all the terms and conditions of that order.



**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The specifications of professional misconduct, as set forth in the Statement of Charges, are **SUSTAINED**,
2. The Respondent's license to practice medicine in New York is **Suspended** until such time as he is restored to full and unrestricted practice in the State of Colorado and provides the Director of OPMC with verification of the successful completion of the Colorado probation and compliance with all the terms and conditions of that Order.
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

**DATED: Delmar, New York  
August 5, 2016**



**Robert A. Catalano, M.D., M.B.A., Chair**

**Kenneth J. Steier, D.O.  
Gail S. Homick Herring**

To:

Gregory Donald Denzel, D.O.



Gregory Donald Denzel, D.O.



Gregory Donald Denzel, D.O.



David W. Quist, Esq.  
Attorney for Petitioner  
Associate Attorney  
NYS Department of Health  
Bureau of Professional Medical Conduct  
Corning Tower, Room 2512  
Albany, New York 12237

**APPENDIX 1**

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER  
OF  
GREGORY DONALD DENZEL, D.O.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: Gregory Donald Denzel, D.O. Gregory Donald Denzel, D.O.

[REDACTED]

[REDACTED]

Gregory Donald Denzel, D.O.

[REDACTED]

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on July 14, 2018 at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719.<sup>1</sup>

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

<sup>1</sup> For GPS purposes, enter "Menands", not "Albany".

EXHIBIT  
1

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. You may also file a written brief and affidavits with the Committee. All such documents shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge,

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Adm. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.

Department attorney: Initial here 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET OUT IN NEW YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
June 2, 2018

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

David W. Quist  
Associate Attorney  
Bureau of Professional Medical Conduct  
Corning Tower - Room 2512  
Empire State Plaza  
Albany, NY 12237  
(518) 473-4282

NEW YORK STATE DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER

OF

GREGORY DONALD DENZEL, D.O.

STATEMENT  
OF  
CHARGES

GREGORY DONALD DENZEL, D.O., the Respondent, was authorized to practice medicine in New York State on or about July 15, 1991, by the issuance of license number 186229 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or about August 28, 2015, Respondent agreed to a Stipulation and Final Agency Order ("Order") with the Colorado Medical Board ("Board"), which became effective on or about October 8, 2015. Pursuant to the terms that Order, Respondent admitted that he engaged in unprofessional conduct by failing to personally examine a number of patients before making medical diagnoses and prescribing Suboxone to patients while serving as Medical Director of a treatment center.
- B. Pursuant to the terms of that Order, Respondent was admonished; placed on five years' probation subject to terms including prohibition against solo practice and prohibition against prescribing, maintaining a supply of, administering, or dispensing Suboxone; required to undergo an assessment to determine the need for remedial education and/or training, and to comply with the outcome of such assessment; training in ethics; and compliance with other terms and conditions.



C. The conduct resulting in the Board's Order would constitute misconduct under the laws of New York State pursuant to New York Education Law section 6530(3) (negligence on more than one occasion).

**SPECIFICATION OF CHARGES**

**FIRST SPECIFICATION**

**HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(3)) as alleged in the facts of the following:

1. The facts in Paragraphs A, B, and C.

**SECOND SPECIFICATION**

**HAVING HAD DISCIPLINARY ACTION TAKEN**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her application for a

license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state (namely N.Y. Educ. Law § 6530(3)) as alleged in the facts of the following:

2. The facts in Paragraphs A, B, and C.

*MAY 2*  
DATE: April 2, 2016  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

**APPENDIX 2**

BEFORE THE COLORADO MEDICAL BOARD

STATE OF COLORADO

CASE NO. [REDACTED]

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STIPULATION AND FINAL AGENCY ORDER

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IN THE MATTER OF THE DISCIPLINARY PROCEEDING REGARDING THE LICENSE TO PRACTICE MEDICINE IN THE STATE OF COLORADO OF GREGORY DONALD DENZEL, D.O., LICENSE NUMBER DR-32068,

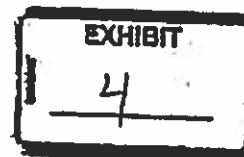
Respondent.

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IT IS HEREBY STIPULATED and agreed by and between Inquiry Panel A ("Panel") of the Colorado Medical Board ("Board") and Gregory Donald Denzel, D.O. ("Respondent") (collectively, the "Parties") as follows:

JURISDICTION AND CASE HISTORY

1. Respondent was licensed to practice medicine in the State of Colorado on August 21, 1992, and was issued license number DR-32068, which Respondent has held continuously since that date ("License").
2. The Panel and the Board have jurisdiction over Respondent and over the subject matter of this proceeding.
3. On April 9, 2015, the Panel reviewed case number [REDACTED] and determined that further proceedings by formal complaint were warranted pursuant to Section 12-36-118(4)(c)(IV), C.R.S.
4. It is the intent of the parties and the purpose of this Stipulation and Final Agency Order ("Order") to provide for a settlement of all matters set forth in case number [REDACTED] without the necessity of conducting a formal disciplinary hearing. This Order constitutes the entire agreement between the parties, and there are no other agreements or promises, written or oral, which modify, interpret, construe or affect this Order.
5. Respondent understands that:
  - a. Respondent has the right to be represented by an attorney of Respondent's choice, and Respondent is represented by counsel;
  - b. Respondent has the right to a formal complaint and disciplinary hearing pursuant to Sections 12-36-118(4)(c)(IV) and 12-36-118(5), C.R.S.;



c. By entering into this Order, Respondent is knowingly and voluntarily giving up the right to a formal complaint and disciplinary hearing, admits the facts contained in this Order, and relieves the Panel of its burden of proving such facts;

d. Respondent is knowingly and voluntarily giving up the right to present a defense by oral and documentary evidence and to cross-examine witnesses who would testify on behalf of the Panel; and

e. Respondent is knowingly and voluntarily waiving the right to seek judicial review of this Order.

#### FACTUAL BASIS

6. Respondent specifically admits and the Panel finds that:

a. Between 2010 and mid-2012, Respondent served as Medical Director for North Colorado Behavioral Health and Rocky Mountain Treatment Centers, which provided services exclusively to persons addicted to opioids.

b. In his capacity as Medical Director, Respondent supervised a Certified Addiction Counselor III, W.M.

c. Between 2010 and mid-2012, [REDACTED] would conduct patient assessments and communicate the results to Respondent. After which, Respondent would confirm the assessments over the telephone and prescribe Suboxone in order for the patients to immediately report to Respondent for examination and induction.

d. Respondent states that he always intended that these patients report to him for induction prior to their use of the prescribed medication.

e. Respondent's failure to personally examine these patients before making medical diagnoses and prescribing Suboxone constitutes unprofessional conduct.

7. Respondent admits and the Panel finds that the conduct set forth above constitutes unprofessional conduct as defined in Sections 12-38-117(1)(p), C.R.S., which state:

(1) "Unprofessional conduct" as used in this article means:

(p) Any act or omission which fails to meet generally accepted standards of medical practice.

8. Based upon the above, the Parties agree and stipulate that the terms of this Order are authorized by Section 12-38-118(5)(g)(III), C.R.S.

#### LETTER OF ADMONITION

9. This provision shall constitute a Letter of Admonition as set forth in Sections 12-38-118(4)(c)(III)(A) and 12-38-118(5)(g)(III), C.R.S. Respondent is

heraby admonished for the acts and omissions described in the Factual Basis above.

10. By entering into this Order, Respondent agrees to waive the rights provided by Section 12-98-118(4)(c)(III)(B), C.R.S., to contest this Letter of Admonition.

#### PROBATIONARY TERMS

11. Respondent's License is hereby placed on probation for five (5) years, commencing on the effective date of this Order. All terms of probation shall be effective throughout the probationary period and shall constitute terms of this Order.

12. During the probationary period, Respondent agrees to be bound by the terms and conditions set forth below.

#### PRACTICE RESTRICTIONS

13. Respondent shall not practice medicine as a solo practitioner and/or in any setting where Respondent is the sole physician. Respondent shall not delegate and supervise the provision of medical services to advance practice providers or to unlicensed persons pursuant to Board Rules 400 and 800 and Section 12-36-106(3)(I), C.R.S.

#### PRESCRIBING RESTRICTIONS

14. Commencing on the effective date of this Order, and for the duration of the probationary period set forth in paragraph 11 above, Respondent shall not prescribe, maintain a supply of, administer, or dispense any Suboxone.

#### CPEP EDUCATION PROGRAM

15. Within 30 days of the effective date of this Order, Respondent shall contact the Center for Personalized Education for Physicians ("CPEP") to schedule a competence assessment ("CPEP Assessment"). Respondent shall complete and review the CPEP Assessment within 120 days of the effective date of this Order.

16. The CPEP Assessment will determine whether CPEP recommends that Respondent undergo any education intervention plan or other remedial education or training program. Hereinafter, the term "Education Program" shall refer to any education intervention plan or other remedial education or training program, recommended by CPEP including the "Post-Education Evaluation" component.

17. If the CPEP Assessment indicates Respondent should undergo an Education Program, Respondent shall enroll in the recommended Education Program within 180 days of the effective date of this Order. If the CPEP Assessment indicates that Respondent need not undergo any Education Program,

Respondent shall be deemed to have satisfied fully the CPEP Education Program requirement of this Order.

18. Respondent shall timely commence and successfully complete any CPEP recommended Education Program including the Post-Education Evaluation component, within the time required by CPEP. However, Respondent shall have no more than two years from the effective date of this Order to complete the entire CPEP Education Program unless the Panel determines, in its discretion, that more time is necessary. Any delay in Respondent's completion of the recommended Education Program, including the Post-Education Evaluation, will delay Respondent's successful completion of the probationary period.

19. Respondent understands and acknowledges that in order to complete the Education Program successfully, Respondent must demonstrate to CPEP and the Panel's satisfaction that Respondent has satisfactorily accomplished all CPEP Education Program objectives and has integrated this learning into Respondent's medical practice.

20. Within 30 days of the effective date of this Order, Respondent shall sign any and all releases necessary to allow CPEP to communicate with the Panel. Within 60 days of the effective date of this Order, Respondent shall provide the Panel with a copy of such releases. Respondent shall not revoke such releases prior to successful completion of the probationary period as set forth in this Order. Any failure to execute such a release, failure to provide copies to the Panel, or any revocation of such a release shall constitute a violation of this Order.

21. Respondent shall provide or cause CPEP to provide a copy of the Assessment Report, Education Plan, and any other reports regarding Respondent's participation in the Education Program to the Panel within 30 days of the report's completion.

22. Respondent shall ensure that all reports from CPEP are complete and timely submitted to the Board. Respondent understands that the Board may accept a report, reject a report, refer the matter for additional disciplinary proceedings, or take any further action authorized by law.

23. Respondent shall provide the Panel with written proof from CPEP upon successful completion of the recommended Education Program, including successful completion of the Post-Education Evaluation as defined above.

24. The Parties acknowledge that most CPEP Assessments include a computer-based cognitive function screening test. If CPEP determines that Respondent's results on the cognitive function screen suggest the need for further neuropsychological testing, Respondent shall directly notify, or ensure that CPEP notifies, the Panel of such a determination. The Panel may, in its discretion, order

Respondent to undergo a comprehensive neuropsychological examination with its peer assistance, or other delegated provider, pursuant to an Order or other written instruction of the Panel. Respondent understands and agrees to undergo neuropsychological examination as directed by the Panel.

25. All CPEP recommendations and instructions shall constitute terms of this Order. Respondent shall comply with all CPEP recommendations and instructions within the time periods set out by CPEP and the Panel. Respondent's failure to comply with CPEP recommendations and instructions shall constitute a violation of this Order.

#### ETHICS COURSE

26. Within one year of the effective date of this Order, Respondent shall successfully complete the ProBE-Professional/Problem Based Ethics Program conducted by CPEP.

27. In order to successfully complete the course, Respondent's performance in the course must be rated as successful, without condition or qualification.

28. Respondent shall provide proof of successful completion of this course to the Panel within one year of the effective date of this Order.

#### TOLLING OF THE PROBATIONARY PERIOD

29. If at any time, Respondent ceases the active clinical practice of medicine, defined for the purposes of this Order as evaluating or treating a minimum of five patients per month, the probationary period shall be tolled for the time the Order is in effect and Respondent is not engaged in the active clinical practice of medicine.

30. Respondent must comply with all other terms of the Order and all other terms of probation. Unless otherwise specified, all terms of the Order and all terms of probation shall remain in effect, regardless of whether the probationary period has been tolled, from the effective date of this Order until probation is terminated. The probationary period shall be tolled for any time Respondent is not in compliance with any term of this Order.

#### OUT OF STATE PRACTICE

31. Respondent may wish to leave Colorado and practice in another state. At any time other than during a period of suspension imposed by this Order, and whether to practice out of state or for any other reason, Respondent may request, in writing, that the Board place Respondent's license on inactive status as set forth in Section 12-36-137, C.R.S. Respondent's request to place his license on inactive status must include written evidence that Respondent has reported this Order to all other jurisdictions in which Respondent is licensed, as required by the "Other Terms"



section of this Order. Upon the approval of such request, Respondent may cease to comply with the terms of this Order. Failure to comply with the terms of this Order while inactive shall not constitute a violation of this Order. While inactive, Respondent shall not perform any act in the state of Colorado that constitutes the practice of medicine, nor shall Respondent perform any act in any other jurisdiction pursuant to the authority of a license to practice medicine granted by the state of Colorado. Unless Respondent's license is inactive, Respondent must comply with all terms of this Order, irrespective of Respondent's location. The probationary period will be tolled for any period of time Respondent's license is inactive.

32. Respondent may resume the active practice of medicine at any time pursuant to written request and as set forth in Section 12-38-137(5), C.R.S. With such written request, Respondent shall cause CPHP to perform an updated evaluation of Respondent. Respondent shall be permitted to resume the active practice of medicine only after approval of the practice monitor, the compliance monitor, and the treatment monitor, and only after submission of and approval of an updated evaluation from CPHP.

#### TERMINATION OF PROBATION

34. After expiration of the probationary period, Respondent may submit a written request for restoration of Respondent's license to unrestricted status. If Respondent has complied with the terms of probation, and if Respondent's probationary period has not been tolled, such release shall be granted by the Panel in the form of a written notice.

#### OTHER TERMS

35. The terms of this Order were mutually negotiated and determined.

36. Both Parties acknowledge that they understand the legal consequences of this Order; both Parties enter into this Order voluntarily; and both Parties agree that no term or condition of this Order is unconscionable.

37. All costs and expenses incurred by Respondent to comply with this Order shall be the sole responsibility of Respondent, and shall in no way be the obligation of the Board or Panel.

38. If Respondent is licensed by any other jurisdiction, Respondent shall report this Order to all other jurisdictions in which Respondent is licensed.

39. During the probationary period or any period in which a physician is subject to prescribing restrictions, no physician shall perform an assessment of a patient's medical history and current medical condition, including a personal physical examination, for the purpose of concluding that a patient may benefit from the use of medical marijuana, recommending the use of medical marijuana or certifying a debilitating medical condition for an applicant to the Colorado Medical Marijuana

Program. Respondent hereby understands and agrees that he shall not certify to the state health agency that a patient has a debilitating medical condition or that the patient may benefit from the use of medical marijuana.

40. Respondent shall obey all state and federal laws while the terms of this Order are in effect.

41. So that the Board may notify hospitals of this agreement pursuant to Section 12-36-118(13), C.R.S., Respondent presently holds privileges at or is employed by the following hospitals and facilities:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

42. This Order and all its terms shall have the same force and effect as an order entered after a formal disciplinary hearing pursuant to Section 12-36-118(5)(g)(III), C.R.S., except that it may not be appealed. Failure to comply with the terms of this Order may be sanctioned by the Inquiry Panel as set forth in section 12-36-118(5)(g)(IV), C.R.S. This Order and all its terms also constitute a valid board order for purposes of Section 12-36-117(1)(u), C.R.S.

43. This Order shall be admissible as evidence at any proceeding or future hearing before the Board.

44. Invalidation of any portion of this Order by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

45. During the pendency of any action arising out of this Order, the terms of this Order shall be deemed to be in full force and effect and shall not be tolled.

46. Respondent acknowledges that the Panel may choose not to accept the terms of this Order and that if the Order is not approved by the Panel and signed by a Panel member, the Program Director, or other authorized person, it is void.

47. This Order shall be effective upon (a) mailing by first-class mail to Respondent at Respondent's address of record with the Board, or (b) service by electronic means on Respondent at Respondent's electronic address of record with the Board. Respondent hereby consents to service by electronic means if Respondent has an electronic address on file with the Board.

48. Upon becoming effective, this Order shall be open to public inspection and shall be publicized pursuant to the Board's standard policies and procedures. This Order constitutes discipline against Respondent's License. Additionally, this Order shall be reported to the Federation of State Medical Boards, the National Practitioner Data Bank, and as otherwise required by law.

[Redacted]  
GREGORY DONALD DENZEL, D.O.

THE FOREGOING was acknowledged before me this 28 day of August, 2015, by Gregory Donald Denzel, D.O., in the County of Weld, State of Colorado.

RAEHEL LEE ALBRECHT  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 20144030777  
COMMISSION EXPIRES AUG. 01, 2018

[Redacted]  
NOTARY PUBLIC  
Aug. 01, 2018  
My commission expires

THE FOREGOING Stipulation and Final Agency Order is approved this 8th day of October, 2015.

FOR THE COLORADO MEDICAL BOARD  
INQUIRY PANEL A

[Redacted]  
JACOB M. BOROZELAN, M.D.  
Acting Chair, Inquiry Panel A ERIC R. GROSS, D.O.

THE FOREGOING Stipulation and Final Agency Order is effective upon service to Respondent, on October 8, 2015.

APPROVED AS TO FORM

FOR RESPONDENT



~~John L. Skarb, Jr., Esq.~~  
~~Zakheim Law, LLC~~  
~~700 17<sup>th</sup> Street, Suite 2000~~  
~~Denver CO 80202~~  
Jackson Kelly LLC  
1099 19<sup>th</sup> Street, Suite 7150  
Denver CO 80202

ATTACHMENT II

Requirements for Closing a Medical Practice Following a  
Revocation, Surrender, Limitation or Suspension of a Medical License

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice medicine.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719.
3. Within 15 days of the Order's effective date, Licensee shall notify all patients of the cessation or limitation of Licensee's medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
4. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact persons who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and similar materials shall be provided at cost. A qualified person shall not be denied access to patient information solely because of an inability to pay.

5. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within fifteen (15) days of the Order's effective date, advise the DEA, in writing, of the licensure action and shall surrender his/her DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.
6. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. Licensee shall destroy all prescription pads bearing Licensee's name. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
7. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
8. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.
10. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment of up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law §

230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.