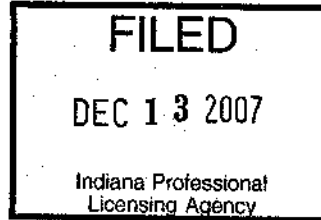


BEFORE THE MEDICAL LICENSING  
BOARD OF INDIANA  
CAUSE NUMBER: 2007 MLB 0021

IN THE MATTER OF THE LICENSE OF )  
JOHN JACOB GREENMAN, M.D. )  
LICENSE NUMBER: 01034958A )



**STIPULATED FINDINGS OF FACT, STIPULATED CONCLUSIONS OF LAW,  
ULTIMATE CONCLUSIONS OF LAW AND ORDER**

The Petitioner, the State of Indiana, by Heather C. Kennedy, Deputy Attorney General, Division of Consumer Protection ("Petitioner"), the Respondent, John Jacob Greenman, M.D. ("Respondent"), and Respondent's counsel, Milford Miller, Esq., signed an Agreement that purports to resolve all issues involved in the action by the Petitioner before the Medical Licensing Board of Indiana ("Board") regarding Respondent's license, and which Agreement has been submitted to the Board for approval.

The Board, after reviewing the Agreement at the December 6, 2007 meeting, now finds it has been entered into fairly and without fraud, duress or undue influence, and is fair and equitable between the parties. The Board hereby incorporates the Agreement as if fully set forth herein and approves and adopts in full the Agreement as a resolution of this matter. The Board approved this Agreement by a vote of 4 in favor, 0 against, and 1 abstaining. Incorporated into the Agreement was the consensus of both parties to the following Stipulated Findings of Fact, Stipulated Conclusions of Law, Ultimate Conclusions of Law and Order. The Board hereby issues the following Stipulated Findings of Fact, Stipulated Conclusions of Law and Ultimate Conclusions of Law and Order:

### STIPULATED FINDINGS OF FACT

1. The Attorney General of Indiana is empowered to bring disciplinary complaints in the name of the State of Indiana before the Board pursuant to Indiana Code § 25-1-7 *et seq.*

2. The Board is charged with the duty and responsibility of regulating the practice of medicine pursuant to Ind. Code § 25-22.5-2-7.

3. Respondent's address on file with the Indiana Professional Licensing Agency is Caylor Nickel Clinic, One Caylor Nickel Square, Bluffton, IN, 46714 and he is a duly licensed medical doctor in the State of Indiana having been issued license number 010349584.

4. — Patient 1 was a patient of Respondent's practice since May 2, 2006. Patient 1 suffered from diabetes.

5. On May 10, 2004, Patient 1 was convicted in a jury trial of Operating a Vehicle after a Lifetime Suspension, a Class C Felony. In 2006, Patient 1 was placed on criminal probation for a period of two years, after serving two years in prison. One of the terms of his probation mandated that Patient 1 was not to use alcoholic beverages of any kind.

6. On May 23, 2006, the Wabash County Probation Department conducted a compliance check for Patient 1 and it was discovered that Patient 1 possessed and admitted to consuming alcohol on that date.

7. On May 26, 2006, the Wabash County Prosecutor filed a petition to revoke Patient 1's criminal probation based on his consumption of alcohol.

8. On May 26, 2006, Respondent prepared a letter to Probation Officer Katherine Halverson, stating that "even though Patient 1 was an alcoholic, he (Respondent) would request the Court to allow him (Patient 1) to have two, but only two beers a day for his urinary symptoms."

9. In his response to the consumer complaint, Respondent indicated that on August 25, 2006, he was aware that Patient 1 was an alcoholic and that Patient 1 refused to take medication to control his diabetes. Despite this knowledge, the Respondent wrote a "prescription" for beer for Patient 1 on his prescription pad which read, "Patient 1 may take up to 5 beers a day due to medical condition. Valid until 2/25/07."

10. On August 28, 2006, the Prosecutor filed a subsequent petition to revoke Patient 1's criminal probation based on Patient 1's consumption of alcohol on August 22, 2006.

#### **STIPULATED CONCLUSIONS OF LAW**

1. Respondent's conduct is in violation of Indiana Code § 25-1-9-4(a)(4)(B), in that, Respondent failed to keep abreast of current theory or practice; to wit: 844 IAC 5-2-3, "A practitioner shall exercise reasonable care and diligence in the treatment of patients based upon generally accepted scientific principles, methods, treatments, and current professional theory and practice," as evidenced by the Respondent's decision to prescribe an alcoholic beer, with knowledge that the patient was an alcoholic as well as noncompliant with medications that treated diabetes and other medical conditions.

### ULTIMATE CONCLUSIONS OF LAW

Respondent's failure to comply with the above referenced standard is cause for disciplinary sanctions that may be imposed singly or in combination such as censure, a letter of reprimand, probation, suspension, or a revocation of license, and a fine up to the amount of \$1000.00 per violation, as detailed at Indiana Code § 25-1-9-9.

### ORDER

Based on the foregoing Stipulated Findings of Fact, Stipulated Conclusions of Law, and Ultimate Conclusions of Law, the Board hereby issues its final ORDER:

1. Respondent shall receive a fine of two hundred fifty dollars (\$250). Said fine is to be paid to the Indiana Professional Licensing Agency within ninety (90) days from the date of the Final Order in this cause.

2. Respondent shall complete ten (10) hours of Continuing Medical Education in the area of ethical prescribing and dealing with noncompliant patients. Proof of completion is to be submitted to the Board within ninety (90) days of the Final Order.

3. Respondent shall receive a Letter of Reprimand in his permanent file at the Indiana Professional Licensing Agency, which is attached as exhibit A.

4. Respondent agrees to pay for a copy of the transcript of the proceedings related to presentation of the settlement agreement before the Board, the copy of which will be kept in Respondent's file to memorialize the proceeding. Said payment should be made to Sherri Rutledge c/o Michael Rinebold – Medical Licensing Board at the Indiana Professional Licensing Agency ("IPLA"). The cost of the transcript will be provided by

the IPLA following the date of the settlement presentation and shall be paid within ninety (90) days of the Final Order.

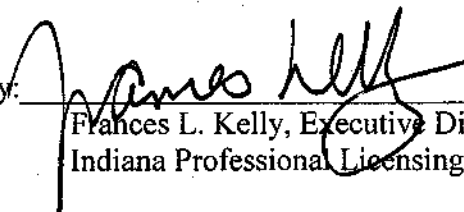
5. Violation of this Final Order, or otherwise reported non-compliance with the statutes and regulations to the competent practice of Medicine, may result in the State of Indiana requesting an emergency suspension of Respondent's license, and Order to Show Cause as may be issued by the Board, or a new cause of action pursuant to Indiana Code § 25-1-9-4(a)(10), any or all which could lead to additional sanctions, up to and including a revocation of Respondent's license.

6. The parties agree to the continuing jurisdiction of the Board.

So ORDERED, ADJUDGED, DECREED, this 13 day of

December, 2007.

MEDICAL LICENSING BOARD OF INDIANA

By:   
Frances L. Kelly, Executive Director  
Indiana Professional Licensing Agency

Copies to:

John Jacob Greenman  
Caylor Nickel Clinic  
One Caylor Nickel Square  
Bluffton, IN 46714

CERTIFIED MAIL 7006 2760 0003 4661 1719  
RETURN RECEIPT REQUESTED

Miller Murphy, LLP  
Milford Miller, Esq.  
110 W. Berry Street, Suite 1500  
Fort Wayne, IN 46802

Office of the Attorney General – Heather Kennedy  
Indiana Government Center South  
302 West Washington Street, Fifth Floor  
Indianapolis, IN 46204

December 10, 2007

John Jacob Greenman, M.D.  
Caylor Nickel Clinic  
One Caylor Nickel Square  
Bluffton, IN 46714

**Re: In the matter of the license of John Jacob Greenman, M.D.  
Before the State of Indiana Medical Licensing Board**

Dear Dr. Greenman:

This letter of reprimand is issued in accordance with the Stipulated Findings of Fact, Stipulated Conclusions of Law, Ultimate Conclusions of Law, and Order issued by the Medical Licensing Board of Indiana resolving the administrative complaint against your medical license filed by the Office of the Attorney General, Division of Consumer Protection, on November 13, 2007.

The purpose of this reprimand is to stress the important responsibility that you have by reason of possession of a license to practice medicine in the State of Indiana and to reprimand you for not exercising reasonable care and diligence in the treatment of patients based on scientific principles, methods, treatments, and current professional theory and practice in violation of Indiana Code § 25-1-9-4 (a)(4)(B) and 844 IAC 5-2-3.

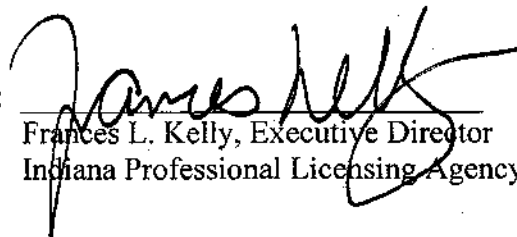
The Stipulated Findings of Fact, Stipulated Conclusions of Law, Ultimate Conclusions of Law, and Order is attached and incorporated herein as part of this reprimand.

It is your responsibility to conduct your practice of medicine in accordance with the standards of the profession.

Sincerely,

MEDICAL LICENSING BOARD OF INDIANA

By:

  
Frances L. Kelly, Executive Director  
Indiana Professional Licensing Agency

Copies to:

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Caylor Nickel Clinic  
One Caylor Nickel Square  
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