

STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: Eric J. Dieffenbach, M.D.

Petition No. 2006-0517-001-099

INTERIM CONSENT ORDER

WHEREAS, Eric Dieffenbach, of New Canaan, Connecticut (hereinafter "respondent") has been issued license number 032401 to practice medicine by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, the Department has received information regarding respondent's alleged controlled substance abuse beginning approximately January 2005 in which the respondent had written prescriptions for himself in addition to obtaining multiple prescriptions from multiple other physicians.

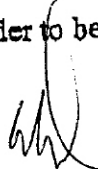
WHEREAS, it will be necessary to conduct further investigation, and the parties wish to provide for the protection of the public during the interim.

NOW THEREFORE, pursuant to §19a-17 and 20-13c of the General Statutes of Connecticut, the parties hereby stipulate to the following:

1. Respondent's license, number 032401, to practice medicine shall be suspended pending completion of the investigation and until such time as this petition is resolved.

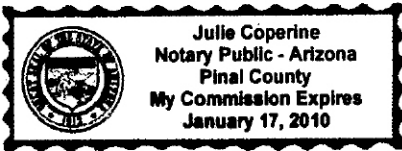
2. Respondent shall surrender his medical license number 032401 to the Board immediately upon approval of this Interim Consent Order by the Board.
3. Respondent shall withdraw any pending applications for renewal of his license immediately upon approval of this Interim Consent Order by the Board, and shall not apply for renewal of his license until either the expiration of this Interim Consent Order or the dismissal of the pending complaint, whichever occurs first.
4. Respondent shall execute releases for his treatment records, as requested by the Department.
5. This stipulation shall not deprive respondent of his right to a hearing on the merits of this case, nor shall it be construed as an admission of any fact or waiver of any right to which respondent may be entitled, other than as specifically provided for herein.
6. This Interim Consent Order shall become effective on the day it is approved and entered by the Board.
7. Respondent permits a representative of the Department to present this Interim Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether an executed Interim Consent Order is approved or accepted.
8. Respondent has had the opportunity to consult with an attorney prior to signing this document.
9. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

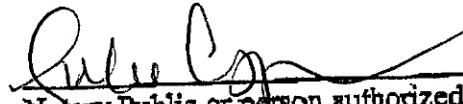
I, Eric J. Dieffenbach, have read the above Interim Consent Order, and I agree to the terms set forth therein. I further declare the execution of this Interim Consent Order to be my free act and deed.




Eric J. Dieffenbach, M.D.

Subscribed and sworn to before me this 15th day of June 2006.




Notary Public or person authorized
by law to administer an oath or
affirmation

The above Interim Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 20th day of June 2006, it is hereby accepted.


Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Interim Consent Order having been presented to the Connecticut Medical Examining Board on the 20th day of June 2006, it is hereby ordered and accepted.

BY: 
Connecticut Medical Examining Board

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**STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH**

In re: Eric Dieffenbach, MD

Petition No. 2006-0517-001-099

CONSENT ORDER

WHEREAS, Eric Dieffenbach of New Canaan, Connecticut (hereinafter "respondent") has been issued license number 032401 practice medicine and surgery by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits:

1. From approximately January 2005 until February 2006, respondent obtained and filled prescriptions for Hydrocodone type products and Oxycodone from multiple physicians. Respondent also self-prescribed and filled prescriptions for Hydrocodone type products.
2. In approximately January 2005 respondent prescribed Percocet for a patient who did not require such medication. Respondent instructed the patient to fill the prescription and deliver it to him.
3. From approximately September 2004 until February 2006, respondent abused or utilized to excess Hydrocodone and Oxycodone.
4. The above described facts constitute grounds for disciplinary action pursuant to the Connecticut General Statutes §20-13c, including, but not limited to:
 - a. §20-13c(3);
 - b. §20-13c(4); and/or,
 - c. §20-13c(5).

WHEREAS, on or about February 3, 2006 respondent surrendered his State of Connecticut Controlled Substance Certificate of Registration

WHEREAS, on or about June 20, 2006 respondent voluntarily entered into an Interim Consent Order which suspended his license to practice medicine until such time as this petition is resolved.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent hereby waives his right to a hearing on the merits of this matter.
2. Respondent's license shall be placed on probation for a period of five (5) years subject to the following terms and conditions:
 - a. Respondent shall participate in regularly scheduled therapy at his own expense with a licensed psychiatrist pre-approved by the Department (hereinafter "therapist").
 - (1) Respondent shall provide an entire copy of this Consent Order to his therapist.
 - (2) Respondent's therapist shall furnish written confirmation to the Department of his or his engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.
 - (3) If the therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be transferred to another therapist, the therapist shall advise the Department, and the Department shall pre-approve said termination of therapy, reduction in frequency of therapy sessions, and/or respondent's transfer to another therapist.
 - (4) The therapist shall submit reports quarterly for the duration of probation that shall address, but not necessarily be limited to, respondent's ability to practice medicine

in an alcohol and substance free state safely and competently. Said reports shall continue until the therapist determines that therapy is no longer necessary or the period of probation has terminated.

(5) The therapist shall immediately notify the Department in writing if the therapist believes respondent's continued practice poses a danger to the public, or if respondent discontinues therapy and/or terminates his or his services.

b. Respondent shall refrain from ingestion of alcohol in any form and the ingestion, inhalation, injection or other use of any controlled substance and/or legend drug unless prescribed by a licensed health care professional authorized to prescribe medications. In the event a medical condition arises requiring treatment utilizing controlled substances, legend drugs, or alcohol in any form, respondent shall notify the Department and, upon request, provide such written documentation of the treatment as is deemed necessary by the Department.

(1) During the probationary period, respondent at his own expense, shall submit to random observed urine screens for alcohol, controlled substances, and legend drugs in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto, with the following frequency:

During the first year of the probationary period, he shall submit to two random observed urine screens each week.

During the second and third years of the probationary period, he shall submit to one random observed screen each week.

During the fourth and fifth years of the probationary period, he shall submit to one random observed urine screen every other week.

During the entire probationary period respondent shall also submit to random hair testing once every three months for alcohol, controlled substances, and legend drugs. He shall submit to such screens and hair tests on a more frequent basis if requested to do so by the therapist or the Department. Said screens and hair tests shall be administered by a facility approved by the Department. All such random screens and hair tests shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the screening process. All laboratory reports shall state that the chain of custody procedure has been followed.

- (2) Laboratory reports of random alcohol and drug screens and/or any drug or alcohol related laboratory reports, including but not limited to results of DNA testing, shall be submitted directly to the Board and the Department by the testing laboratory. All such screens shall be negative for alcohol, controlled substances, and legend drugs, except for medications prescribed by respondent's physician. If respondent has a positive urine screen, the facility shall immediately notify the Department. All positive random drug and alcohol screens shall be confirmed by gas chromatograph/mass spectrometer testing.
- (3) Respondent understands and agrees that if he fails to submit a urine sample when requested by his monitor, such missed screen shall be deemed a positive screen.
- (4) Respondent shall notify each of his health care professionals of all medications prescribed for him by any and all other health care professionals.
- (5) Respondent is hereby advised that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time, been raised as a defense to a positive screen result for morphine, opiates, and/or

alcohol. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this consent order. In the event respondent has a positive screen for morphine, opiates and/or alcohol, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cold or cough medicines or remedies shall not constitute a defense to such a screen.

- c. During the entire probationary period respondent shall attend “anonymous” or similar such support group meetings a minimum of eight times per month and shall provide quarterly reports to the Department concerning his record of attendance.
- d. During the entire probationary period respondent shall provide his chief of service, employer, partner and/or associate at any hospital, clinic, partnership and/or association at which he is employed or with which he is affiliated or has privileges and at each where respondent practices as a physician throughout the probationary period, with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility. Respondent agrees to provide reports from such employer quarterly for the entire duration of probation, stating that respondent is practicing with reasonable skill and safety and in an alcohol and substance-free state.
- e. During the entire probationary period respondent shall only practice medicine in an office and practice setting that includes other physicians and/or other licensed health care professionals. Respondent shall provide an entire copy of this Consent Order to each and every physician and/or licensed health care professional in his practice. Each and every physician and/or licensed health care professional shall furnish written confirmation to the Department of his or her employment in that capacity and receipt of

a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.

3. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
410 Capitol Avenue, MS #12HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
5. Respondent shall fully comply with all state and federal statutes and regulations applicable to his licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.
7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
- a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7a above to demonstrate to the satisfaction of the Department that he has complied with the terms of this Consent Order or, in the alternative, that he has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the

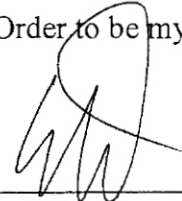
Department, he shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.

- e. Evidence to be presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
8. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a physician and surgeon, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45-day period shall constitute grounds for the Department to seek a summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall constitute an admission that his conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, §§ 4-182(c) and 19a-17(c).
9. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of his license before the Board.
10. In the event respondent is not practicing medicine or is employed outside the state of Connecticut, respondent shall notify the department in writing within seven days of the occurrence of said event. During said periods of time, respondent shall continue to comply with all of the terms of this Consent Order.
11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.

12. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
13. Respondent understands this Consent Order is a public document and evidence of the above admitted violations in any proceeding before the Board in which his compliance with this Consent Order or §20-13c of the General States of Connecticut, as amended, is at issue. Further, respondent understands that this Consent Order will be reported to the National Practitioner Data Bank and will appear on his physician profile pursuant to Connecticut General Statutes §20-13j.
14. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that he may have under the laws of the State of Connecticut or of the United States.
16. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
17. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.

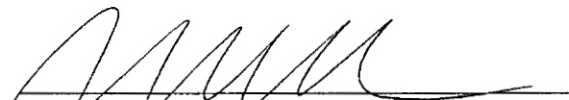
18. Respondent understands and agrees that he is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which he is away from his residence.
19. Respondent has consulted with an attorney prior to signing this document.
20. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

I, Eric Dieffenbach, have read this Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.



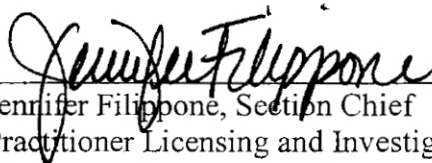
Eric Dieffenbach, MD

Subscribed and sworn to before me this 15th day of November 2007.



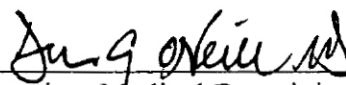
Notary Public or person authorized
by law to administer an oath or affirmation

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 16th day of November 2007, it is hereby accepted.



Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Medical Examining Board on the 20th day of November 2007, it is hereby ordered and accepted.



Connecticut Medical Examining Board



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

December 28, 2012

Eric Dieffenbach, MD
576 Rowland Road
Fairfield, CT 06824

Re: Consent Order
Petition No. 2006-0517-001-099
License No. 032401

Dear Dr. Dieffenbach:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective December 1, 2012.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Consent Order.

Please be certain to retain a copy of this letter as documented proof that you have completed your license probation.

Thank you for your cooperation during this process, and good luck to you in the future.

Very truly yours,

Bonnie Pinkerton, RN, Nurse Consultant
Practitioner Licensing and Investigations Section

cc: J. Filippone
J. Kardys



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