

STATE OF MINNESOTA
COUNTY OF RAMSEY

BEFORE THE MINNESOTA
BOARD OF MEDICAL EXAMINERS

In the Matter of the
Medical License of
Aviel Li Goodman, MD
Date of Birth: 8-1-55
License Number: 31,667

STIPULATION
AND ORDER

IT IS HEREBY STIPULATED AND AGREED, by and between Aviel Li Goodman, MD (hereinafter "Respondent"), and the Minnesota Board of Medical Examiners (hereinafter "Board") by Cassius M. C. Ellis, III, MD, President, as follows:

1. During all times herein, Respondent has been and now is subject to the jurisdiction of the Board from which he holds a license to practice medicine and surgery in the State of Minnesota;

2. For the purpose of this stipulation, the Board may consider the following facts as true:

a. In 1973 when Respondent was a sophomore in college, he began using mood-altering chemicals. Respondent limited his use to marijuana every four weeks;

b. On August 2, 1981, Respondent underwent inpatient chemical dependency treatment at Hazelden, Inc., Center City, Minnesota. While at Hazelden, Respondent disclosed a drinking history of 18 years and a drug history of eight years. Respondent was discharged on September 2, 1981, with a diagnosis of chemical dependence to multiple agents, continuous pattern;

c. In April 1983, Respondent was admitted to Sheppard and Enoch Pratt Hospital, Towson, Maryland, with a diagnosis of bulimia, mixed

substance abuse, mixed personality disorder with narcissistic, obsessive compulsive, and paranoid tendencies;

d. From November 1983 through October 1984, Respondent received intensive outpatient psychotherapy for treatment of depression and bulimia;

e. In 1984 Respondent wrote a prescription for his wife for Percodan which he then shared with her;

f. On February 5, 1986, Respondent began chemical dependency treatment at New Freedom Institute, New Orleans, Louisiana. Respondent admitted to using marijuana, Percodan, cocaine, and smoking PCP. Respondent was discharged on March 28, 1986, and continued aftercare until February 5, 1987;

g. From November 1985 through June 1988, Respondent was treated for atypical depression;

h. Up until August 24, 1989, Respondent continued to use alcohol, marijuana, and nitrous oxide socially;

i. After consulting with several doctors he knew personally, Respondent self-prescribed Prozac for himself, which he obtained from a detail man. He discontinued this practice in January 1990;

j. Respondent believes that his chemical dependency is related to personality traits rather than substance abuse. Respondent agrees that he still has problems, but that he is working on them. Respondent also states that he does accept the disease concept of addiction.

3. The Board views Respondent's practices as inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. (l) and (r) (1988) and Respondent agrees that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action;

4. Upon this stipulation and all of the files, records, and proceedings herein, and without any further notice or hearing herein, Respondent does hereby consent that until further order of the Board, made after notice and hearing upon application by Respondent or upon the Board's own motion, the Board may make and enter an order conditioning and restricting Respondent's license to practice medicine and surgery in the State of Minnesota as follows:

a. Respondent shall not prescribe or self-administer any legend drugs for his own use. If a medical situation arises which requires the need for a controlled substance to be administered to Respondent, the controlled substance must be prescribed and/or administered by another physician or dentist who has first been informed of Respondent's chemical dependency;

b. Respondent shall abstain completely from alcohol and all mood-altering chemicals unless they are prescribed by a treating physician or dentist who has been informed of Respondent's drug use history;

c. Respondent shall attend three Alcoholics Anonymous meetings on a weekly basis, including attendance at the Respondent's meetings at Unity and St. Mary's. Quarterly reports shall be submitted to the Board from Respondent's Alcoholics Anonymous sponsor(s) regarding his attendance and progress;

e. Respondent shall join Physicians Serving Physicians and shall attend monthly meetings of that organization. Quarterly reports shall be submitted to the Board from Respondent's Physicians Serving Physicians sponsor(s) regarding his attendance and progress;

f. Respondent shall make arrangements with a supervising physician approved by the Board to order, without notice, broad spectrum blood and urine tests of Respondent on a random basis, but no less frequently

than three urine tests and one blood test per month. The blood and urine screens shall be:

- 1) Observed in their drawing;
- 2) Handled through legal chain of custody

methods;

- 3) Paid for by Respondent.

The biological fluid testing shall take place at Hennepin County Medical Center, 701 Park Avenue South, Minneapolis, Minnesota 55415, and shall be a broad spectrum screen for opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol. If the blood and urine testing is to be completed through the mail, the drug screening tests used must be those obtained from Hennepin County Medical Center. All blood and urine tests processed through the mail must be directed to the attention of Calvin Bandt, MD, at Hennepin County Medical Center;

g. The supervising physician shall meet with Respondent on a monthly basis to review his progress under the terms of this Stipulation And Order and report to the Board the results of those tests on at least a monthly basis and immediately upon becoming aware of any evidence from these tests or otherwise that Respondent has used opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol;

h. Respondent shall continue in psychotherapy with Alan Serposs, MD, with quarterly reports to the Board regarding Respondent's progress in treatment and under the terms of this Stipulation And Order;

i. Respondent shall meet on a quarterly basis with a designated Board member. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member. It shall be

Respondent's obligation to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings shall be to review Respondent's progress under the terms of this Stipulation And Order.

5. Respondent understands that if he eats small amounts of poppyseeds or food containing poppyseeds which results in the ingestion of sufficient opiate compound to give a positive test for those drugs, the Board will not accept eating such food as an explanation for the presence of drugs in a blood or urine test;

6. Respondent agrees that he may not petition the Board for reinstatement of an unconditional license for a period of five years;

7. Within ten days of the date of this order, Respondent shall provide the Board with a list of all hospitals at which Respondent currently has medical privileges. The information shall be sent to Richard L. Auld, Board of Medical Examiners, Suite 106, 2700 University Avenue West, St. Paul, Minnesota 55114;

8. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the license of Respondent to practice medicine and surgery in the State of Minnesota shall be suspended immediately upon written notice by the Board to Respondent, such a suspension to remain in full force and effect until Respondent petitions the Board to terminate the suspension after a hearing. Nothing contained herein shall prevent the Board from revoking or suspending Respondent's license to practice medicine and surgery in the State of Minnesota after any such hearing;

9. In the event the Board in its discretion does not approve this settlement, this stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that should the Board reject this stipulation and if this case proceeds to hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this stipulation or of any records relating hereto;

10. In the event Respondent should leave Minnesota to reside or practice outside the state, Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Respondent's suspended, limited, or conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine;

11. Respondent has been advised by Board representatives that he may choose to be represented by legal counsel in this matter and is so represented;

12. Respondent waives any further hearings on this matter before the Board to which Respondent may be entitled by Minnesota or United States constitutions, statutes, or rules and agrees that the order to be entered pursuant to the stipulation shall be the final order herein;

13. Respondent hereby acknowledges that he has read and understands this stipulation and has voluntarily entered into the stipulation without threat or promise by the Board or any of its members, employees, or agents. This stipulation contains the entire

agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this stipulation.

Dated: October __, 1990.


AVIEL L. GOODMAN, MD
Respondent

1347 Summit Avenue
St. Paul, Minnesota 55105

DAVID HUTCHINSON
Attorney for Respondent

Geraghty, O'Loughlin & Kenny
1400 One Capitol Centre
386 North Wabasha Street
St. Paul, Minnesota 55102-1308



AUDREY KAISER MANKA
Attorney for Board

500 Capitol Office Building
525 Park Street
St. Paul, Minnesota 55103
Telephone: (612) 297-2040

Upon consideration of this stipulation and all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the terms of this stipulation are adopted and implemented by the Board this 17th day of November, 1990.

MINNESOTA BOARD OF
MEDICAL EXAMINERS


~~CASSIUS M. C. ELLIS, III, MD~~
Vice President

STATE OF MINNESOTA
COUNTY OF RAMSEY

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)
)

SS.

Jennifer Hensel, being first duly sworn upon oath, deposes and says:

That at the City of St. Paul, county and state aforementioned, on the 19th day of November, 1990, she served the attached STIPULATION AND ORDER by depositing in the United States mail at said city, a true and correct copy hereof, properly enveloped, with first class postage prepaid, and addressed to:

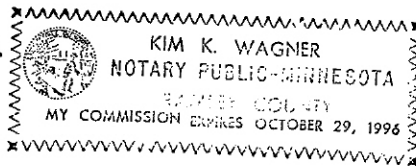
Aviel Goodman, MD
Minnesota Institute of Psychiatry
1347 Summit Avenue
St. Paul, MN 55105

Jennifer Hensel

Subscribed and sworn to before me

this 19th day of November 1990.

Kim K. Wagner



Re: In the Matter of the Medical License of Aviel Goodman, MD
License No. 31667

**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

ORDER

In the Matter of the
Medical License of
Aviel Li Goodman, M.D.
Date of Birth: 8-1-55
License Number: 31,667

WHEREAS, on November 17, 1990, the Minnesota Board of Medical Practice (hereinafter "Board"), issued a stipulation and order to Aviel Li Goodman, MD (hereinafter "Respondent"), conditioning his license to practice medicine and surgery in the State of Minnesota;

WHEREAS, for the purpose of the November 17, 1990 stipulation, the Board considered the following facts as true:

- a. In 1973 when Respondent was a sophomore in college, he began using mood-altering chemicals. Respondent limited his use to marijuana every four weeks;
- b. On August 2, 1981, Respondent underwent inpatient treatment at Hazelden, Inc., Center City, Minnesota. While at Hazelden, Respondent disclosed a drinking history of 18 years and a drug history of eight years. Respondent was discharged on September 2, 1981, with a diagnosis of chemical dependence to multiple agents, continuous pattern;
- c. In April 1983, Respondent was admitted to Sheppard and Enoch Pratt Hospital, Towson, Maryland, with a diagnosis of bulimia, mixed substance abuse, mixed personality disorder with narcissistic, obsessive compulsive, and paranoid tendencies;

d. From November 1983 through October 1984, Respondent received intensive outpatient psychotherapy for treatment of depression and bulimia;

e. In 1984, Respondent wrote a prescription for his wife for Percodan which he then shared with her;

f. On February 5, 1986, Respondent began chemical dependency treatment at New Freedom Institute, New Orleans, Louisiana. Respondent admitted to using marijuana, Percodan, cocaine, and smoking PCP. Respondent was discharged on March 28, 1986, and continued aftercare until February 5, 1987;

g. From November 1985 through June 1988, Respondent was treated for atypical depression;

h. Up until August 24, 1989, Respondent continued to use alcohol, marijuana, and nitrous oxide socially;

i. After consulting with several doctors he knew personally, Respondent self-prescribed Prozac for himself, which he obtained from a detail man. He discontinued this practice in January 1990;

j. Respondent believes his chemical dependency is related to personality traits rather than substance abuse. Respondent agrees that he still has problems, but that he is working on them. Respondent also states that he does accept the disease concept of addiction.

WHEREAS, the Board views Respondent's practices as specified above inappropriate in such a way as to require Board action under Minn. Stat. § 147.091, subd. 1(l) and (r) (1990) and Respondent agreed that the conduct cited above constitutes a reasonable basis in law and fact to justify the disciplinary action;

WHEREAS, based upon the above facts, the Board and Respondent entered into a stipulation and consent order which placed certain conditions on his license;

WHEREAS, Respondent has petitioned now the Board to reduce the conditions placed on his license;

WHEREAS, on January 9, 1993, the Board convened to review Respondent's petition, and having reviewed said petition, does hereby issue the following ORDER:

IT IS HEREBY ORDERED that the stipulation and order issued to Respondent on November 17, 1990, is null and void and shall have no further force and effect in law, except as provided herein;

IT IS FURTHER ORDERED that Respondent's license to practice medicine and surgery in the State of Minnesota continues to be conditioned and those conditions are modified as follows:

- a. Respondent shall abstain completely from alcohol and all mood-altering chemicals unless they are prescribed by a treating physician or dentist who has been informed of Respondent's drug use history;
- b. Respondent shall not prescribe or self-administer any legend drug for Respondent's own use. If a medical situation arises which requires the need for a legend drug to be administered to Respondent, the legend drug must be prescribed and/or administered by another physician or dentist who has first been informed of Respondent's chemical abuse/dependency history;
- c. Respondent shall attend meetings of a self-help program (AA/NA) in support of abstinence at least 3 times per week. Quarterly reports shall be submitted to the Board from Respondent's designated sponsor(s) regarding attendance, participation, and progress;
- d. Respondent shall join a physician's support group approved in advance by the chair of the Complaint Review Committee or its designee and attend its meetings on at least a monthly basis. Quarterly reports shall be submitted to the Board from Respondent's designated sponsor(s) regarding Respondent's attendance, participation, and progress;
- e. Respondent shall make arrangements with a supervising physician approved by the Board to order, without notice, broad spectrum blood and urine tests

of Respondent on a random basis, at least three urine and blood tests per quarter. Blood and urine screens may be requested at any time. Respondent shall provide the requested sample immediately. The blood and urine screens shall be:

- 1) Observed in their drawing;
- 2) Handled through legal chain of custody methods;
- 3) Paid for by Respondent.

The biological fluid collection and testing shall take place at a Board-designated laboratory as directed by the Board or its designee. Testing shall screen for opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol. The laboratory will provide test results directly to the Board and the supervising physician. The supervising physician's quarterly report to the Board shall include the results of all biological fluid screens. The supervising physician shall immediately report to the Board positive test results or any other evidence that Respondent has used alcohol or mood-altering chemicals. Ingestion of poppyseeds will not be accepted as a reason for a positive drug screen;

f. The supervising physician shall meet with Respondent on a monthly basis to review his progress under the terms of this Order and report to the Board the results of those tests on at least a monthly basis and immediately upon becoming aware of any evidence from these tests or otherwise that Respondent has used opiates, cocaine, barbiturates, amphetamines, benzodiazepines, marijuana, and other drugs of abuse, including alcohol;

g. Respondent shall continue in psychotherapy with a therapist approved by the Complaint Review Committee, with quarterly reports to the Board regarding Respondent's progress in treatment and under the terms of this Order;

h. Respondent shall meet on a quarterly basis with a designated member of the Board. Such meetings shall take place at a time mutually convenient to Respondent and the designated Board member. It shall be Respondent's obligation

to contact the designated Board member to arrange each of the quarterly meetings. The purpose of such meetings shall be to review Respondent's progress under the terms of this Order.

IT IS FURTHER ORDERED that Respondent may not petition the Board for reinstatement of an unconditional license prior to November, 1995;

IT IS FURTHER ORDERED that Respondent remains responsible to ensure that all reports required to be filed with the Board pursuant to this Order are timely filed by those preparing the reports. If Respondent shall fail, neglect, or refuse to fully comply with each of the terms, provisions, and conditions herein, the license of Respondent to practice medicine and surgery in the State of Minnesota shall be suspended immediately upon written notice by the Board to Respondent. The suspension shall remain in full force and effect until the Board terminates the suspension following a hearing on Respondent's petition to terminate. Nothing contained herein shall prevent the Board from revoking or suspending Respondent's license to practice medicine and surgery in the State of Minnesota after any such hearing;

IT IS FURTHER ORDERED that in the event Respondent should leave Minnesota to reside or practice outside the state, Respondent shall promptly notify the Board in writing of the new location as well as the dates of departure and return. Periods of residency or practice outside of Minnesota will not apply to the reduction of any period of Respondent's conditioned license in Minnesota unless Respondent demonstrates that practice in another state conforms completely with Respondent's Minnesota license to practice medicine.

Dated: January 9, 1993

MINNESOTA BOARD OF
MEDICAL PRACTICE

By: *A. Ronald Bodhe*

AFFIDAVIT OF SERVICE BY MAIL

**RE: IN THE MATTER OF THE MEDICAL LICENSE OF
AVIEL LI GOODMAN, M.D.
License No. 31,667**

STATE OF MINNESOTA)
COUNTY OF RAMSEY) ss.

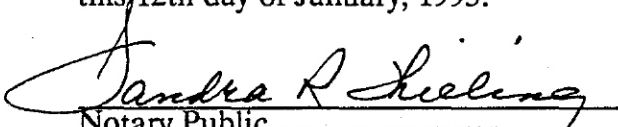
VICKIE ARMSTRONG, being first duly sworn, deposes and says:

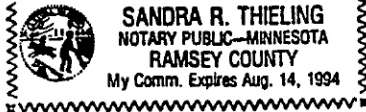
That at the City of St. Paul, County of Ramsey and State of Minnesota, on the 12th day of January, 1993, she served the attached **ORDER** by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class postage prepaid, and addressed to:

Aviel Li Goodman, M.D.
1347 Summit Avenue
St. Paul, Minnesota 55105


VICKIE ARMSTRONG

Subscribed and sworn to before me
this, 12th day of January, 1993.


Notary Public



AFFIDAVIT OF SERVICE BY MAIL

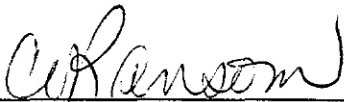
**RE: In the Matter of the License of Aviel Goodman, M.D.
License No. 31,667**

STATE OF MINNESOTA)
) ss.
COUNTY OF RAMSEY)

Cynthia O. Ransom, being first duly sworn, deposes and says:

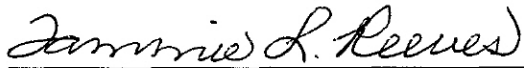
That at the City of St. Paul, County of Ramsey and State of Minnesota, on March 3, 1995, she served the attached ORDER OF UNCONDITIONAL LICENSE by depositing in the United States mail at said city and state, a true and correct copy thereof, properly enveloped, with first class postage prepaid, and addressed to:

Aviel Goodman, M.D.
1347 Summit Avenue
St. Paul MN 55105

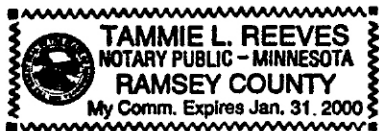


Cynthia O. Ransom

Subscribed and sworn to before me
this 3rd day of March, 1995.



Notary Public



**BEFORE THE MINNESOTA
BOARD OF MEDICAL PRACTICE**

**ORDER OF
UNCONDITIONAL LICENSE**

In the Matter of the
Medical License of
Aviel Goodman, M.D.
Date of Birth: 8-1-55
License Number: 31,667

The Minnesota Board of Medical Practice ("Board") having convened on January 21, 1995, to review the petition of Aviel Goodman, M.D. ("Respondent"), for reinstatement of an unconditional license to practice medicine and surgery makes the following:

FINDINGS OF FACT

1. Respondent has a history of mental illness and chemical dependency to multiple agents. Respondent stated that his sobriety date is August 24, 1989. He has been subject to Board monitoring in support of his recovery by order dated November 17, 1990, and amended order dated January 9, 1993. The Board has received consistent reports from Respondent's supervising physician, psychotherapist and designated Board member, reports confirming his attendance at AA/NA and PSP meetings, and results of body fluid tests. The reports and test results support the conclusion that Respondent has successfully maintained uninterrupted recovery since November 1990.

2. Respondent has stated he intends to enter the Health Professionals Services Program.

3. Based on the foregoing, the Board concludes that Respondent has complied with and fulfilled the Order issued by the Board on November 17, 1990, and amended order dated January 9, 1993, and hereby issues the following:

ORDER

IT IS HEREBY ORDERED that an unconditional license to practice medicine and surgery in the State of Minnesota be conferred upon Respondent, contingent upon Respondent entering the Health Professionals Services Program. With this license carries all duties, benefits, responsibilities, and privileges inherent therein through Minnesota statute and rule.

Dated: Jan 21, 1995

STATE OF MINNESOTA

BOARD OF MEDICAL PRACTICE

H. Bernard Roche