

**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs**

**vs.**

**Luis J. Bird, MD,  
Respondent**

**Case No. 22-49-010398**

**CONSENT AGREEMENT AND ORDER**

**PARTIES**

The Commonwealth of Pennsylvania, Department of State, Bureau of Professional and Occupational Affairs (“Commonwealth”) and Luis J. Bird, MD (“Respondent”) stipulate as follows in settlement of the above-captioned case.

**APPLICABLE LAW**

1. This matter is before the State Board of Medicine (“Board”) pursuant to the Medical Practice Act of 1985, act of December 20, 1985, P.L. 457, No. 112, (“Act”), *as amended*, 63 P.S. §§ 422.1-422.53; the Medical Care Availability and Reduction of Error (“Mcare”) Act, act of March 20, 2002, P.L. 154, No. 13, *as amended*, 40 P.S. §§ 1303.101-1303.910; and/or 63 Pa.C.S. Chapter 31 (“Chapter 31”), 63 Pa.C.S. §§ 3101-3118.

**LICENSURE STATUS**

1. At all relevant and material times, Respondent held the following license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania: license no. MD021400E, which was originally issued on September 1, 1978 and is current through December 31, 2024.

Prothonotary Filed On:  
Jan 30 2025 08:44 AM  
Department of State

## **STIPULATED FACTS**

2. Respondent admits the following:

a. Absent additional Board action, Respondent's license may be continually renewed or reactivated upon the filing of the required documentation and payment of the applicable fees.

b. Respondent's address is: 110 S. Front Street, Unit 900, Philadelphia, PA 19106.

c. Respondent prescribed three individuals, A.D., O.S, and M.O.,<sup>1</sup> prescription drugs which were categorized as Schedule II, IV, or V controlled substances under either Federal law or the Controlled Substance, Drug, Device and Cosmetic Act (35 P. S. §§ 780-101--780-144):

(1) A.D.: Alprazolam (730 doses), dexamethylphenidate (540 doses), oxycodone hcl-acetaminophen (30 doses), promethazine hcl-codeine phosphate (1,440 doses), and zolpidem (210 doses).

(2) O.S.: endocet (20 doses), lorazepam (730 doses), promethazine hcl-codeine phosphate (1,853 doses), zaleplon (300 doses), and zolpidem (240 doses).

(3) M.O.: alprazolam (200 doses), clonazepam (390 doses), diazepam (190 doses), promethazine hcl-codeine phosphate (240 doses), tramadol (210 doses), and zolpidem (180 doses).

3. Respondent did not keep any medical records for A.D., O.S., and M.O.

---

<sup>1</sup> An identification key for the abbreviated names was provided to the Respondent alongside this filing. Respondent lived with these three individuals, one which was his sister and the other two were his friends.

### **AUTHORITY OF THE BOARD**

4. The Board is authorized to suspend or revoke, or otherwise restrict Respondent's license under sections 41 and 42 of the Act, 63 P.S. §§ 422.41 & 422.42; impose a civil penalty upon Respondent under section 908 of the Mcare Act, 40 P.S. §§ 1303.908, or 63 Pa.C.S. § 3108(b)(4); and/or impose the costs of investigation upon Respondent under 63 Pa.C.S. § 3108(b)(5).

### **SUMMARY OF DISCIPLINE**

5. The following encapsulates the discipline as set forth in the Proposed Order:

- Respondent will be agreeing to the **PERMANENT VOLUNTARY SURRENDER** of Respondent's license.

### **PROPOSED ORDER**

6. The parties, intending to be legally bound, consent to the issuance of the following Order in settlement of this matter:

a. **VIOLATIONS:** Respondent violated the Act at:

(1) 63 P. S. § 422.41(6) by violating the regulation promulgated by the Board under 49 Pa. Code § 16.92(b)(4) relating to keeping accurate and complete medical records while prescribing, administering and dispensing what are classified as controlled substances by the Federal Government or the Commonwealth.

(2) 63 P. S. § 422.41(6) by violating the regulation promulgated by the Board under 49 Pa. Code § 16.95(a) which states that a physician shall maintain medical records for patients that accurately, legibly and completely reflect the evaluation and treatment of the patient.

b. **PERMANENT VOLUNTARY SURRENDER:** In consideration for not imposing other disciplinary sanctions (which could include the revocation of Respondent's license to practice as a licensed physician and surgeon as well as the imposition of civil penalties and/or the costs of investigation), the Parties propose, and the Board hereby accepts, the **PERMANENT VOLUNTARY SURRENDER** of Respondent's license to practice as a licensed physician and surgeon in the Commonwealth of Pennsylvania, along with any other licenses, registrations, certificates, approvals, authorizations, or permits (hereinafter referred to collectively as "authorizations to practice the profession") issued by the Board to Respondent at the time this Consent Agreement is adopted by the Board. Respondent acknowledges that with the permanent voluntary surrender of Respondent's authorizations to practice the profession, Respondent is surrendering any and all property rights they may have in those authorizations to practice the profession and will no longer be eligible to renew those authorizations to practice the profession. As further stated, in consideration for the Commonwealth not seeking other disciplinary sanctions against Respondent, Respondent agrees to:

(1) cease practicing as a licensed physician and surgeon in the Commonwealth on and after the effective date of this Consent Agreement, and shall not indicate any ability to practice the profession in the Commonwealth in any manner whatsoever in the future,

(2) Unless otherwise specified in this agreement, Respondent agrees to not apply, at any time in the future, for

the reactivation, reinstatement, reissuance, or the issuance of any authorization to practice issued by the Board and further directs that the board should not consider, and may deny without hearing, any application for an authorization to practice filed with the Board,

(3) not work as an unlicensed assistant to any person holding an authorization from the Board to practice the profession,

(4) not possess a controlling interest in any organization requiring an authorization from the Board to practice the profession,

(5) not possess a controlling interest in any organization whose employees require an authorization from the Board to practice the profession when conducting the business of the organization.

c. For purposes of this paragraph, the term 'controlling interest' shall include being an owner, officer, manager, director, partner, member, or associate, as well as owning any quantity of outstanding corporate stock sufficient to control or direct the actions of the firm.

d. Respondent shall, within ten (10) days of adoption of this Consent Agreement and Order, surrender Respondent's wall certificate, biennial renewal certificate, and wallet card (or notarized affidavit of their loss or destruction) by mailing them to:

Berk V. Demiral  
Prosecuting Attorney  
Bureau of Professional and Occupational Affairs  
P.O. Box 69521  
Harrisburg, PA 17106-9521

e. Respondent's failure to fully comply with any terms of this Order may also constitute grounds for additional disciplinary action.

**ADMISSIBILITY OF CONSENT AGREEMENT IN FUTURE PROCEEDINGS**

7. Respondent agrees that this Consent Agreement and Order shall be admitted into evidence, without objection, in any proceeding before the Department of State.

**ACKNOWLEDGMENT OF NOTICE AND WAIVER OF HEARING**

8. Respondent acknowledges that an Order to Show Cause was filed in this case.

9. Respondent knowingly and voluntarily waives the right to an administrative hearing in this matter and the following rights related to that hearing: to be represented by counsel; to present witnesses and testimony in defense or in mitigation of any sanction that may be imposed for a violation; to cross-examine witnesses and to challenge evidence presented by the Commonwealth; to present legal arguments by means of a brief; and to take an appeal from any adverse final decision.

**ACKNOWLEDGMENT OF RIGHT TO ATTORNEY**

10. Respondent acknowledges the right to consult with and be represented by private legal counsel of Respondent's choosing and at Respondent's expense when reviewing, considering and accepting the terms of this Consent Agreement. To the extent that Respondent is not represented by legal counsel, Respondent has knowingly elected to proceed without the assistance of legal counsel.

## **WAIVER OF CLAIMS**

11. Should the Board vote not to adopt the Order proposed in this Consent Agreement, the presentation and consideration of this Consent Agreement shall not prejudice the Board or any of its members from further participation in the adjudication of this matter. Respondent expressly waives the right to raise any claims or issues, including any and all constitutional claims or issues, which may arise or have arisen during the review, presentation and deliberation of this Consent Agreement. These claims or issues include, but are not limited to, bias, the commingling of prosecutorial and adjudicative functions by the Board or its counsel, and the Board, in its discretion, recommending a different sanction based upon the facts set forth in the Consent Agreement. If a hearing is subsequently held, neither this Consent Agreement nor the proposed terms of settlement may be admitted into evidence and any facts, averments, and allegations contained in the Consent Agreement must be proven at a hearing unless otherwise separately stipulated.

## **LIMITS ON MODIFICATION OF ORDER**

12. Respondent agrees not to seek modification of the Order adopting and implementing this Consent Agreement without first obtaining the express written permission from the prosecution division. Any modification is at the sole discretion of the Board.

## **AGREEMENT NOT BINDING UNTIL APPROVED**

13. This Consent Agreement is between the Commonwealth and Respondent. The Office of General Counsel has approved this Consent Agreement as to form and legality. The disciplinary provisions of this Consent Agreement do not take effect unless and until the Board issues an order adopting this Consent Agreement.

**ENTIRE AGREEMENT**

14. This Consent Agreement contains the entire agreement between the parties. There are no other terms, obligations, covenants, representations, statements, or conditions, oral or otherwise, of any kind whatsoever concerning this agreement.

**AGREEMENT DOES NOT PREVENT FUTURE DISCIPLINE**

15. Nothing in this Order shall preclude the prosecution division of the Department of State from filing charges, or the Board from imposing disciplinary or corrective measures, for violations or facts not contained in this Consent Agreement.

**VERIFICATION OF FACTS AND STATEMENTS**

16. Respondent verifies that the facts and statements set forth in this Consent Agreement are true and correct to the best of Respondent's knowledge, information and belief. Respondent understands that statements in this Consent Agreement are made subject to the criminal penalties of 18 Pa.C.S.A. §4904 relating to unsworn falsification to authorities.

*Berk V. Demiral*

\_\_\_\_\_  
Berk V. Demiral  
Prosecuting Attorney

DATED: 11/22/24

(22-49-010398)

*Luis J. Bird*

\_\_\_\_\_  
Luis J. Bird, MD  
Respondent

*Michael H. Fienman*

\_\_\_\_\_  
Michael H. Fienman, Esquire  
Attorney for Respondent

DATED: 11/22/24



**COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF STATE  
BEFORE THE STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania  
Bureau of Professional and  
Occupational Affairs**

**vs.**

**Luis J. Bird, MD,  
Respondent**

**Case No. 22-49-010398**

**ORDER**

*AND NOW*, this 28th day of January 2025, the **STATE BOARD OF MEDICINE** (“Board”) approves and adopts the foregoing Consent Agreement and incorporates the terms of paragraph 6, which shall constitute the Board's Order and is now issued in resolution of this matter.

This Order shall take effect immediately.

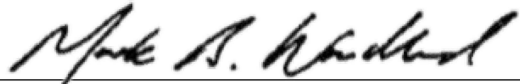
**BUREAU OF PROFESSIONAL AND  
OCCUPATIONAL AFFAIRS**



---

**ARION R. CLAGGETT  
ACTING COMMISSIONER**

**BY ORDER:  
STATE BOARD OF MEDICINE**



---

**MARK B. WOODLAND, MS, MD,  
FACOG  
CHAIR**

For the Board:

Shana Walter, Esquire (A-L) or Dana M.  
Wucinski, Esquire (M-Z)

For the Commonwealth:

Berk V. Demiral, Esquire  
Prosecution Division  
PO Box 69521  
Harrisburg, PA 17106-9521

For the Respondent:

Michael H. Fienman, Esquire  
Attorney & Counselor at Law  
450 N. Narberth Avenue, Suite 2  
Narberth, PA 19072  
**michael@forgoodlaw.com**

Date of mailing:

January 30, 2025