BEFORE THE DELAWARE BOARD OF
MEDICAL LICENSURE AND DISCIPLINE

IN RE: JERRY P. GLUCKMAN, M.D.  )
)  Case No.: 10-62-16
LICENSE NO.: C1-0002836  )

ORDER

WHEREAS, the Board of Medical Licensure and Discipline has reviewed this matter;

and

WHEREAS, the Board of Medical Licensure and Discipline approves the Consent Agreement of the parties and intends to enter it as an Order of the Board;

IT IS HEREBY ORDERED this 18th day of September, 2018

[Signatures]

[Handwritten Signatures]
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IN RE: JERRY P. GLUCKMAN, M.D. ) Case No.: 10-62-16
LICENSE NO.: C1-0002836 )

CONSENT AGREEMENT

A written Complaint was filed with the Delaware Board of Medical Licensure and
Discipline ("Board") alleging that Jerry P. Gluckman, M.D., ("Respondent") a licensed medical
doctor, engaged in conduct that constitutes grounds for discipline pursuant to Delaware's
Medical Practice Act.

The State of Delaware, by the undersigned Deputy Attorney General, and Respondent
submit this Consent Agreement for approval by the Board as a means of resolving the pending
administrative proceeding against Respondent pursuant to 24 Del. C. § 1731.

IT IS UNDERSTOOD AND AGREED THAT:

1. Respondent is a licensed medical doctor in the State of Delaware. His license,
   number C1-0002836, was issued on October 7, 1986 and expires on March 31, 2019. His license
   is currently active.

2. Respondent also has a physician controlled substances registration ("CSR"),
   MD1537. His CSR was issued on March 18, 1987 and expires on June 30, 2019.

3. Respondent has previously been disciplined by the Delaware Board of Medical
   Licensure and Discipline for inappropriate prescribing of controlled substances, specifically,
   Adderall, in case 10-100-13. In that case, Respondent was issued a letter of reprimand and
   ordered to complete nine (9) continuing education hours.

4. At all times relevant to this Complaint, Respondent worked at Brandywine
   Medical Associates ("Brandywine Medical"), a practice located in Wilmington, Delaware.
5. On or about March 17, 2012, patient B.R. began treating at Brandywine Medical. B.R. was diagnosed with an opiate addiction. Respondent examined B.R. on multiple occasions between 2012 and 2016 and was familiar with his treatment history and was aware that B.R. had an opiate addiction.

6. Beginning in at least April of 2012 until at least January of 2016, B.R. was prescribed Suboxone, (buprenorphine), by Brandywine Medical practitioners in order to manage his opiate addiction.

7. In January of 2016, Brandywine Medical records for B.R. show that he told the practitioner that in February of 2016, he would be going to jail for several months as a result of a driving under the influence charge.

8. On May 16, 2016, B.R. saw another practitioner at Brandywine Medical and complained of headaches and loss of energy. He did not complain of neck pain at that visit. He was prescribed Cymbalta (duloxetine) at that visit.

9. On June 6, 2016, B.R. was examined by Respondent for a follow up visit with a complaint of “neck pain that is getting worse,” and requested Percocets (acetaminophen/oxycodeone). B.R. admitted to Respondent that he had taken Percocets from a friend.

10. Respondent did not discuss the onset of the neck pain with B.R., and the only notes from Respondent documenting a physical examination of B.R.’s neck indicate that it was “supple.” Respondent did document that the patient was to follow up with neurology.

11. Respondent prescribed 50 tablets of Vicodin to B.R., despite being aware of the fact that B.R. had just recently completed a course of Suboxone for medication-assisted treatment of an opiate addiction.

12. On June 17, 2016, B.R. saw Respondent for a follow up and B.R. indicated that
his primary pain was now in his knee.


14. Respondent did not document any discussion with B.R. regarding the risks and benefits of treatment with controlled substances at either visit.

15. On June 28, 2016, B.R. returned to Brandywine Medical to restart Suboxone for treatment of his opiate addiction. At that time, B.R. indicated that he was not in pain.


17. Respondent prescribed controlled substances to B.R. and failed to:
   a. Conduct a comprehensive initial physical evaluation; and
   b. Document that he had discussed risks and benefits of the use of controlled substances with the patient.

18. Respondent violated 24 Del. C. § 1731(b)(3) and:
   a. Regulation 8.1.12 as he failed to comply with the Board’s regulations governing the use of controlled substances for the treatment of pain; and
   b. Regulation 8.1.13 as he failed to adequately maintain and properly document patient records.


20. Respondent acknowledges that the allegations set forth in paragraphs one (1) through nineteen (19) above are true and correct.

21. Respondent avers in mitigation that he has gone to a new practice where he does not work with pain management patients and he has drastically reduced the amount of opiates he
22. Respondent and the State propose that the Board impose the following as a disciplinary sanction for this conduct:

   a. Respondent shall be issued a Letter of Reprimand;

   b. Respondent’s license shall be placed on probation for six months, and

   c. Within 180 days of the entry of this Agreement as an order of the Board, Respondent is required to provide proof to the Executive Director of the Board of successful completion of fifteen CME credits, ten (10) of which must relate to the safe prescription of narcotics and other controlled substances, and five (5) of which must relate to record documentation and charting. These credits shall be in addition to and not in lieu of the credits needed to renew his license.

23. The parties to this Consent Agreement are the State of Delaware and Respondent. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this agreement.

24. Respondent acknowledges that he is waiving his rights under 24 Del. C. Ch. 17 and 29 Del. C. Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

25. Respondent hereby acknowledges and agrees that he has carefully read and understands this Consent Agreement, and is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.
26. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 Del. C. § 10002 and will be available for public inspection and copying as provided for by 29 Del. C. § 10003.

27. The parties acknowledge and agree that this Consent Agreement is subject to approval by the Board.

28. The parties acknowledge and agree that if the Board does not accept this Consent Agreement, it shall have no force or effect, except as follows:

   a. Neither Respondent, nor anyone on his behalf, will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint;

   b. The Consent Agreement, or conduct or statements made in negotiating the Consent Agreement, will be inadmissible at any administrative, civil or criminal legal proceeding; and

   c. No provision contained in the agreement shall constitute or have the effect of an admission by Respondent as to any fact alleged in the Complaint in this matter or in this agreement.

29. Respondent acknowledges and agrees that the Board will report this Consent Agreement to the licensing authority of any other state in which he is licensed to practice.

30. The parties acknowledge and agree that this Consent Agreement, along with any exhibits, addendums, or amendments hereto, encompasses the entire agreement of the parties and supersedes all previous understandings and agreements between the parties, whether oral or written. There are no other terms, obligations, covenants, representations, statements or conditions, or otherwise, of any kind whatsoever concerning this agreement.
31. This Consent Agreement, and any disciplinary sanctions contained herein, shall be effective upon acceptance by the Board and entry of the Board's Order.

Jerry P. Gluckman, M.D.
Dated: 9/22/18

Zoe P. Stine (I.D. # 5415)
Deputy Attorney General
Dated: 8/22/18

Devastor & Brittingham
Executive Director
Delaware Board of Medical Licensure and Discipline
Dated: 9/5/2018