BEFORE THE ARKANSAS STATE MEDICAL BOARD

IN THE MATTER OF:  PAUL ENRICO DAIDONE, M.D.

EMERGENCY ORDER OF SUSPENSION AND NOTICE OF HEARING

Pursuant to Ark. Code Ann. § 25-15-201, et sequence of the Administrative Procedure Act, and Ark. Code Ann. § 17-93-410 of the Medical Practices Act, the Arkansas State Medical Board issues the following Emergency Order of Suspension and Notice of Hearing charging Paul Enrico Daidone, M.D. with alleged violation of the Medical Practices Act, more specifically:

1. A.C.A. § 17-95-409(a)(2)(P), that is, violating a Regulation of the Board, more specifically Regulation 2.4, that is, prescribing an excessive amount of controlled substances for his patients, and

2. A.C.A. §17-95-409(P), that is, violating a Regulation of the Board, more specifically, Regulation 2.5, in that Paul Enrico Daidone, M.D., prescribed Schedule medication for his own use or for the use of his immediate family;

3. A.C.A. §17-95-409(a)(2)(P), that is, violating a Regulation of the Board, more specifically Regulation 2.6, that is, Paul Enrico Daidone, M.D., prescribed Schedule medication for pain not associated with malignancy or terminal illness for more than six months, and without keeping proper records and monitoring the condition of his patients to justify the ongoing prescribing of the Schedule medication.

4. A.C.A. §17-95-409(a)(2)(G), that is, he has exhibited gross negligence, in that he is taking an excessive amount of Schedule medication for his own use.

The allegations upon which the above charges are based are as follows:

I

Paul Enrico Daidone, M.D. is a licensed physician in the State of Arkansas under the

II

Paul Enrico Daidone, M.D., exhibited gross negligence and demonstrated incompetence based on taking an excessive amount of controlled substances.

III.

Paul Enrico Daidone, M.D., prescribes Schedule medication to many patients with whom he has a personal connection in violation of Regulation 2.5 of the Board.

IV.

Paul Enrico Daidone, M.D., prescribed an excessive amount of controlled substances for a patient identified as MR, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

V.

Paul Enrico Daidone, M.D., prescribed an excessive amount of controlled substances for a patient identified as JY, alleged to be the ex-wife of Paul Enrico Daidone, M.D., and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4, 2.5 and 2.6 of the Board.

VI.

Paul Enrico Daidone, M.D., prescribed an excessive amount of controlled substances for a patient identified as RC, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.
VII.

Paul Enrico Daidone, M.D., prescribed an excessive amount of controlled substances for a patient identified as BY, husband of the ex-wife of Paul Enrico Daidone, M.D., and office manager of the Clinic, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4, 2.5 and 2.6 of the Board.

VIII.

Paul Enrico Daidone, M.D., prescribed an excessive amount of controlled substances for a patient identified as VJ, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4 and 2.6 of the Board.

IX.

Paul Enrico Daidone, M.D., prescribed an excessive amount of controlled substances for a patient identified as BR.Y, brother of the office manager, and also failed to keep proper records for monitoring the condition of the patient, all as required by Regulation 2.4, 2.5 and 2.6 of the Board.

X

Pursuant to the Administrative Procedure Act, A.C.A. §25-15-211(c), and upon an affirmative vote of the majority of the Arkansas State Medical Board, the Board finds that the acts of Paul Enrico Daidone, M.D., described herein above, present a danger to the public health, safety and welfare, and therefore, the license to practice medicine in the State of Arkansas of Paul Enrico Daidone, M.D., is suspended on an emergency basis, pending a disciplinary hearing in this matter or further Orders of the Board.

WHEREFORE, IT IS CONSIDERED, ORDERED AND ADJUDGED, by the Arkansas State Medical Board that the license to practice medicine in the State of Arkansas of Paul Enrico Daidone, M.D., is suspended on an emergency basis, pending a disciplinary hearing in this matter.
or further Orders of the Board.

IT IS FURTHER CONSIDERED, ORDERED, AND ADJUDGED, by the Arkansas State Medical Board, that a hearing should be conducted to determine whether Paul Enrico Daidone, M.D., has violated the Medical Practices Act. If it is found that he has, in fact, violated the Medical Practices Act, then the Board should determine whether the license of Paul Enrico Daidone, M.D., to practice medicine in the State of Arkansas, should be revoked or suspended, or whether other sanctions should be imposed pursuant to the authority granted the Board in ACA §§ 17-95-410 and ACA§25-15-217 of the Administrative Procedure Act. Said hearing will be conducted on the 6 day of October, 2016 at 2 o’clock p.m. at a meeting of the Arkansas State Medical Board at the offices of the Board, 1401 W. Capitol Ave., Suite 340, Little Rock, Pulaski County, Arkansas.

Paul Enrico Daidone, M.D., is hereby advised that he may be represented by counsel at the hearing, and that he will be given the opportunity to examine all of the evidence offered to the Board, cross-examine witnesses, and offer evidence and witnesses in his own behalf.

Paul Enrico Daidone, M.D., is further advised that any additional records and/or exhibits that he as a Respondent wishes to present to the Board at his hearing MUST be supplied to the Board no later than 20 days prior to the hearing date. Failure to do so can result in the Board refusal to allow the information or documentation to be presented by the Respondent.
IT IS SO ORDERED.

ARKANSAS STATE MEDICAL BOARD

[Signature]
Joseph M. Beck, M.D., Chairman
8/11/16
Date

Approved as to Form:

[Signature]
Kevin M. O'Dwyer
Attorney for the Arkansas State Medical Board
BEFORE THE ARKANSAS STATE MEDICAL BOARD
IN THE MATTER OF: PAUL ENRICO DAIDONE, M.D.

TEMPORARY CONSENT ORDER

On this day comes for hearing the matter of Paul Enrico Daidone, M.D. The Arkansas State Medical Board appeared together by a quorum of its membership together with its attorney, Kevin M. O'Dwyer. Paul Enrico Daidone, M.D. appeared together with his attorney, Rick Angel. From the pleadings, evidence introduced, and agreement of the parties, the Board finds that:

I.

Paul Enrico Daidone, M.D., is a licensed physician in the State of Arkansas under the provisions of the Medical Practices Act.

II.

On August 15, 2016, the Arkansas State Medical Board issued an Emergency Order of Suspension and Notice of Hearing charging Paul Enrico Daidone, M.D. with alleged violation of the Medical Practices Act, more specifically:

1. A.C.A. § 17-95-409(a)(2)(P), that is, violating a Regulation of the Board, more specifically Regulation 2.4, that is, prescribing an excessive amount of controlled substances for his patients, and

2. A.C.A. §17-95-409(P), that is, violating a Regulation of the Board, more specifically, Regulation 2.5, in that Paul Enrico Daidone, M.D., prescribed Schedule medication for his own use or for the use of his immediate family;

3. A.C.A. §17-95-409(a)(2)(P), that is, violating a Regulation of the Board, more specifically Regulation 2.6, that is, Paul Enrico Daidone, M.D., prescribed Schedule medication for pain not associated with malignancy or terminal illness for more than
six months, and without keeping proper records and monitoring the condition of his patients to justify the ongoing prescribing of the Schedule medication.

4. A.C.A. §17-95-409(a)(2)(G), that is, he has exhibited gross negligence, in that he was taking an excessive amount of Schedule medication for his own use.

III.

Pursuant to A.C.A. § 25-15-208 (b) of the Administrative Procedure Act, Paul Enrico Daidone, M.D. makes the following offer to the Board to resolve all issues pending before the Board at this time, as follows:

a. Paul Enrico Daidone, M.D., agrees not to practice chronic pain management in the State of Arkansas until such time as he appears before the Board.

b. The suspension of the license of Paul Enrico Daidone, M.D., to practice medicine is lifted and he can return to practice as an internist in the speciality of internal medicine.

c. Before Paul Enrico Daidone, M.D., returns to practice his practice setting shall be subject to the approval of Dr. Brad Diner of the Arkansas Medical Foundation.

d. Paul Enrico Daidone, M.D., shall follow all the recommendations of the Bradford Health Services Healthcare Professional’s Program as follows:

i. Engage in individual therapy.

ii. Attend 90 recovery activities in 90 days, followed by a minimum of 3 twelve step meetings per week and actively work the steps with a sponsor.

iii. Schedule a follow up appointment with his primary care physician.

iv. Submit to monthly Vivitrol injections for 1 year from the date of discharge from Bradford.
v. Comply with all monitoring requirements of the Arkansas Physician Health Committee.

IV.

Pursuant to A.C.A. § 25-15-208 (b) of the Administrative Procedure Act, the Arkansas State Medical Board finds that the offer of Paul Enrico Daidone, M.D. is fair and equitable, and accepts the same.

WHEREFORE, it is CONSIDERED, ORDERED, AND ADJUDGED that the agreement of the parties stated hereinabove in Paragraph V and VI is fair and equitable agreement, protecting the citizens of Arkansas and the rights of Paul Enrico Daidone, M.D., and the Board adopts the agreement of the parties as its own Order.

IT IS SO ORDERED.

ARKANSAS STATE MEDICAL BOARD

Steven L. Cathey, M.D., Chairman

Date 2/16/17

Approved as to Form:

Kevin M. O'Dwyer
Attorney for the Arkansas State Medical Board

Paul Enrico Daidone, M.D.

Rick Angel
Attorney for Paul Enrico Daidone, M.D.
BEFORE THE ARKANSAS STATE MEDICAL BOARD

IN THE MATTER OF: PAUL ENRICO DAIDONE, M.D.

CONSENT ORDER

On this day comes for hearing the matter of Paul Enrico Daidone, M.D. The Arkansas State Medical Board appeared together by a quorum of its membership together with its attorney, Kevin M. O’Dwyer. Paul Enrico Daidone, M.D. appeared together with his attorney, Rick Angel. From the pleadings, evidence introduced, and agreement of the parties, the Board finds that:

I.

Paul Enrico Daidone, M.D., is a licensed physician in the State of Arkansas under the provisions of the Medical Practices Act.

II.

On August 15, 2016, the Arkansas State Medical Board issued an Emergency Order of Suspension and Notice of Hearing charging Paul Enrico Daidone, M.D. with alleged violation of the Medical Practices Act:

III.

Paul Enrico Daidone, M.D., entered into a Temporary Consent Order on February 16, 2017, to resolve the charges.

IV.

Pursuant to A.C.A. § 25-15-208 (b) of the Administrative Procedure Act, Paul Enrico Daidone, M.D. makes the following offer to the Board to resolve all issues pending before the Board at this time, as follows:

a. Paul Enrico Daidone, M.D., acknowledges that he violated the Medical Practices Act.

b. Paul Enrico Daidone, M.D., agrees not to practice chronic pain management in the State of Arkansas and will practice as an internist in the specialty of internal medicine.

c. Before Paul Enrico Daidone, M.D., returns to practice his practice setting shall be
subject to the approval of Dr. Brad Diner of the Arkansas Medical Foundation.

d. Paul Enrico Daidone, M.D., shall abide by all the terms and conditions of his contract for monitoring and rehabilitation with the Arkansas Medical Foundation:

i. Engage in individual therapy.

ii. Attend 90 recovery activities in 90 days, followed by a minimum of 3 twelve step meetings per week and actively work the steps with a sponsor.

iii. Schedule a follow up appointment with his primary care physician.

iv. Submit to monthly Vivitrol injections for 1 year from the date of discharge from Bradford.

v. Comply with all monitoring requirements of the Arkansas Physician Health Committee.

e. Paul Enrico Daidone, M.D., will reimburse the Arkansas State Medical Board the costs of the investigation and hearing of $4,230.01 within 24 months of the date of the hearing. Failure to pay the costs will be considered a violation of this Order and of the Medical Practices Act.

V.

Pursuant to A.C.A. § 25-15-208 (b) of the Administrative Procedure Act, the Arkansas State Medical Board finds that the offer of Paul Enrico Daidone, M.D. is fair and equitable, and accepts the same.

WHEREFORE, it is CONSIDERED, ORDERED, AND ADJUDGED that the agreement of the parties stated hereinabove in Paragraph IV and V is fair and equitable agreement, protecting the citizens of Arkansas and the rights of Paul Enrico Daidone, M.D., and the Board adopts the agreement of the parties as its own Order.
IT IS SO ORDERED.

Approved as to Form:

Kevin M. O'Dwyer
Attorney for the Arkansas State Medical Board

Paul Enrico Daidone, M.D.

Rick Angel
Attorney for Paul Enrico Daidone, M.D.