

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**IN THE MATTER OF:
Frank W. LaFazia, D.O.
License Number DO00385
BMLD Complaint Numbers C09-231, C12-418, C14-821**

CONSENT ORDER

Frank W. LaFazia, D.O., is licensed as a physician in Rhode Island. After a review of the above-referenced complaints and accompanying medical records by an investigative committee of the Board of Medical Licensure and Discipline ("Board"), the Board makes the following:

FINDINGS OF FACT

1. Respondent is a physician who has been licensed in Rhode Island since July 1, 1989. He is currently employed at Medical Group of Rhode Island on 37 Washington Street, West Warwick, Rhode Island. He graduated from the University of New England College of Osteopathic Medicine in 1988.
2. Respondent in 2009 was a provider to Rhode Island Medical Assistance Program Medicaid, Medicaid Managed Care Organizations, NHPRI, UHC RiteCare, and BCBS RiteCare.
3. Respondent in 2009 was employed by the Medical Group of Rhode Island and also had begun to see patients at the office of another physician to assist with

prescribing Suboxone to the other physician's patients with substance addiction.

4. Although Respondent was assisting the other physician by seeing the other physician's regular patients, unknown to Respondent, Medicaid rules had imposed a restriction about billing that related to Respondent's enrollment as a Medicaid provider, even though the patients' visits were billed through the other physician's practice.
5. In 2008, the Medicaid Fraud Control Unit ["MFCU"] began an investigation into the billing practices of Respondent and the other physician as they related to the above-mentioned Suboxone treatments.
6. As part of such investigation, medical and pharmaceutical claims related to the Suboxone treatment for Medicaid/Medicare patients showed that the other physician's practice had charged each Medicaid/Medicare patient \$100 for each Suboxone treatment, of which \$40 per patient was paid to Respondent.
7. Respondent settled the investigation with MFCU by entering into an agreement in which Respondent agreed to reimburse the patients whom he treated but who were not properly billed by the other physician's practice, in the amount of \$31,300.
8. With regard to BMLD Complaint Number C12-418, on April 20, 2012, Respondent examined Patient A, *alias*, a 43-year-old woman, who complained of extreme pain due to several illnesses.
9. Respondent suggested that Patient A go to the Emergency Room to manage the pain.
10. Upon Patient A's refusal, Respondent prescribed Methadone to Patient A for

several days so that he could obtain Patient A's past records and "bridge the gap this one time only . . ."

11. Respondent wrote a prescription that, if taken as directed, would have lasted Patient A two weeks.
12. Although Respondent notes that methadone was commonly prescribed at the time in doses of 60 tablets, and that he had prescribed that amount, Patient A was taking Suboxone on a regular basis. Methadone, and more generally opiates, should not be used in combination with Suboxone.
13. Respondent warned Patient A of the possibly fatal consequences of misusing and/or mixing methadone with other drugs.
14. On April 24, 2012, Patient A died of methadone and buprenorphine intoxication, contributed to by use of fluoxetine, clonazepam and amphetamine. Respondent does not admit, and the Board does not allege, that the prescribing of the methadone was the cause of death, only that the amount prescribed was more than was appropriate to the purpose of assisting the patient for a few days' time in which she was supposed to have returned to Respondent's office for further treatment.
15. With regard to BMLD Complaint Number C14-821, Respondent treated Patient B, *alias*, a female patient, with antibiotics. Patient B complained that Respondent did not warn her of the possibly diminishing effects of antibiotics on birth control pills. While Respondent contends that he did converse with Patient B about this, the investigative committee noted that the record for the visit in question did not include a sufficiently detailed history regarding Patient B's use of birth control

pills, the appropriate interaction warning, or sexual activity history related to such use.

16. Based on the incorrect billing of Medicaid patients related to Suboxone, even though the matter was resolved with the MFCU the Board finds , Respondent has violated Rhode Island General Laws § 5-37-5.1(29). Based on the longer period of prescribing methadone to Patient A than was appropriate to the circumstances, the Board finds Respondent has violated Rhode Island General Laws § 5-37-5.1(19). With respect to Patient B, based on insufficient documentation with regard to the interaction between antibiotics and birth control pills, the Board finds Respondent has violated § 11.4 of the Rhode Island Rules and Regulations for the Licensure and Discipline of Physicians based on the failure to meet minimum standards of care regarding sufficient medical recordkeeping.

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent has reviewed this Consent Order and understands that it is subject to final approval of the Board; and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross-examine witnesses;

- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for those specifically contained herein;
- f. Any and all rights of appeal of this Consent Order; and
- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.

4. Respondent hereby agrees to a Reprimand based on the facts referenced above but does not admit to any wrongdoing.

5. Respondent agrees to register for and attend the Prescribing Controlled Drugs course offered by Vanderbilt University within 365 days of the ratification of this Order.

6. Respondent agrees to pay an administrative fee to the Board for costs associated with investigating these complaints. Respondent shall submit to the Board within sixty (60) days a check made payable to the Rhode Island General Treasury in the amount of \$2,500.00.

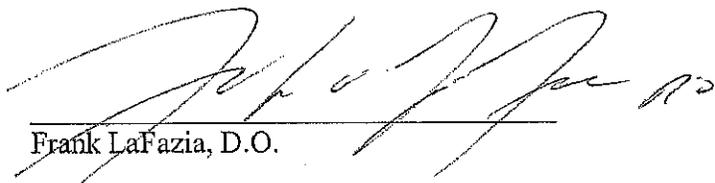
7. Respondent agrees to register for and consult the Department of Health's Prescription Monitoring Program when prescribing opioids.

8. Respondent agrees to two (2) years of probation.

9. In the event that any conditions of this Consent Order are violated by Respondent after it is ratified, the Director of the Department of Health shall have the discretion to impose disciplinary action, including summary suspension of Respondent's license to practice medicine in the State of Rhode Island. If the Director suspends such license or imposed other summary discipline, Respondent

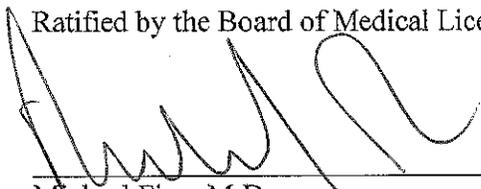
shall be given notice and shall have the right to request an administrative hearing within ten (10) days of the summary action. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of any violation of this Consent Order.

Signed this 6 day of February, 2015.



Frank LaFazia, D.O.

Ratified by the Board of Medical Licensure and Discipline on the 10 day of February, 2015.



Michael Fine, M.D.
Director
Rhode Island Department of Health