



**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

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

IN THE MATTER OF:

**Irwin August, M.D. License Number DO-00549
Controlled Substances Registration Number CDO-00549
BMLD Case Number C08-620**

CONSENT ORDER

Irwin August, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island, and has a controlled substances registration in the State of Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") makes the following:

FINDINGS OF FACT

1. Respondent is a licensed physician in the State of Rhode Island and was issued his license on August 15, 2002. He is 82 years old, and has worked part time at offices in Madison, Connecticut, and Fall River, Massachusetts. His primary specialty is psychiatry, and his secondary specialty is geriatric psychiatry. He is a 1992 graduate of the University of New England College of Osteopathic Medicine.
2. On October 30, 2008, the Medical Staff Executive Committee of the Eleanor Slater Hospital complained to the Board about their observations of Respondent in the work environment.

3. The Board ordered the Respondent to undergo a particular type of health care evaluation, and the provider who evaluated him recommended several steps that would allow Respondent to continue to practice medicine.
4. Thereafter, the Board contacted the Respondent and asked him to answer in writing when he last practiced medicine in Rhode Island. The Board also asked the Respondent about a follow up evaluation. The Board's Chief Administrative Officer had spoken with Respondent by telephone in January of 2013 to discuss the need to complete a follow up evaluation in connection with the Respondent keeping his physician license.
5. Respondent's business address provided to Connecticut officials was his home address; his Connecticut address given to the Drug Enforcement Administration was 4 Grove Beach Road North in Westbrook, Connecticut, a location where he practiced medicine and saw his Connecticut patients; and Respondent's wife, who is the Respondent's Office Manager, has indicated that he worked there one day a week seeing Suboxone patients.
6. Respondent's wife has indicated to Board staff that he worked one day a week in Fall River, Massachusetts, to meet with other Suboxone patients.
7. On January 17, 2013, the Investigative Committee voted that there existed, during that point in the investigation of the October 2008 complaint, sufficient probable cause that allegations of misconduct against Respondent were caused by an impairment which has directly affected his ability to conduct his practice professionally. As a result, pursuant to R.I. Gen. Laws § 5-37-1.3(10)(i), he was

ordered to undergo an immediate health care examination, by a particular type of specialist, to secure a report pertaining to his medical and other fitness to practice medicine, and to deliver it to the Board by January 24, 2013. Respondent was notified that his failure to undergo this immediate examination and timely submit the requested report might result in immediate suspension of his physician license by the Board.

8. Respondent did not call the Board as requested in numerous messages that have been left on his home telephone answering machine between January 24 and June 27, 2013.
9. On June 27, 2013, the Board entered an order finding that the Respondent was in civil violation of Rhode Island General Laws § 5-37-5.1(23) for failure furnish the Board and its Chief Administrative Officer with information legally requested by the board in relation to further health care examination as required pursuant to the Board's authority in § 5-37-1.3(10)(i).
10. On September 9, 2013, Respondent provided to the Board the information that the Board had requested.

Based on the foregoing, the parties agree as follows:

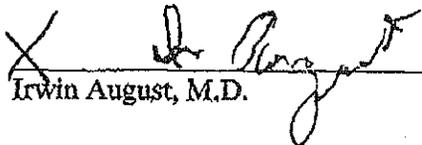
1. Respondent admits to the jurisdiction of the Board.
2. The summary suspension of Respondent's physician license is hereby concluded, and Respondent may return to the practice of medicine in Rhode Island in accordance with the terms of this Consent Order.

3. Respondent has agreed to 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.
4. 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;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
5. Respondent agrees to attend a Board-approved training program regarding controlled substances the next time it is offered. Specifically, Respondent will register for and attend the narcotics course at either Vanderbilt University, Case Western University or the PACE program at the University of California, San Diego.

6. Respondent agrees to pay an administrative fee to the Board with a check for two thousand dollars (\$2,000.00) made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint.
7. Respondent may continue to prescribe controlled substances but shall immediately institute pain-management agreements with each patient for whom he prescribes a controlled substance for pain management, shall document and specify which diagnosis or diagnoses that support each controlled substance prescription, shall maintain a narcotics log for each such patient, and shall perform toxicology screening of any patient who exhibits drug-seeking behavior or repeated early pharmacy requests for controlled substances.
8. Respondent shall for a period of twelve (12) months retain and cooperate with Affiliated Monitors for the purpose of monitoring narcotic prescribing practices and documentation.
9. Respondent shall undergo a follow up neuropsychological evaluation by September 2014, and another follow up neuropsychological evaluation by September 2015. He is responsible for submitting the evaluation reports to the Board within thirty (30) days of his receipt of the evaluator's completed reports.
10. The Respondent agrees to this consent order on his physician license based on the above-referenced findings of fact.
11. Respondent will remain on probation for two years following ratification of this order by the Board.

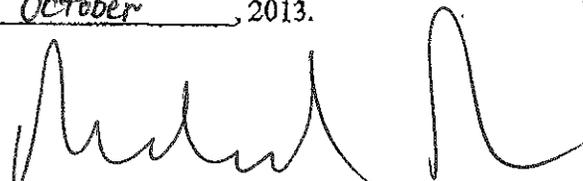
12. In the event that any term of this Consent Order is violated, after signed and accepted, the Director of the Department of Health shall have the discretion to summarily suspend the Respondent's license and/or impose further disciplinary action. If the Director suspends the license and/or imposes further disciplinary action, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of the suspension and/or further discipline. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.

Signed this 11 day of September, 2013.



Irwin August, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 9th day of
October, 2013.



Michael Fine, M.D.
Director of Health