

**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

SUMMARY SUSPENSION OF PHYSICIAN LICENSE

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") and 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 83 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, including a follow-up evaluation within one year the report to provide additional information.
4. The Board wrote to Respondent after the year had passed and asked him to answer in writing when he last practiced medicine in Rhode Island, and whether he had the follow up evaluation; and the Board's Chief Administrative Officer has spoken with Respondent by telephone to remind him that the need to complete the evaluation remains a condition of the Respondent keeping his physician license.
5. On January 17, 2013, an Investigative Committee of the Board voted that there existed, during that point in the investigation of the 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.
6. Respondent's physician license was summarily suspended on June 27, 2013, based on his failure to respond to the Board's requests for information about his

compliance with its orders between January 24, 2013, and June 27, 2013. Respondent subsequently complied with the required evaluation, and he was allowed to return to practice under the conditions of an October 9, 2013, Consent Order.

7. Respondent was required by the terms of his Consent Order of October 9, 2013, to undergo a certain type of health care evaluation by September 2014 and submit the evaluation reports to the Board within thirty days of receiving the evaluator's report. The Board sent a letter to Respondent's home address on November 20, 2014, to request that Respondent send the evaluation report that was supposed to have been sent following the follow up examination. Respondent has not contacted the Board since November 20, 2014, and as such, he is noncompliant with the terms of his Consent Order and two years' probation.
8. The October 9, 2013, Consent Order signed by Respondent and ratified by the Board ordered in part that, "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."
9. The October 9, 2013, Consent Order signed by Respondent and ratified by the Board ordered in part that, "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."
10. Respondent has not hired Affiliated Monitors between October 9, 2013 and

January 15, 2015, according to Affiliated Monitors' records.

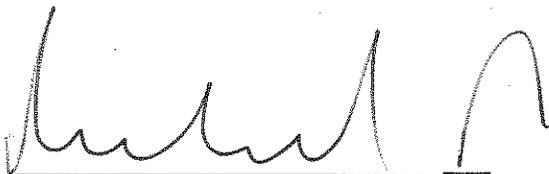
11. The October 9, 2013, Consent Order signed by Respondent and ratified by the Board ordered in part that, "Respondent agrees to attend a Board-approved training program regarding controlled substances the next time it is offered. Specifically, Respondent will register for and attend the narcotics course at either Vanderbilt University, Case Western University or the PACE program at the University of California, San Diego."
12. Respondent has submitted no proof to the Board that he has attended such a program.
13. Respondent is 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), in relation to his required coursework, and in relation to his required monitoring, pursuant to the October 9, 2013, consent order signed by Respondent and ratified by the Board.

ORDER

After considering the above findings, the Director of the Department of Health has determined that the continuation of the practice of medicine by the Respondent would constitute an immediate danger to the public, and the public health, safety, and welfare imperatively requires emergency action. It is accordingly ordered that:

1. Respondent is hereby suspended from practicing medicine until further Order of the Department of Health, Board of Medical Licensure and Discipline, pursuant to the terms of the October 9, 2013, Consent Order signed by Respondent and ratified by the Board.
2. Respondent is responsible for ensuring his patients' transition to other health care providers and for ensuring transfer of any requested medical records of his patients forthwith.
3. Respondent may not prescribe any medications until further Order of the Department of Health, Board of Medical Licensure and Discipline. Any prescriptions written prior to January 12, 2015, may be filled until April 12, 2015, unless there is a law or regulation prohibiting the filling of a particular prescription beyond a shorter time limit.
4. Respondent is entitled to an administrative hearing on this suspension within twenty (20) days of this Order pursuant to the October 9, 2013, Consent Order signed by Respondent and ratified by the Board, by contacting the Board and requesting such a hearing.

Ordered this 12th day of January, 2015.

A handwritten signature in black ink, appearing to read "Michael Fine", written over a horizontal line.

Michael Fine, M.D.

Director

Rhode Island Department of Health

CERTIFICATION

I hereby certify that a copy of this SUMMARY SUSPENSION was sent by certified mail on this _____ day of January, 2015, to Irwin August, D.O., at his home address that he has listed with the Department of Health.
