STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

Safe and Healthy Lives in Safe and Healthy Communities

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

No. C98-224

In the matter of
Joseph P. Conley, D.O.

CONSENT ORDER

Pursuant to R.I. Gen. Laws § 5-37-5.2, 1956, as amended, (1995 Reenactment) a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred as to "Board") charging Joseph P. Conley, D.O., Respondent with violations of §5-37-5.1. An investigation was conducted by Investigating Committee I, so called, of the Board.

The following constitutes the Investigating Committee's Findings of Fact with respect to the professional performance of the Respondent.

Findings of Fact

1. This matter came to the attention of the Department of Health (thereinafter "Department") upon a review of Automation of Reports and Consolidated Orders Systems (hereinafter "ARCOS") reports conducted by representatives of the "Department." Said reports delineate the quantity and type of controlled substances ordered by a registrant. Specifically, said ARCOS reports establish that Joseph P.

Conley, D.O. (hereinafter "Respondent"), 726 Front Street, Woonsocket, RI did order 309 grams of codeine for the period 1 January 1997 to 31 December 1997. An inspection, conducted on 27 October 1998, of the premises located at 726 Front Street, Woonsocket, RI, the address to which "Respondent's" controlled substances registration is issued, indicated that "Respondent" failed to maintain records as to the disposition of the codeine ordered for the period 1 January 1997 to 31 December 1997 as required by Rhode Island General Laws (1989 Reenactment) Section 21-28-3.16(b). Further, on 27 October 1998 Respondent did voluntarily surrender his Federal Drug Enforcement Registration.

2. Upon further investigation the Board of Medical Licensure and Discipline learned that the Respondent was self medicating for a chronic headache assocoiated with prior head trauma.

3. The Respondent has sought appropriate treatment for his condition through the Physician's Health Committee of the Rhode Island Medical Society.

The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, osteopathic license No. DO00337.

(2) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(3) Respondent has read this Consent Order and

understands that it is a proposal of Investigating Committee I of the Board and is subject to the final approval of the Board. This Consent Order is not binding on respondent until final ratification by the Board.

(4) 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 in 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 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;

h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;

i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee votes in favor or finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) The Respondent accepts the Board's finding of unprofessional conduct with a sanction of a reprimand. Further, Respondent must enter into a 3-year contract with the Physician's Health Committee of the Rhode Island Medical Society. The Respondent will be required to execute releases for all evaluation and treatment reports from providers. The Respondent shall be required to pay an Administrative Fee of Two Hundred and Fifty ($250.00) Dollars within 60 days of ratification

of this Order.

Signed this 7th day of December, 1998.

Joseph P. Conley D.O.

Joseph P. Conley, D.O.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on 1998.

Patricia A. Nolan, MD, MPH
Chairperson
Board of Medical Licensure
and Discipline