

**BOARD OF MEDICAL LICENSURE AND  
DISCIPLINE**

**No. C04-695**

**In the matter of  
Marcel Bavoux, D.O.  
License Number D.O. 414**

**Consent Order**

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (2002 Reenactment) The Board of Medical Licensure and Discipline (hereinafter the “Board”) has been made aware that Marcel Bavoux, D.O.(hereinafter the “Respondent”) was the subject of a credible complaint from a former underage female co-worker alleging inappropriate behavior in the workplace. The Board and the Physicians Health Committee had already engaged in a Diversion Contract with this physician regarding similar Boundary Violations.

Dr. Bavoux was subsequently formally assessed through the Physician’s Health Committee and entered into a disciplinary diversion contract that required Respondent to leave clinical practice for a period of time. Respondent now enters into a Consent Order with the Board to reenter clinical practice with certain restrictions.

The following are findings of fact and conclusions of law:

## **FINDINGS OF FACTS AND CONCLUSIONS OF LAW**

1. The Respondent is a physician born September 5, 1963. He is a 1990 graduate of the New England College of Osteopathic Medicine and has been licensed to practice medicine in Rhode Island since 1991. His primary area of practice is Internal Medicine and urgent care.
2. The Respondent had been enrolled in a treatment and monitoring program with the Physicians Health Committee of the Rhode Island Medical Society [PHC] relating to concerns regarding boundary violations.
3. The Respondent made inappropriate vulgar verbal and written statements to an underage female co-worker at the workplace on multiple occasions. Respondent's attentions were unwanted and unwelcome.
4. Respondent has been removed from the clinical practice of medicine as a condition of a disciplinary Diversion Contract since May 2005.
5. Respondent's behavior with this co-worker failed to conform to the minimal standards of acceptable and prevailing medical practice in violation of § 5-37-5.1.

**The parties agree as follows:**

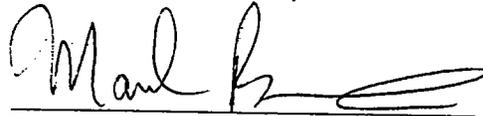
Respondent admits to the jurisdiction of the Board.

- (1) 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.
- (2) Acceptance of this Consent Order constitutes an admission by the Respondent that the findings of fact were made by the Board.

- (3) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.
- (4) Respondent hereby consents to a sanction of **probation** with the following **Restrictions** for five (5) years to begin with the ratification of this order.
- (5) Respondent is required to comply with a treatment and monitoring program to be approved by the Board to run concurrently with this order. It shall be the Respondent's responsibility to assure that the Board receives regular three-times per year reports from his treating physician.
- (6) Respondent is required to work under the supervision of a RI licensed physician approved by the Board only at clinical site(s) approved by the Board, in writing.
- (7) Respondent is required to have a chaperone present for all examinations of female patients. This requirement shall continue beyond the probationary period and can only be relieved by specific order of the Board.
- (8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to license revocation.

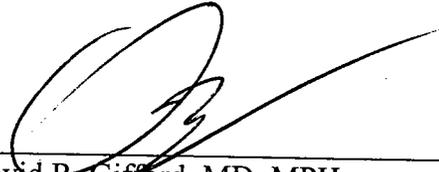
(9) Respondent agrees to pay an administrative fee of ONE THOUSAND (\$1,000.00) DOLLARS within 60 days of ratification of this Order.

Signed this 13th day of March, 2007.



Marcel A. Bavoux, DO

Ratified by the Board of Medical Licensure and Discipline at a meeting held on March 14th, 2007.



David R. Gifford, MD, MPH  
Director of Health