

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

DEPARTMENT OF HEALTH

**BOARD OF MEDICAL
LICENSURE AND DISCIPLINE**

**IN THE MATTER OF:
SIMON MELNICK, M.D.
License Number DO00518
BMLD Complaint Number C13-1031**

CONSENT ORDER

Simon Melnick D.O.. (hereinafter "Respondent") is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") received a patient complaint in 2013. The Board makes the following:

FINDINGS OF FACT

1. Respondent is a physician who has been licensed in Rhode Island since August 3, 2000. He graduated from New York College of Osteopathic Medicine in 1997
2. A patient filed a complaint in 2013 which has been reviewed thoroughly by the investigative committee, which determined that the Respondent did not document an adequate evaluation of the patient pertaining to the complaint's primary concern.
3. The patient visit occurred in 2010 and reflects a single office visit. The medical record specifically lacked a meaningful "history of present illness," "past medical history," "review of systems," or "physical exam." Additionally, the "assessment and plan" did not address the concerns raised by the patient in the complaint.

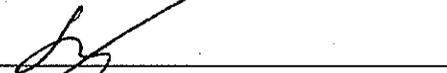
4. The complaining patient presented for health care at his facility the next day and was transferred to Rhode Island Hospital for care of his medical condition.
5. Based on the deficiency in the patient's medical record, Respondent has violated Rhode Island General Laws § 5-37-5.1(19) and § 11.4 of 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 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.
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;

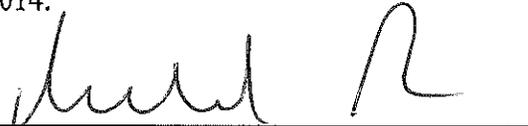
- f. Any and all rights of appeal of this Consent Order; and
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
4. Respondent agrees to pay within sixty (60) days of the ratification of this Consent Order an administrative fee to the Board with a check for \$650.00 made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint.
 5. Respondent agrees to enroll in a Board-approved course in medical records within six months of ratification of this Order, and shall complete such course and provide results to the Board within 12 months.
 6. Respondent hereby agrees to this reprimand on his physician license.
 7. 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 impose further disciplinary action. If the Director summarily 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 disciplinary action. 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, if the alleged violation is proven by a preponderance of evidence.

Signed this 6 day of August, 2014.



Simon Melnick, D.O.

Ratified by the Board of Medical Licensure and Discipline on the 13 day of August
2014.



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