

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE**

No. C10-612

**IN THE MATTER OF ANTHONY V. ROCHA, M.D.
LICENSE NUMBER MD 05196**

CONSENT ORDER

The Board of Medical Licensure and Discipline (hereinafter referred to as the "Board") received notice that the Respondent engaged in conduct that may violate RIGL 5-37-5.1. This matter was referred to an investigating committee of the Board. The findings of fact and conclusions of law are set forth below.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. The Respondent is a 60 year-old physician with a primary practice location of 387 Waterman Ave., East Providence, RI 02914. He is a graduate of Boston University School of Medicine and has been licensed in RI since 1977. His primary specialty is internal medicine.
2. The Respondent came to the attention of the Board of Medical Licensure and Discipline through a question that was raised by another physician who does pre-employment physical examinations for a defense contractor. A patient of the Respondent who was a job applicant at the defense contractor had tested positive for cocaine.

3. The Respondent sent a note to the pre-employment physician as follows:

“Was seen for : Evaluation of cocaine screen at work.
Hx of Epistaxis Rx’s with topical cocaine 10% solution.
No hx of cocaine or drug abuse”

4. This note was intended to excuse the positive cocaine screen, however, the Respondent’s office records for this patient do not reflect that the Respondent ever treated the patient for nose-bleeds or prescribed 10% cocaine solution.

5. Respondent’s explanation to the Board is that the information for the note to the pre-employment doctor “came from the patient” while taking a history. The Board determined that this was not an acceptable explanation.

6. The Board of Pharmacy and the Drug Enforcement Agency visited the Respondent’s office and found legend medications with patient names on bottles that had been dispensed by pharmacies.

7. The Board of Medical Licensure and Discipline finds that the Respondent’s note concerning the positive pre-employment drug screen was intended to deceive the pre-employment physician concerning clinical treatment of the applicant in violation of RIGL 5-37-5.1(8) for filing false reports in the practice of medicine. Further, the Respondent has violated the provisions of RIGL § 5-37-5.1 (26) for unprofessional conduct for violating the provisions of state and federal law related to controlled substances.

The parties agree as follows:

- (a) Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license number, MD 05196;
- (b) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board;
- (c) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee 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.
- (d) Respondent hereby acknowledges and waives:
- (1) The right to appear personally or by counsel or both before the Board;
 - (2) The right to produce witnesses and evidence in his behalf at a hearing;
 - (3) The right to cross-examine witnesses;
 - (4) The right to have subpoenas issued by the Board;
 - (5) The right to further procedural steps except for those specifically contained herein;
 - (6) Any and all rights of appeal of this Consent Order;
 - (7) Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

- (8) 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;
- (9) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order. The signing of this Consent Order is for settlement purposes only.
- (10) This Consent Order shall become part of the public record of this proceeding once the Board ratifies it.
- (11) Respondent agrees to attend a continuing medical education seminar from a list of acceptable programs that will be provided to the Respondent by the Board. Respondent's state controlled substances registration will be on probationary status until evidence of completion of the program is provided by the board.
- (12) The Respondent is issued a Reprimand for unprofessional conduct.


Anthony V. Rocha, MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held on December 8, 2010


David R. Gifford, M.D., MPH
Director of Health