

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

**IN THE MATTER OF:**

**Barry Stein, M.D. C15-353**

**License Number MD06565**

**Controlled Substances Registration Number CMD06565**

**CONSENT ORDER**

Barry Stein, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island and is licensed to prescribe controlled substances under Rhode Island General Laws chapter 21-28, having both a state Controlled Substances Registration and a Federal Drug Enforcement Administration Registration to prescribe controlled substances. After reviewing the above-referenced matter Board makes the following:

**FINDINGS OF FACT**

1. Respondent was licensed as a physician in Rhode Island on February 20<sup>th</sup>, 1985, and his primary specialty is Urology. He is a 1974 graduate of the Jefferson Medical College.
2. Respondent's current practice location is the Stratton Veterans Administration Medical Center in Albany, New York.
3. Respondent was the attending physician for "Patient A", an adult male who was evaluated for hematuria and an adrenal mass. Respondent conducted an appropriate pre-operative evaluation and correctly determined Patient A should undergo an adrenalectomy.

# STATE OF RHODE ISLAND CONSENT ORDER

Dr. Barry Stein MD06565

---

4. Respondent performed the surgery and Patient A sustained an injury to a splenic vessel and also had part of his pancreas removed inadvertently.
5. Respondent has subsequently violated Rhode Island General Laws § 5-37-5.1(19), regarding practicing within standard of care for his specialty.

**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;
  - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.

# STATE OF RHODE ISLAND CONSENT ORDER

Dr. Barry Stein MD06565

---

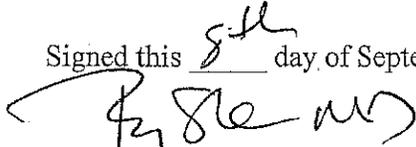
- h. Any objection that this agreement is reported to the National Practitioner Data Bank as well as the Federation of State Medical Boards and posted on the RI DOH web site.
4. The Respondent agrees to this reprimand on his physician license.
5. Respondent agrees to pay an administrative fee to the Board for costs associating with investigating this complaint. Respondent shall submit to the Board within sixty (90) days a check made payable to the Rhode Island General Treasury for the amount of \$650.00.
6. Respondent agrees to attend a Board approved CME of 8 hours duration.
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 suspend the Respondent's license and/or impose further disciplinary action. If the Director suspends the license and/or 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 suspension and/or further discipline. 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, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.

STATE OF RHODE ISLAND CONSENT ORDER

Dr. Barry Stein MD06565

---

Signed this 5<sup>th</sup> day of September, 2015.



Barry Stein, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 9<sup>th</sup> day of September, 2015.



Nicole Alexander-Scott, M.D., M.P.H.  
Director of Health