

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**RHODE ISLAND DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND DISCIPLINE
AND DAVID R. GIFFORD, MD, MPH, IN HIS CAPACITY
AS DIRECTOR OF HEALTH, STATE OF RHODE ISLAND**

**In the Matter of:
David J. Kass, M.D.
License Number MD 04834**

C07-337

COMPLIANCE ORDER

Now comes the Director of Health of the State of Rhode Island, and pursuant to Rhode Island General Laws § 23-1-20 issues the following Findings and Compliance Order regarding David Kass, M.D.

FINDINGS

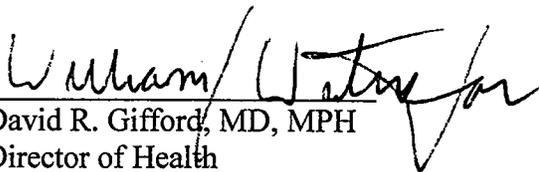
1. David Kass, M.D. ("Respondent") is a physician licensed to practice medicine in Rhode Island since 1975. He is a graduate of the University of Zurich in 1964 and Board Certified in Psychiatry since 1974. He is an Active Emeritus physician.
2. Respondent's business address is 258 Spencer Avenue in East Greenwich.
3. Respondent provides psychiatric services to elderly patients in nursing homes.
4. The Board received a complaint regarding the Respondent's use of sublingual Midazolam in elderly patients with agitation.
5. The Board's investigation concluded that Respondent was responsible for the administration of sublingual Midazolam to elderly patients with agitation in an unmonitored clinical setting. Midazolam poses a particular risk to the elderly.
6. The Board also concluded that the medical literature supports the use of sublingual Midazolam in highly monitored settings only such as emergency departments and critical care units and poses particular risk to the elderly.
7. Respondent voluntarily discontinued this practice when notified of this investigation at the request of the Board.
8. Respondent's use of Midazolam in this fashion failed to conform to the minimal standards of acceptable and prevailing practice.

ORDER

After consideration of the above findings Respondent is Ordered to discontinue the practice of prescribing or recommending the use of sublingual Midazolam in elderly patients in clinical settings that are not highly monitored.

The Respondent has 10 days in which to request an administrative hearing relating to this Compliance Order. The 10 day period will commence upon service of this Compliance Order on the Respondent.

Entered this 5th day of November 2007.


David R. Gifford, MD, MPH
Director of Health

CERTIFICATION OF SERVICE

A copy of the within Immediate Compliance Order was Sent via regular mail and via Facsimile to David J. Kass, 1567 South County Trail by the undersigned on 5th day of November 2007. 10th



DK