

**STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS**

**BOARD OF MEDICAL LICENSURE AND
DISCIPLINE**

**IN THE MATTER OF:
EDWARD L. CULLEN, M.D.
LICENSE NUMBER MD 06237
BMLD Complaint Numbers C11-186, C12-203**

CONSENT ORDER

A notification was received by the Board of Medical Licensure and Discipline (hereinafter the "Board" or "BMLD") regarding Edward L. Cullen, M.D. (hereinafter the "Respondent") from the Board of Pharmacy which expressed concerns over highly irregular prescribing issues. This matter was referred to an Investigating Committee of the BMLD for review and recommendation, and the Board makes the following:

FINDINGS OF FACTS

1. Respondent has been licensed to practice medicine in the State of Rhode Island since 1983. He is a 1977 graduate of the University of Guadalajara, Mexico. His principal place of employment was the Garden City Treatment Center, a licensed free standing emergency room, located in Cranston, Rhode Island.
2. The Board of Pharmacy undertook an investigation following complaint from a pharmacy that alleged that the Respondent was prescribing large amounts of Drug

Enforcement Agency Schedule II and III drugs which did not appear to have legitimate medical purposes.

3. The Boards of Medical Licensure and Discipline and Pharmacy undertook a more expansive review of the Respondent's prescribing practices after a second complaint was received while the Board was investigating the initial complaint. In all, the Board selected 19 purported patient records for review. The following are the Board of Medical Licensure and Discipline's conclusions concerning the professional actions of the Respondent:
 - a. Respondent wrote prescriptions for OxyContin and Vicodin for at least two people who were never patients of the Respondent and for whom no patient charts existed;
 - b. Multiple narcotic prescriptions were not documented in the medical records;
 - c. A failure to meet the minimal standards of acceptable care for prescribing opioids for patients who were using opioids chronically (lack of monitoring; pain treatment agreements; informed consent);
 - d. There was a lack of a meaningful physical examinations (patient history such as documented inquiry concerning alcohol use, suicide risk) and troubling medical decision-making; and
 - e. Failure to maintain minimum standards to prevent diversion.
5. After notification of the complaints, Respondent voluntarily surrendered his license to practice medicine and controlled substance registration in May of 2012.
6. Subsequent to the surrender of Respondent's license, Respondent has taken several steps to remediate matters pertaining to his personal health which included: evaluation from the Physician's Health Committee and ongoing

adherence to their recommendations. Respondent has earned the endorsement of the PHC for renewing his practice.

7. Respondent has taken other steps to address concerns regarding his professional practice which include attending and following the recommendations of the Center for Personalized Education of Physicians (CPEP). He has additionally attended continuing medical education (CME) regarding prescribing of opioids which provided seven (7) hours of CME, as well as a University of Florida course entitled "Prescribing Controlled Drugs, Critical Issues, Common Pitfalls of Misprescribing." Respondent also attended a medical records documentation course, ECG interpretation course and a five-day communication course.
8. The Board of Medical Licensure and Discipline finds that the Respondent failed to meet the minimum standard of acceptable practice in violation of RIGL § 5-37-5.1(19) for writing prescriptions for narcotics with no meaningful medical need was present and for whom no physician-patient relationship existed.

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. 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 the terms 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
3. Acceptance of this Consent Order constitutes an acknowledgment by the Respondent of the Board's findings of fact contained herein
 4. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.
 5. Respondent accepts a Reprimand on his license.
 6. Respondent agrees to check the Prescription Monitoring Program (PMP) database prior to prescribing any controlled substance and document said review in the medical record. He will undertake "tox screening" as appropriate on patients exhibiting drug-seeking behavior.
 7. Respondent will maintain active, legible and appropriate medical records. He will maintain a log for controlled substances.

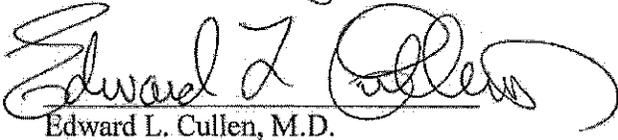
8. Respondent agrees not to accept any chronic pain patients [patients requiring more than thirty (30) days of an opioid type medication].
9. Respondent agrees to engage Affiliated Monitors, Inc., within ninety (90) days of seeing patients, to review ten (10) medical records monthly for twelve (12) months, then if acceptable, quarterly for twelve (12) more months.
10. Respondent agrees not to prescribe controlled substances for greater than seven (7) days' duration, and will require patients to have these prescriptions filled at only pharmacies located in Rhode Island.
11. Respondent agrees to remit an administrative fee of \$7429.00 to the Rhode Island General Treasury within twelve (12) months of ratification of this Consent Order.
12. Respondent will remain on probation for five (5) years from the date of this Consent Order.
13. Respondent agrees to continue to work with the Physicians Health Committee (PHC) and follow their recommendations until such time as the PHC deems appropriate.
14. Respondent's license to practice medicine in Rhode Island and controlled substance registration may be reinstated once his reinstatement application is complete and renewal fee is paid.
15. Failure to comply with this Consent Order, when signed and accepted, may subject the Respondent to further action. In the event that any conditions of this Consent Order are violated after it is signed and accepted, the Director of the

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Department of Health shall have the discretion to impose further disciplinary action, including summarily suspending or otherwise disciplining the Respondent's license to practice medicine in the State of Rhode Island. If the Director suspends or otherwise disciplines such license summarily, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of the suspension or other disciplinary action. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of any violation of this Consent Order.

Signed this Wednesday day of July 30TH, 2014.



Edward L. Cullen, M.D.

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



Michael Fine, M.D.
Director of Health