

**RI BOARD OF MEDICAL LICENSURE AND
DISCIPLINE**

No: C08-186

**IN THE MATTER OF
James A. Gosper MD
License Number: MD 04587**

CONSENT ORDER

Pursuant to R.I. General Laws §5-37-5.2, 1956, as amended, (2002 Reenactment) a notification from the RI Medical Society Physicians Health Committee [PHC] was received by the Board of Medical Licensure and Discipline [Board] regarding James Gosper MD (“Respondent”). This matter was referred to an Investigating Committee of the board for review and recommendation. The following are findings of fact and conclusions of law:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. The Respondent is a physician born in 1945 and has been licensed to practice medicine in Rhode Island since 1973. He is a 1971 graduate of the Hahnemann University School of Medicine. His primary area of practice is Internal Medicine
2. The Respondent entered into a non-disciplinary diversion contract with the Board February 15, 2005, which required treatment and monitoring by the PHC for alcohol and prescription medication abuse.
3. The Respondent tested positive for inappropriate benzodiazepine use on March 7 and 12, 2008. It is the third relapse since his monitoring program began. Respondent admitted to relapse, voluntarily discontinued practice and attended recommended inpatient treatment.

4. The PHC now recommends that the Respondent be allowed to return to practice with continued monitoring and treatment.
5. The Respondent is in violation of RIGL 5-37- 5.1(5)

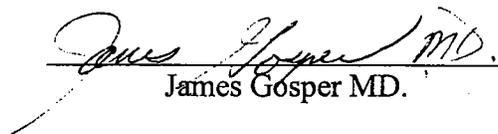
The parties agree as follows:

Respondent admits to the jurisdiction of the Board.

- (1) 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; and
 - 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.
- (2) Acceptance of this Consent Order constitutes an admission by the Respondent that the findings of fact were made by the Board but not an admission to the findings themselves. Neither this Consent Order nor any finding or statement therein shall be used in any future judicial proceedings to establish any of the facts, findings or conclusions contained herein.

- (3) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.
- (4) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (5) Respondent hereby consents to a thirty-day (30) **suspension** and **probation** for at least one year to begin with the ratification of this order.
- (6) Respondent's probationary status may be lifted after one (1) year upon application to the Board with support of the PHC.
- (7) Respondent agrees to enter into a renewed five year treatment and monitoring contract with the PHC; to follow all treatment recommendations of the PHC; and to waive his patient confidentiality and provide the Board full access to any and all relevant treatment records.
- (8) The Respondent understands that failure to adhere to the terms of this consent order or the renewed treatment and monitoring contract constitute unprofessional conduct according to RIGL 5-37 and shall be grounds for further disciplinary action.

Signed this 9th day of May, 2008.


James Gosper MD.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on May 14th, 2008.


David R. Gifford, MD, MPH
Director of Health