

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

**No. C09-122**

**IN THE MATTER OF  
JAMES URBAN, M.D.  
LICENSE NUMBER MD 9760**

**Consent Order**

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (2002 Reenactment) a notification was received by the Board of Medical Licensure and Discipline [Board] regarding James Urban, M.D. ("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 on September 7, 1947 who has been licensed to practice medicine in Rhode Island since 1999. His primary area of practice is Internal Medicine caring for patients, primarily in outpatient settings.
2. The Respondent's medical office is Harbour Medical located at 1000 Division Street, East Greenwich R.I.
3. The Respondent was previously sanctioned by the Board in January 2007 with a Reprimand and required to complete a formal ethics program for facilitating the unlicensed practice of medicine by a physician whose license had been Revoked by the Board.

4. The Respondent has not yet submitted evidence that he completed the ethics requirement.
5. In October 2008 the Health Department conducted an inspection of Respondents medical practice. Significant violations in the areas of Radiation Safety and Pharmacy were identified.
6. In 2009 the Board issued an immediate compliance order to the Respondent with the following findings.
  1. Harbour Medical has certain X-Ray equipment that is required to be licensed in accordance with the Rules and Regulations for the Control of Radiation.
  2. Part of the Registration program calls for periodic inspections of the X-Ray equipment and safety measures established for the safe handling and disposal of nuclear material.
  3. On October 2, 2008, the Department of Health conducted an inspection of radiation safety and compliance with the Rules and Regulations.
  4. The inspection revealed 8 violations ranging in severity from Level III to Level V.
  5. On October 9, 2008, James R. Urban, M.D. was notified by letter that a plan of corrective action be filed with the Department of Health in order to avoid further action for non-compliance.
  6. James R. Urban, M.D. has failed to contact the Department as required, failed to file a corrective action plan and failed to take corrective action.
7. The October inspection identified deficient pharmacy practice with Respondents medical sample supply closet having numerous expired medications that may have been provided to patients. Respondent was instructed to immediately correct this.
8. In February 2009 Respondent and the Board were notified that Respondent was not in compliance with the requirements of the Adult Influenza Vaccine Program for failing to submit the necessary monthly vaccine inventory report forms and vaccine storage temperature logs.

9. The Respondent appeared before the Board in March 2009 and was required to submit a plan of correction relating to the immediate compliance order, and general practice matters within 2 weeks.
10. In March of 2009 the Board of Pharmacy conducted a repeat inspection of Respondent's Medical Practice and found continued violation with regard to expired patient sample medications in his supply closet.
11. In March of 2009 Board investigators determined that Respondent has a history of repeated non-compliance with CLIA registration to perform in-office laboratory testing, although he is currently in compliance.
12. In 2008 Respondent had been referred to the Physician's Health Committee for evaluation relating to a case under investigation. In March 2009 the Board was notified that the PHC would be closing Respondent's case since he was not fully compliant with voluntary follow-up with the committee.
13. Respondent failed to conform to the minimal standards of acceptable and prevailing medical practice and failed to comply with orders of the Board of Medical Licensure and Discipline in violation of § 5-37-5.1(19) and 23).

**The parties agree as follows:**

Respondent admits to the jurisdiction of the Board.

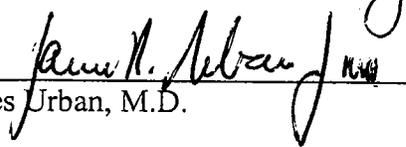
- (1) Respondent hereby acknowledges and waives:
  - a. The right to appear personally or by counsel or both before the Board;

- 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 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;
  - i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of 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.
- (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 sanction of Suspension of his license to practice medicine for 1 year. This Suspension is stayed for a six-month period of Probation during which time Respondent may demonstrate

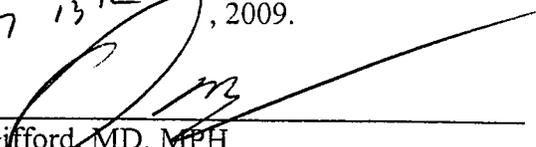
fitness for continued practice after which his practice site will be re-inspected. Any substantial deficiency at the time of re-inspection shall be grounds for imposition of the Suspension which will require time out of practice at the sole discretion of the Board.

- (6) Respondent is required to engage a practice consultant acceptable to the Board and implement improved systems of care, safety and regulatory compliance. The Board must approve this consultant in advance and in writing. All consultant recommendations shall also be provided to the Board.
- (7) Respondent is required to adhere to a 3-year treatment and monitoring program for physical and mental health with the PHC.
- (8) Respondent agrees to pay an administrative fee of FIVE HUNDRED (\$500.00) DOLLARS within 60 days of ratification of this Order.

Signed this 7<sup>th</sup> day of May, 2009.

  
James Urban, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on May 13<sup>th</sup>, 2009.

  
David R. Gifford, MD, MPH  
Director of Health  
Chair, Board of Medical Licensure and Discipline