

**STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS**

DEPARTMENT OF HEALTH

**BOARD OF MEDICAL LICENSURE
AND DISCIPLINE**

IN THE MATTER OF:

JOSEPH A. DELUCA, M.D.

License Number MD008086

Complaint Numbers C12-451 and C12-608

CONSENT ORDER

Joseph DeLuca, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") through its investigating committee investigated two complaints made about Respondent. After investigation and review of the complaint and the Respondent's reply, the Board makes the following:

FINDINGS OF FACT

1. Respondent is a physician who has been licensed in Rhode Island since November 6, 1991, with a primary specialty of pediatrics. He is currently employed at Alpha Pediatrics at 310 Maple Avenue, Barrington, Rhode Island. He has hospital privileges at Rhode Island Hospital and Women and Infants' Hospital. He graduated from University of Padova Medical School in Italy in 1988.
2. Regarding Complaint Number C12-451, in June, 2012, the Respondent had a telephone conversation with a Rhode Island Department of Health representative who works with the vaccine program. The representative believed Respondent spoke to him in an unprofessional manner.

3. On July 10, 2012, a vaccine distribution coordinator at the RIDOH called Respondent to notify him that the vaccine distributor attempted to deliver vaccines to Respondent's practice during business hours, but Respondent was not at his practice so the vaccines were returned to the warehouse. Respondent was upset and complained to the coordinator.
4. The Board believes Respondent's conduct constitutes a violation of Rhode Island General Laws § 5-37-5.1.
5. Regarding Complaint Number C12-608, Respondent on October 17, 2011, received an authorized release for medical records of Patient A, *alias*, to be sent by mail to another physician for the purpose of continuity of care. Patient A signed the release request.
6. On July 17, 2012, nine months after the request for medical records was sent to Respondent, Patient A arrived at an appointment with the other physician and learned that Respondent had not yet sent the medical records to that physician.
7. On August 17, 2012, the physician filed a complaint with the Board alleging that Respondent had not complied with the October 17, 2011 request for Patient A's medical records.
8. Phone calls were exchanged between the Respondent and the other physician's office in July and October 2012 in an attempt to obtain the medical records. On October 10, 2012, the Respondent hand-delivered a copy of Patient A's medical record to the physician's office.
9. Respondent's conduct constitutes a violation of Rhode Island General Laws §5-37-5.1(10) by failing to furnish Patient A's medical record to a succeeding physician upon a

proper request.

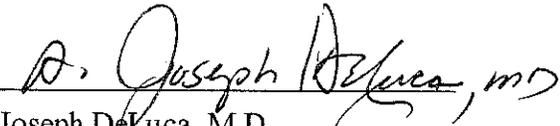
Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent has reviewed 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; and
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
3. Respondent agrees to this Reprimand by the Board based on the findings above.
4. Respondent shall pay within one-hundred-eighty (180) days an administrative fee of \$600 to the Board of Medical Licensure and Discipline, made payable to the Rhode Island General Treasury, for staff time spent investigating and reviewing the instant complaint.
5. Respondent shall register for a Board-approved course that addresses disruptive physician

behavior within one hundred twenty (120) days of the execution of this Consent Order, and shall complete the course with one hundred eighty (180) days of its execution.

6. In the event that any terms of this Consent Order are violated, the Director of the Department of Health shall have the discretion to summarily suspend the Respondent's license. If the Director suspends the license, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of the suspension. 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, and the Administrative Hearing Officer may suspend Respondent's license for the remainder of Respondent's probationary period if the alleged violation is proven by a preponderance of evidence.

Signed this 30 day of October, 2013.


Dr. Joseph DeLuca, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 14th day of Nov,
2013.



Michael Fine, M.D.
Director of Health
Rhode Island Department of Health
Cannon Building, Room 401
Three Capitol Hill
Providence, RI 02903
Tel. (401) 222-2231
Fax (401) 222-6548