

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

No: C10-311

In the matter of:  
Joseph Rodgers, MD  
License #: MD 10279

**Consent Order**

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (2009 Reenactment) the Commonwealth of Massachusetts Board of Registration in Medicine notified the Board of Medical Licensure and Discipline that the Respondent has entered into a Consent Order. The Rhode Island Board of Medical Licensure and Discipline has jurisdiction to take reciprocal action by virtue of RIGL 5-37-5.1 of the General Laws. The following constitutes the Investigating Committee's Findings of Fact:

**Findings of Facts**

1. The Respondent, Joseph Rodgers, MD has entered into a Consent Order in the Commonwealth of Massachusetts wherein he was disciplined for practicing on a lapsed license.
2. The Board of Medical Licensure and Discipline finds the Respondent's actions to be unprofessional conduct by virtue of RIGL 5-37-5.1(21). The Commonwealth of Massachusetts Consent Order is incorporated and attached herewith.

**The parties agree as follows:**

The Respondent is a physician with an active allopathic license No.10279. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

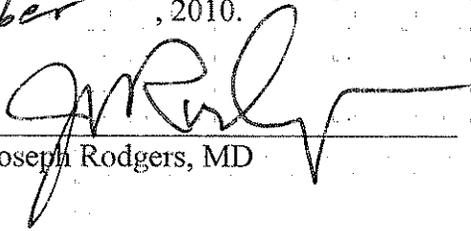
(1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

(2) Respondent hereby acknowledges and waives:

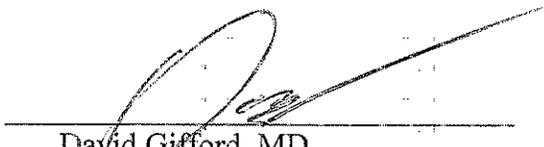
- a. The right to appear personally or by counsel or both before the Board;
- b. The right to produce witnesses and evidence in his behalf at a hearing;
- c. The right to cross examine witnesses;
- d. The right to have subpoenas issued by the Board;
- e. The right to further procedural steps except for specifically contained herein;
- f. Any and all rights of appeal of 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.

- (3) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct.
- (4) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.
- (5) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (6) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (7) Respondent shall be subject to the same restrictions and limitations as imposed by the Commonwealth of Massachusetts.
- (8) Respondent agrees to pay an administrative fee of FIVE HUNDRED (\$500.00) DOLLARS within 60 days of ratification of this Order.

Signed this 4<sup>th</sup> day of October, 2010.

  
\_\_\_\_\_  
Joseph Rodgers, MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held on 10-13-10, 2010.

  
\_\_\_\_\_  
David Gifford, MD  
Director of Health

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2010-012

In the Matter of

JOSEPH L. RODGERS, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Joseph L. Rodgers, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below.

Findings of Fact

1. The Respondent was born on August 12, 1953. He is certified by the American Board of Family Medicine. He specializes in addiction medicine. He graduated from University of Virginia School of Medicine in 1986. He has been licensed to practice medicine in Massachusetts under certificate number 238469 since January 2009. He is also licensed to practice medicine in Rhode Island.

2. The Respondent failed to renew his Massachusetts license and it was revoked by operation of law on August 12, 2009.

3. On August 14, 2009, the Respondent learned that his license had lapsed and that he could not practice medicine in Massachusetts until he completed a lapsed license application and his license was reactivated.

4. At the time his license lapsed, the health care facility at which the Respondent was employed as an addictionologist was short staffed.

5. The Respondent continued to practice medicine in Massachusetts until October 28, 2009.

6. The Respondent filed a Lapsed License Application on October 14, 2009.

7. On October 25, 2009, the Respondent supplemented his Lapsed License Application by filing a statement from which the Board could infer that he had not practiced medicine following the lapse of his license.

8. On or about November 6, 2009, the Respondent submitted a revised statement to the Board clarifying that he had, in fact, practiced medicine after his license lapsed.

#### Conclusion of Law

The Respondent has violated 243 C.M.R. 1.02(5)(a)8 in that he continued to practice while his registration was lapsed.

#### Sanction and Order

The Respondent is hereby reprimanded and fined \$2,500, due within ninety days (90) of the date of this Board Order. The Board will not renew the license of any physician who fails to pay a fine in a timely manner; this step will be taken automatically and no further notice or process will apply.

Execution of this Consent Order

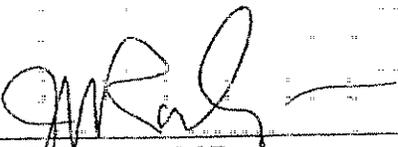
The Parties agree that the approval of this Consent Order is left to the discretion of the Board. The signature of the Respondent and Complaint Counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the stipulations contained herein shall be null and void; thereafter neither of the Parties nor anyone else may rely on these stipulations in this proceeding. As to any matter that this Consent Order leaves to the discretion of the Board, neither the Respondent, nor anyone acting on the Respondent's behalf, has received any promises or representations regarding same.

The Respondent waives any right of appeal that the Respondent may have resulting from the Board's acceptance of this Consent Order.

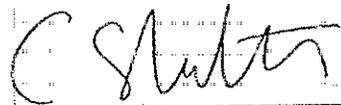
The Respondent shall provide a complete copy of this Consent Order, with all exhibits and attachments within ten (10) days; by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing board of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Drug Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following this reprimand.

The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

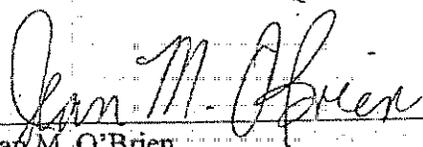
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.

  
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Joseph L. Rodgers, M.D.  
Licensee

5-2-10  
Date

  
\_\_\_\_\_  
Eve Slattery, Esquire  
Attorney for the Licensee

5/4/10  
Date

  
\_\_\_\_\_  
Jean M. O'Brien  
Complaint Counsel

5/6/10  
Date

So ORDERED by the Board of Registration in Medicine this 2nd day of June 2010.

  
\_\_\_\_\_  
Peter Paige, M.D.  
Chairman

SENT CERTIFIED MAIL  
KJD 6/2/10

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2010-012

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In the Matter of .....	)
.....	)
JOSEPH L. RODGERS, M.D.	)
.....	)

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (Board) had determined that good cause exists to believe the following acts have occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Joseph L. Rodger, M.D. (Respondent) has practiced medicine in violation of laws, regulations, or good and accepted medical practice, as set forth herein. The investigative docket number associated with the order to show cause is Docket No. 10-005.

Background

1. The Respondent was born on August 12, 1953. He is certified by the American Board of Family Practitioners. He specializes in addiction medicine. He graduated from the University of Virginia School of Medicine in 1986. He has been licensed to practice medicine in Massachusetts under certificate number 238469 since 2009. He is also licensed to practice medicine in Rhode Island.

Factual Allegations

2. The Respondent failed to renew his license and it was revoked by operation of law on August 12, 2009.

3. On August 14, 2009, the Respondent learned that his license had lapsed and that he could no longer legally practice medicine in Massachusetts.

4. The Respondent filed a Lapsed License Application on October 14, 2009.

5. On October 25, 2009, the Respondent supplemented his Lapsed License Application by filing a statement in which he implied that he had not practiced medicine following the lapse of his license.

6. The Respondent continued to practice medicine in Massachusetts until October 28, 2009.

7. On or about November 6, 2009, the Respondent submitted a revised statement to the Board clarifying that he had, in fact, practiced medicine after his license lapsed.

#### Legal Basis for Proposed Relief

Pursuant to 243 C.M.R. 1.02(5)(a)8, the Board may discipline a physician upon proof satisfactory to a majority of the Board that said physician continued to practice while his registration is lapsed, suspended, or revoked:

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§. 5, 61, and 62.

This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01 *et seq.*

#### Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. In addition to or instead of revocation or suspension, the Board may also order one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public

service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby ORDERED that the Respondent show cause why he should not be disciplined for the conduct described herein.

By the Board of Registration in Medicine,



Peter Paige, M.D.  
Chairman

Dated: June 2, 2010

SENT CERTIFIED MAIL

RSD 6/2/10