

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS

RHODE ISLAND DEPARTMENT OF HEALTH :
BOARD OF MEDICAL LICENSURE :
AND DISCIPLINE :

IN THE MATTER OF: :
LORIN MIMLESS, M.D. :
LICENSE #MD 06640 :

ADMINISTRATIVE DECISION

This matter came on for hearing before a hearing committee of the Board of Medical Licensure and Discipline (hereinafter "Board") upon the complaint of a registered pharmacist that resulted in a Statement of Charges dated September 11, 2006.

An original hearing date of September 28, 2006 was set by the Board. However, the Respondent and/or his attorney requested a continuance of that date and several other dates. Hearings in this matter were finally conducted in December, January and February.

**TRAVEL OF THE CASE AND
FINDINGS OF FACT**

The Respondent is a psychiatrist who was originally licensed to practice medicine in the State of Rhode Island in 1985. At some point, the Respondent was also licensed to practice medicine in the State of Massachusetts. In 1997, the Respondent was convicted of Medicaid fraud on a 219 count indictment; he was sentenced to prison and his Massachusetts license was revoked. The Respondent's Rhode Island license was likewise revoked by reciprocity.

In 2004, the Respondent requested to be reinstated in Rhode Island, and his license was reissued. The Respondent has been practicing psychiatry in Rhode Island since that date.

The matter is before the Board presently upon the complaint of a registered pharmacist which was investigated by the Department of Health. The pharmacist called the Department concerning activities of the Respondent that the pharmacist thought to be irregular. Specifically, the Respondent wrote a prescription for a highly concentrated controlled substance, purportedly for a patient. However, the pharmacist reported that the Respondent himself came into the pharmacy to pick up the narcotic instead of the patient.

The State alleges that when the Respondent was confronted by the State's investigators, he disavowed any knowledge of who picked up the prescription and claimed that the pharmacist must have mistaken him for someone else. He further stated that he did not know the address of the patient for whom he had written the prescription.

The State also alleges that the Respondent's written communication in response to the State's inquiry indicates that the patient was a self-referral to his office, that he did not know whether this patient or any of his other patients knew his home address, and that he could not explain why the patient's address on the prescription was the same as his own address.

Subsequently, after the expenditure of additional investigatory resources, the State alleges that it learned that the patient was, in fact, the Respondent's wife.

Count One of the Statement of Charges alleges that the Respondent fabricated a psychiatric medical record for a Patient named Eniko Varga, who was at all times the

Respondent's wife, Eniko Mimless. The State alleges that the patient's medical record was designed to have the reader believe that the patient was a self-referral to his office and was not previously known to him.

The evidence presented at hearing does support a finding that the Respondent fabricated a medical record for a Patient, Eniko Varga, who was ultimately discovered to be his wife. The medical record (State's 11) contains information that the patient was self-referred. The patient record contains no hint of the fact that the patient is the Respondent's wife. In fact, the patient record identifies the patient by her maiden name instead of her married name. In contrast, when the patient treated with another psychiatrist, Edward Wolston, M.D., she utilized her married name (State's 21). The Respondent's progress notes for the patient contain a patient history wherein it is stated only that the patient is "married, lives with husband. No major issues." It further states that the patient is "visiting here" from Europe and trying to get into school. In his progress note for December 31, 2004, the Respondent writes "patient has called about one (1) week ago..." The entire content of State's 11 would lead to the obvious conclusion that this was just another patient unrelated to the Respondent.

In letters to the State (State's 7,9,10), it is evident that the Respondent knew that his treatment of his own wife violated American Medical Association ethical standards. (See Standard E-8.19, AMA Code of Medical Ethics entitled "Self-Treatment or Treatment of Immediate Family Members") The Respondent attempted to cover-up his treatment of his wife (including his prescriptions for highly concentrated narcotics) by generating a patient record that did not identify her as his wife, and which contained

information that would lead the reader to an opposite conclusion, i.e. that the patient was not related to him.

The Respondent's attorney, at hearing, argued that Count One should be dismissed on the basis of the fact that the Respondent had a valid medical record in existence for the Patient, Eniko Varga, when he was asked to produce it for the State. The State does not deny that there was a record, but rather relies on the fact that its contents were misleading. The Board agrees that the Respondent is guilty of Count One of the Statement of Charges and that his actions constitute unprofessional conduct as same is defined in § 5-37-5.1(8).

Counts Two and Four of the Statement of Charges allege that in response to the State's inquiries, the Respondent provided answers that were made to deceive the Board and its staff in violation of § 5-37-5.1(23). Further, that said untruthful statements precipitated an investigation that lasted in excess of one (1) year and culminated in an administrative hearing. The State alleges that this action on the part of the Respondent, coupled with his history of a prior conviction relating to morality and truthfulness in the practice of medicine constitutes a pattern of immoral conduct that is unprofessional as set forth in § 5-37-5.1(7).

It cannot be contested that the Respondent repeatedly lied to the investigators, causing the State to embark upon a lengthy and costly inquiry. Throughout the Respondent's written correspondence and oral communications, the Respondent sought to lead the State on a wild goose chase by denying that he was the individual who appeared at the pharmacy to retrieve the prescription; denying that he knew the patient Varga; denying that Varga and Mimless were the same person; and denying that they

shared the same address. In fact, at one point, the Respondent communicated that he lived in a multiple unit building and that it was possible that the Patient Varga and others of his patients could reside there without his knowledge.

The State's investigation began in November 2005. From that date through June of 2006, the Respondent steadfastly maintained his innocence, thus adding to his duplicity. Finally, when he could not escape the truth, the Respondent admitted his deceit and attempted to explain it away in a 10-page document that chronicled his life and that of his wife (State's 10). The Board does not accept the Respondent's claim that his transgressions are innocent because no patient was harmed. The Board vehemently disagrees. The Respondent willfully and knowingly engaged in a pattern of repeated deceptions. Then, given multiple opportunities to admit his lies, the Respondent persisted in his claim of innocence. The standards established by the medical community require foremost that individuals providing medical care to patients possess integrity and that they be beyond reproach in the honesty of their dealings. Clearly, the Respondent has failed to maintain that standard. The Board finds that Respondent is guilty of Counts Two and Four of the Statement of Charges. His conduct is deemed to be unprofessional as same is defined in §§ 5-37-5.1(23) and (7).

Count Three charges the Respondent with a violation of § 5-37-5.1(19) for prescribing narcotics without an appropriate documented medical history, physical examination and/or referral. The determination of whether the Respondent acted in conformance with the minimal standards of acceptable practice is within the discretion of the Board pursuant to § 5-37-5.1(19). In this regard, the Board finds that the Respondent's decision to embark upon an extended period of medical treatment of his

wife, including prescribing highly concentrated narcotics for her, constitutes a departure from the minimal standards of acceptable and prevailing medical practice of psychiatry. Thus, the Respondent's conduct supports a finding that he is guilty of unprofessional conduct with respect to Count Three of the Statement of Charges.

CONCLUSION AND ORDER

Based upon the foregoing facts and analysis, the Board finds that the Respondent is guilty of unprofessional conduct as to all Counts.

The Board enters the following ORDER:

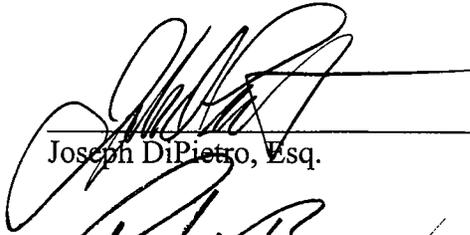
1. The Respondent's license to practice medicine in the State of Rhode Island is hereby suspended for a minimum period of one (1) year from the date hereof; and
2. The Respondent is ordered to undertake an intensive competency evaluation in a facility approved by the Board. The completed evaluation report in its entirety shall be provided to the Board; and
3. The Respondent is ordered to pay an administrative cost assessment in the amount of Twenty-Five Hundred dollars (\$2,500.00); and
4. Upon the completion of the requirements of 1-3 above, the Respondent may apply for reinstatement of his license upon such terms and conditions as may be identified by the evaluation report and/or deemed appropriate by the Board.

Entered this 5TH day of March 2007.

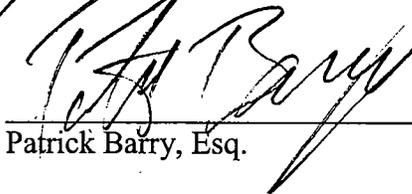


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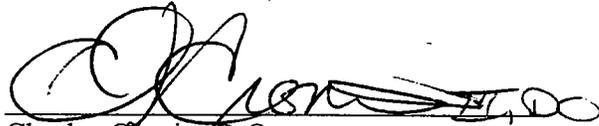
Having reviewed all of the testimony and evidence in this matter, the undersigned Hearing Panel of the Board hereby assents to this Decision in form and in substance:



Joseph DiPietro, Esq.

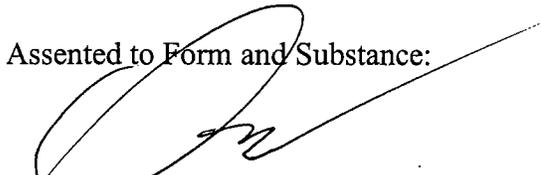


Patrick Barry, Esq.



Charles Cronin, D.O.

Assented to Form and Substance:



David R. Gifford, MD, MPH
Director of Health

If you are aggrieved by this final agency order, you may appeal this final order to the Rhode Island Superior Court within thirty (30) days from the date of mailing of this notice of final decision pursuant to the provisions for judicial review established by the Rhode Island Administrative Procedures Act, specifically R.I. Gen. Laws § 42-35-15.

CERTIFICATION

I hereby certify that I have mailed a copy of the within Administrative Decision to David W. Carroll, Esquire, Roberts, Carroll, Feldstein & Peirce, Inc., 10 Weybosset Street, Providence, RI 02903-2808 on this 7 day of May 2007.

