

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

**DEPARTMENT OF HEALTH, BOARD OF MEDICAL
LICENSURE AND DISCIPLINE**

In The Matter Of:

N. FRANK FEINER, M.D.

C94-218

CONSENT ORDER

Pursuant to R.I. General Laws § 5-37-5.2, 1956, as amended, (1995 Reenactment) the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") has received notification in 1998 from a practice supervisor that Dr. Feiner has been uncooperative with Board mandated supervision; and a complaint from the son of a patient that alleges the Respondent has been practicing psychiatry on his father, writing prescriptions without the knowledge of the practice supervisor. The following constitutes the Investigating Committee's Findings of Fact:

Findings of Fact

1. N. Frank Feiner (hereinafter the "Respondent") is a physician who was issued a license to practice medicine number MD 6633 on June 19, 1985.
2. Within the first year of his practice of psychiatry the Respondent wrote prescriptions in the name of a patient's mother so that the prescriptions would be covered by Blue Cross/Blue Shield. He was sanctioned for this on June 10, 1987.
3. On December 14, 1994, the Board found that the Respondent entered into a sexual relationship with his patient. He was found guilty of willful misconduct in the practice of

medicine. He was deemed totally disabled by treatment providers and sought treatment in an out-of-state facility. His license was suspended indefinitely.

4. The Board was provided with reports that the Respondent had responded positively to treatment and he petitioned the Board for reinstatement of his license. During this suspension period, the Board received complaints regarding the Respondent's treatment of another patient. Dr. Feiner signed a Consent Order in which he admitted the findings of the Board and agreed to restrictions on his license to practice medicine. This restriction, imposed in June of 1997, mandates that the Respondent practice only under the supervision of a psychiatrist approved by the Board.

5. The Board approved Dr. Brandon Krupp who undertook supervision of the Respondent pursuant to a contract Approved June 20, 1997.

6. Subsequently, Dr. Krupp notified the Board that he was resigning as the Respondent's supervisor because he no longer believed the Respondent could benefit from supervision. He forwarded a report to the Board detailing his reasons and rationale. In May 1998, the Respondent was Ordered by the Director of Health to cease practice and transfer the care of his patients while the Board reviewed the "Krupp Report" and determined that a new supervisor would be appropriate.

7. In July 1998, the Board learned that the Respondent continued to see patients in violation of his restricted license and against the Order of the Director of Health. His license was summarily suspended on August 4, 1998.

8. The Respondent was issued a subpoena for records, in accordance with R.I.G.L. § 5-37-6. Respondent failed to comply with the subpoena.

9. Dr. Feiner was found by the Board to pose an immediate danger to patients and the public because of his persistent non-compliance with Orders of the Board, notwithstanding

the statement in the “Krupp Report” that Dr. Feiner did not pose an immediate danger.

10. He was Ordered by the Director of Health pursuant to an Immediate Compliance Order by virtue of her authority granted in § 23-1-21 to turn over all of his patient charts to the department of health.

11. Additionally, his license was summarily suspended due in part to his persistent prescribing of anticonvulsant medications and writing a paper on his theory of anticonvulsant therapy based upon the treatment of his patients. His “experimental” treatments were unapproved by any institutional review board.

The Parties Agree as Follows:

The Respondent is a physician with an inactive/restrictive allopathic license number MD6633. 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 as to this Consent Order;
- (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) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

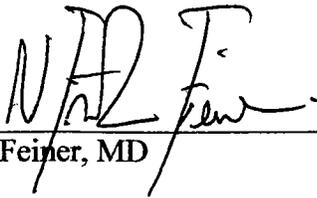
(4) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

(5) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(6) The Respondent consents to revocation of his license to practice medicine dating back to the date of the Summary Suspension, August 4, 1998. Respondent's eligibility to re-apply for a license is governed by the Rules and Regulations for the Licensure and Discipline of Physicians (R5-37-MD/DO) § 10.2.

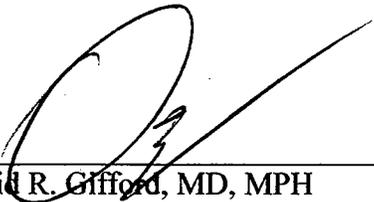
(7) In consideration of the proceeding paragraph (6), the Licensing Committee of the Board hereby reverses its denial, dated December 18, 2006, of Respondent's Application for Reinstatement of his License to Practice Medicine, and said Application shall be reconsidered de novo. Respondent shall be afforded a reasonable opportunity to make a presentation in support of the Application for Reinstatement before the Licensing Committee.

Signed this 15th day of FEBRUARY, 2007.



N. Frank Feiner, MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held on
February 14, 2007.



David R. Gifford, MD, MPH
Director of Health

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