

**BOARD OF MEDICAL LICENSURE AND
DISCIPLINE**

No. C03-117

**IN THE MATTER OF
Philemon T. Marvell, M.D.
License Number 05394**

Reinstatement Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (2002 Reenactment) a complaint was received by the Board of Medical Licensure and Discipline [Board] regarding Philemon T. Marvell, M.D (“Respondent”) from the ex-husband of a patient alleging a sexual boundary violation with his wife who was a patient of the Respondent. The Respondent acknowledged this sexual relationship and voluntarily surrendered his medical license on 14 July, 2004. He has since been enrolled in a treatment and monitoring program with the Physician’s Health Committee. Respondent now applies for reinstatement of his medical license. The following are findings of fact and conclusions of law:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. The Respondent is a 1976 graduate of the University of Bordeaux medical school. He had previously been licensed to practice medicine in the State of RI since 1978. He was Board certified in Family Medicine in 1994. He

had managed and practiced medicine in several primary care/urgent care centers in RI and Massachusetts.

2. Respondent voluntarily surrendered his medical license in Rhode Island on July 14, 2004 for a sexual boundary violation with a woman who was his patient and was subsequently suspended in Massachusetts for the same offence.
3. Respondent has since been enrolled in a treatment and monitoring program with the Physician's Health Committee of the Rhode Island Medical Society.
4. Respondent failed to conform to the minimal standards of acceptable and prevailing medical practice in violation of § 5-37-5.1(30) for engaging in a sexual relationship with a patient under his care.

The parties agree as follows:

Respondent admits to the jurisdiction of the Board.

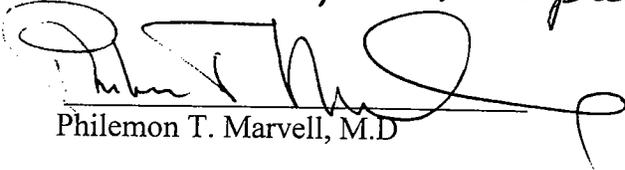
- (1) Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence in his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;

- 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 of the findings of fact 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 is granted Reinstatement and hereby consents to remain on probation for three years commencing on the date of ratification of this Order.
 - (6) Respondent agrees to extend his treatment and monitoring contract with the PHC for three years from the date of ratification of this Order. If Respondent's practice is to be primarily in Massachusetts then this

contract may be transferred to the Massachusetts Physician Health Committee, of the Massachusetts Medical Society.

- (7) Respondent shall offer to have a chaperone present for all female examinations. If the patient refuses a chaperone, the patient must initial the refusal that must be documented in the patient's chart.
- (8) Respondent agrees to pay an administrative fee of one thousand (\$1000.00) dollars within 60 days of ratification of this Order.

Signed this *10th* day of *April*, 2007.

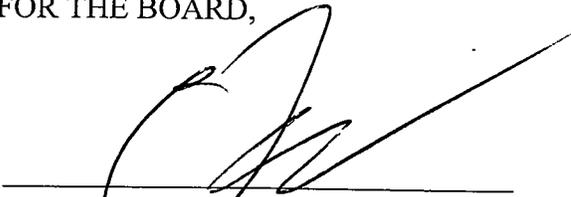


Philemon T. Marvell, M.D

Ratified by the Board of Medical Licensure and Discipline at a meeting held on

April 11th, 2007

FOR THE BOARD,



David R. Gifford, M.D., MPH
Director of Health