

State of Rhode Island & Providence Plantations
Rhode Island Board of Medical Licensure & Discipline
C15-498

IN THE MATTER OF:
Richard Gavalya, MD
License Number MD 04323
Complaint: C15-498

CONSENT ORDER

Richard Gavalya, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (Board) has investigated the complaint referenced above and makes the following:

FINDINGS OF FACT

1. Respondent is a physician who has been licensed in Rhode Island since July, 21, 1971. He graduated from the Autonomous University of Mexico City in 1964, his specialty is psychiatry.
2. Respondent's office location is 77 Beechwood Avenue, Pawtucket, Rhode Island.
3. The Board received a complaint in May of 2015 from "Patient A" *alias*, regarding inability to have medical records forwarded as requested.
4. The Board reviewed the medical records and found the quality of the medical records below the accepted standards and that the records were not forwarded as Patient A requested in a timely manner.
5. Respondent is in violation of physician Rules and Regulations § 11.4 regarding maintaining adequate medical records and forwarding them in a timely manner.

Based on the foregoing, the parties agree as follows:

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1. Respondent admits to the jurisdiction of the Board.
2. Respondent has agreed to 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;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
 - h. Any objection that this agreement is reported to the National Practitioner Data Bank as well as the Federation of State Medical Boards and posted on the RI DOH web site.
4. The Respondent agrees to this reprimand on his physician license.
5. Respondent agrees to pay an administrative fee to the Board for costs associating with investigating this complaint within 60 days of \$650.
6. Respondent agrees to attend a Board approved CME within 9 months regarding medical records.

7. In the event that any term of this Consent Order is violated, after signed and accepted, the Director of the Department of Health shall have the discretion to summarily suspend the Respondent's license and/or impose further disciplinary action. If the Director suspends the license and/or imposes further disciplinary action, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of the suspension and/or further discipline. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.

Signed this 11 day of Feb., 2016.

Richard Gavalya, M.D.

Richard N. Gavalya, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 9 day of March, 2016.

Nicole Alexander-Scott, M.D., M.P.H.
Director of Health

(Nicole Alexander-Scott)
(Delgado)