

DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE

File No: C06 - 216

In the matter of:

Richard Pinegar, MD
License #: MD 6135

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) the State of Massachusetts, Board of Registration in Medicine notified the Board of Medical Licensure and Discipline that the Respondent had been subject to disciplinary action in the State of Massachusetts. The Rhode Island Board of Medical Licensure and Discipline has jurisdiction to take reciprocal action by virtue of §5-37-5.1 of the General Laws. The following constitutes the Investigating Committee's Findings of Fact:

Findings of Facts

1. The Respondent, Richard Pinegar, MD., was disciplined by the Massachusetts, Board of Registration in Medicine, for engaging "in conduct that undermines the integrity of the medical profession..." The Massachusetts order dated March 15, 2006 is incorporated and attached herewith pursuant to R.I.G.L. 5-37-5.1 (21).

The parties agree as follows:

The Respondent is a physician with an allopathic license No. MD 6135. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

Respondent hereby acknowledges and waives:

1. The right to appear personally or by counsel or both before the Board;
2. The right to produce witnesses and evidence in his behalf at a hearing;
3. The right to cross-examine witnesses;
4. The right to have subpoenas issued by the Board;
5. The right to further procedural steps except for specifically contained herein;

Any and all rights of appeal of this Consent Order;

6. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
7. 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;
8. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.
9. Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

- 10. Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- 11. Respondent shall be subject to the same restrictions and limitations as imposed by Massachusetts.
- 12. Respondent accepts a finding of unprofessional conduct in violation of § 5-37-5.1
Respondent accepts a sanction of Reprimand.

Signed this 2nd day of June, ~~2005~~ 2006



Richard Pinegar, MD

Ratified by the Board of Medical Licensure and Discipline at a meeting held on June 14th, 2006.



David Gifford, MD, MPH
RI Director of Health

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No. 2006-010

)
In the Matter of)
)
Richard Pinegar, M.D.)
)
_____)

CONSENT ORDER

Richard Pinegar, M.D. (Respondent) and the Complaint Counsel agree that the Board of Registration in Medicine (Board) may issue this Consent Order, in lieu of convening an adjudicatory hearing, with 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 sanctions set forth below.

Background

1. The Respondent was born on December 1, 1951. He is a 1978 graduate of the University of Iowa College of Medicine. The Respondent has been licensed to practice medicine in Massachusetts since 1983 under license number 50242. The Respondent specializes in emergency medicine and internal medicine and he is certified by the American Board of Internal Medicine and the American Board of Emergency Medicine. He currently has no hospital affiliations and is not currently practicing medicine.

Findings of Fact

2. The Respondent worked in the Emergency Department at Massachusetts General Hospital (MGH) from February 1998 through May 2004.

3. Nurse A is a registered nurse who worked in the Emergency Department of MGH from 1982 until Spring 2004.

4. On the evening of January 11, 2004, the Respondent and Nurse A were both working in the MGH Emergency Department and got into a disagreement about the discharge of a patient.

5. The Respondent was annoyed with Nurse A and became angry with her. The Nursing Supervisor intervened and the Respondent demanded that Nurse A be removed from the case.

6. Nurse A started to walk away but the Respondent held her arm. Nurse A pulled away from the Respondent. Nurse A then left the area.

7. On January 13, 2004, MGH temporarily suspended the Respondent while it investigated the incident.

8. The Respondent cooperated with the investigation and acknowledged the inappropriateness of his conduct.

9. On February 2, 2004, the Respondent's privileges were reinstated.

Conclusions of Law

The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession, in violation of the standards set forth in *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979) and *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

Sanction and Order

The Respondent is hereby reprimanded. This sanction is imposed for Docket Nos. 04-528 and 05-296.

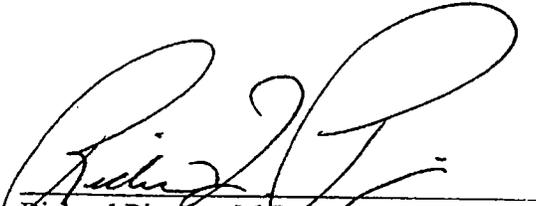
Execution of Consent Order

The parties agree that the approval of this Consent Order is left to the discretion of the Board. The signature of the Respondent, Respondent's Attorney 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 entire document shall be null and void; thereafter, neither of the parties nor anyone else may rely on the Consent Order. As to any matter this Consent Order leaves to the discretion of the Board, neither the Respondent, nor anyone else acting on his behalf has received any promises or representations regarding the same.

The Respondent waives any right of appeal that he 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, if any, within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in-state or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in-state or out-of-state health maintenance organization with whom he has privileges or any other kind of association; any state agency, in-state or out-of-state, with which he has a provider contract; any in-state or out-of-state medical employer, whether or not he practices medicine there; the Drug Enforcement Administration Boston Diversion Group and the state licensing boards of all states in which he has any kind of license to practice medicine. The Respondent shall also provide this notification to any such designated entities with which he becomes associated in the year following the date of imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive.

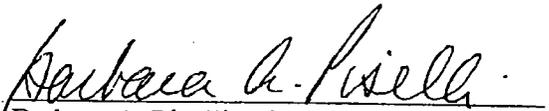
The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above or any other affected entity, or any action it has taken.


Richard Pinegar, M.D.

3/7/2006
Date


Paul Cirel, Esq.

3/6/06
Date


Barbara A. Piselli, Director of Enforcement

3/14/06
Date

So ordered, by the Board of Registration in Medicine on this 15th day of March, 2006.


Martin Crane, M.D.
Chair