

**STATE OF RHODE ISLAND  
DEPARTMENT OF HEALTH  
BOARD OF LICENSURE OF  
PHYSICIAN ASSISTANTS**

**IN THE MATTER OF:  
ANDREW C. MACKO, PA  
LICENSE NUMBER PA 00295**

**VOLUNTARY SUSPENSION ORDER**

The Board of Licensure of Physician Assistants has received information concerning the professional activities of Andrew C. Macko, PA, (hereinafter the "Respondent") a licensed physician assistant in Rhode Island whose principal place of business is RI Medical Weight Loss, 1150 New London Avenue, Cranston, Rhode Island.

An investigation was conducted by the Board of Licensure of Physician Assistants and the Board of Pharmacy (the "Board"). The Board makes the following

**Findings of Fact and Conclusions of Law**

1. Andrew C. Macko, PA, is a 40-year-old physician assistant who has been licensed as physician assistant to practice in Rhode Island since 2003. He was licensed by the National Commission on Certification of Physicians Assistants in 2002. He is a 2002 graduate of Hudson Valley Community College (now Albany Medical College).
2. The Respondent was previously employed by Pawtuxet Valley Medical, Inc., 982 Tiogue Avenue, Coventry, Rhode Island, under the supervision of Dr. Daniel Collins. The Respondent was injured at work on January 27, 2011, when he slipped and fell on ice while going to his car. The Respondent sustained injuries to his right wrist and right knee and he treated with Shahzad Khurstid, M.D. on April 4, 2011 who certified that Respondent was unable to work for six (6) weeks. On April 15, 2011 he was treated for the injury and was diagnosed with a right knee sprain by Steven Pezzullo, MD. Dr. Pezzullo certified the Respondent as unable to work.

3. The Respondent filed for Temporary Disability Insurance after stopping work at Pawtuxet Valley Medical, Inc. on March 4, 2011. The Respondent was diagnosed with a knee injury on April 19, 2011 at North Providence Primary Care and was deemed unable to work for three weeks. Dr. Pezzullo completed a Medical Extension Statement on May 2, 2011, certifying the Respondent unable to work for two weeks from May 7, 2011.
4. The Rhode Island Board of Pharmacy began to investigate a report that Respondent procured a schedule III controlled substance by misrepresentation.
5. Pharmacy staff at CVS/Pharmacy #1414, located at 1195 Oaklawn Avenue, Cranston, Rhode Island, informed investigators that Respondent was believed to have fraudulently called in and purchased a prescription for Hydrocodone/APAP 10 mg/325 mg assuming the identity of Steven Pezzullo, MD.
6. Dr. Pezzullo voluntarily submitted a written statement to investigators on May 24, 2011, stating that he did not authorize a prescription for the Respondent on May 18, 2011. The transaction report that was obtained by the Board of Pharmacy clearly indicated that the cardholder's name of the credit/debit card used to purchase the prescription was "ANDREW MACKO."
7. The Respondent also obtained from Dr. Khurstid an eighty day supply of Hydrocodone/APAP 5 mg/325 mg but Respondent misplaced this prescription. Respondent called Dr. Khurstid and requested a replacement and Dr. Khurstid authorized and a twenty day supply of Hydrocodone/APAP 5 mg/500 mg. Shahzad Khurstid, M.D. is listed as the authorizing prescriber for Hydrocodone/APAP 5 mg/500 mg for a prescription from Phred's Pharmacy.
8. Respondent initially claimed that he had been working twenty to twenty-two hours per day and could not remember the prescriptions in question. Later he claimed the drugs were for his sister-in-law's boyfriend from Florida. Department of Health records indicate numerous controlled substances prescriptions for his wife and office assistant.

9. Respondent has started medical businesses without medical supervision as required by law. The Respondent's businesses include RI Medical Weight Loss Clinics LLC, a medically supervised weight loss clinic, and Geriatrics Associates LLC, which provides care to certain Nursing Home Patients.
10. Respondent practiced respiratory care without a valid license in the State of Connecticut in the 1990s. Respondent was penalized \$300 and had his license suspended for eight days by the Bureau of Regulatory Services of the Connecticut Department of Public Health until he completed reinstatement requirements.
11. Respondent has violated RIGL § 5-54-2(11) for practicing as a Physician Assistant in certain instances without a binding written agreement setting forth the required supervision, obtaining controlled substances in violation of state law, and willfully making filing false reports and records.

**The Parties Agree as Follows:**

Based on the foregoing findings of fact and conclusions of law by the Board, the parties agree as follows:

- a. Respondent submits to the jurisdiction of the Board.
- b. Respondent acknowledges and hereby waives with respect to this Voluntary

**Suspension Order:**

1. The right to appear personally, by counsel, or both before the Board;
2. The right to produce witnesses and evidence on 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 as specifically contained herein;

6. Any and all rights of appeal with respect to this Voluntary Suspension Order;
  7. Any objection to the fact that this Voluntary Suspension Order will be presented to the Board for consideration and review;
  8. Any objection to the fact that it will become necessary for the full Board to become acquainted with all the relevant information pertinent to this matter in order to review this Voluntary Suspension Order adequately;
  9. Any objection to the potential for bias against the Respondent that might occur as a result of presentation of this Voluntary Suspension Order.
- c. Acceptance of this Voluntary Suspension Order constitutes an admission by the respondent to the findings of fact made by the Board.
  - d. This consent order shall be part of the public records once it has been accepted by all parties;
  - e. Failure to comply with the terms of this Voluntary Suspension Order, when accepted and signed, may subject the Respondent to further disciplinary action, subject to Respondent's due process rights. Respondent is hereby suspended from practice as a physician assistant until further order of the Board of Physician Assistants.



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Andrew C. Macko, PA

