

BOARD OF MEDICAL LICENSURE AND DISCIPLINE

No.: C03-029

**IN THE MATTER OF
TIMOTHY M. RIVINUS, M.D.**

License Number: MD 7620

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (2002 Reenactment), a notification was received by the Board of Medical Licensure and Discipline (the "Board") from Blue Cross Blue Shield of Rhode Island ("Blue Cross Blue Shield") regarding Timothy M. Rivinus, M.D. (the "Respondent"). This matter was referred to an Investigating Committee of the Board for review and recommendation. The following are findings of fact and conclusions of law:

FINDINGS OF FACTS & CONCLUSIONS OF LAW

1. The Respondent is a physician who has been licensed to practice medicine in Rhode Island since 1986. He is a graduate of Temple University School of Medicine, and is Board Certified in the specialty of Child Psychiatry since 1979, and in Psychiatry since 1978. The Respondent's license to practice medicine has not been suspended, revoked or otherwise modified.
2. The Respondent formerly maintained a principal office at 35 South Angell Street, Providence, Rhode Island. He also previously saw patients at the Community Counseling Center/Gateway Health Care

in Pawtucket, Rhode Island. The Respondent has admitting privileges at Butler Hospital.

3. The Respondent previously treated a female patient, who was covered by Blue Cross Blue Shield of Rhode Island. Respondent charged the patient his full fee for each of her eleven (11) visits to his office. The patient later learned that, according to Blue Cross Blue Shield and the Provider Agreement, the Respondent was a participating provider, and, as such, she was responsible to only pay the Respondent a \$10.00 per visit co-pay.
4. The Respondent maintained, in good faith, that his “participating provider” status related solely to his practice at the Community Counseling Center, and not his private office. The Respondent engaged in a continuing dialogue, and negotiation, with Blue Cross Blue Shield regarding the same. Ultimately, Blue Cross Blue Shield rejected the Respondent’s position. Blue Cross Blue Shield thereafter complained that the Respondent had been notified of his provider status and alleged that the Respondent had intentionally and/or inadvertently converted money intended for the patient to his own use.
5. Blue Cross Blue Shield reported fourteen (14) other similar, but undocumented, “complaints” to the Board regarding certain of the Respondent’s billing practices. Additionally, Blue Cross Blue Shield alleged that the Respondent had similar issues with the insurer in

prior years. These other allegations, as of this date, have not been substantiated.

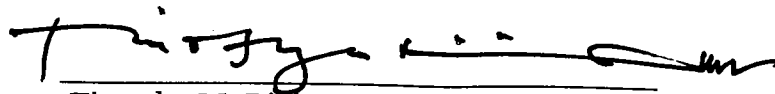
6. This Consent Order resolves and fully and finally any and all of the issues and/or under consideration by the Board.
7. The Respondent does not contest the charges of unprofessional conduct, which the Board alleges are in violation of § 5-37-5.1(16) for purportedly willfully overcharging for professional services.

WHEREFORE, the parties agree as follows:

- (1) The Respondent admits to the jurisdiction of the Board.
- (2) The 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.
- (3) Acceptance of this Consent Order constitutes an admission by the Respondent that the findings of fact were made by the Board.
- (4) This Consent Order shall become part of the public record of this proceeding once all parties accept it.
- (5) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (6) The Respondent hereby consents to a formal Reprimand, probation and agrees to pay an "administrative fee" of FIVE HUNDRED AND 00/100 (\$500.00) DOLLARS within sixty (60) days of ratification of this Consent Order. Probation will commence on the date of ratification, and continue for a period of One Hundred Eighty (180) days following said ratification. This probation does not affect the Respondent's licensure to practice medicine, or the exercise of any of his ongoing clinical privileges.

Signed and agreed to this 12th day of July 2005.



Timothy M. Rivinus, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on the 13th day of July, 2005.