

BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

IN THE MATTER OF:
ANNE-FRANCIS NICOL, M.D
License Number MD #09223

NO. C03-093

Consent Order

The Board of Medical Licensure and Discipline (hereinafter "Board") received information that indicated that Anne-Francis Nicol, MD (hereinafter referred to as the "Respondent") has violated Sections 5-37-5.1 of the R.I. General Laws, 1956, as amended. An Investigating Committee of the Board was convened to investigate these allegations. The following are the Findings of Fact of the Investigating Committee:

Findings of Fact

1. Respondent at all times herein referred to was a physician licensed to practice medicine in the State of Rhode Island.
2. Respondent has practiced medicine in the area of pain management at Aubuchon Clinical Associates, 172 Pond Street, Woonsocket, Rhode Island.
3. Respondent has been practicing medicine since approximately 1996 primarily in the field of psychiatry, but is not board certified in any specialty.
4. Respondent entered into a Consent Order (CO2-031) (hereinafter "Consent Order") with the Board on June 12, 2002. The terms of the Order included the following:
 - (a) The Respondent hereby agrees to be barred from the use of Drug Enforcement Agency Schedules II and III until further order of the Board. Further, the Respondent agrees that the Board will monitor her practice of psychiatry for a period of one (1) year during which time the respondent's license to practice medicine will be on probation for a period of one (1) year.
 - (b) The Respondent shall undergo a clinical skills evaluation at the Colorado Physicians Evaluation Program or similar program approved in advance

with prior approval of the Board within on [sic] [one] year of ratification of this order.

5. Respondent attended the clinical skills evaluation as required towards the end of the one-year period in which she was ordered to obtain the evaluation. The evaluators found significant areas in which Respondent needed remedial education and further training.

6. Between June 12, 2002 (date of ratification of the Board's Order) and June 2003 (when she attended the evaluation) Respondent treated patients using a method or procedure referred to as "prolotherapy" in a manner that is unacceptable in the practice of medicine. "Prolotherapy" is the practice of injecting certain agents into a painful area of the body in order to provoke a response that ultimately mitigates or alleviates the pain. Respondent failed to document the agents injected into the patients other than to note "standard solution". Respondent's unprofessional conduct violated R.I.G.L. 5-37-5.1 and R.I.G.L. 5-37-5.1(19). Additionally, Respondent prescribed medications in the same unsafe manner that lead to the June 12, 2002 Consent Order and a restriction on her prescribing privileges. There was an inadequate documentation of pertinent laboratory tests, office notes are psycho/social in nature and have an inadequate medical component and failed to justify treatments. Minimal pain management standards were not met.

7. The Board learned of two patient deaths due to overdoses of schedule IV wherein Respondent was the primary prescribers. The manner in which the Respondent treated these two patients fell below the minimum acceptable standard of care.

8. Respondent's unprofessional conduct violated R.I.G.L. §5-37-5.1 and §5-37-5.1(19) and (26).

The parties agree as follows:

The Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

- (1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (2) 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;

