

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:**

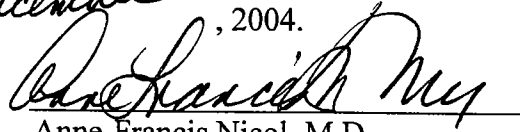
The Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

- (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;

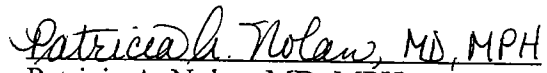
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.
- (3) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.
- (4) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (5) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (6) The Respondent hereby surrenders her license to practice medicine in Rhode Island. Respondent is able to reapply for licensure after completing at least one year of residency in psychiatry at an ACGME approved program. The Board will provide Respondent with such provisional limited licensure as needed for participation in such ACGME approved program. Following successful completion of this residency training, at the Board's discretion, the Respondent shall undergo a clinical skills evaluation at the Colorado Physicians Evaluation Program. If the residency program and the clinical skills evaluation team deem the Respondent acceptable to practice, she may apply for reinstatement. Approval of this application is at the sole discretion of the Board. Respondent may not apply for a controlled substances registration until such time as the above referenced residency is completed.

(7) Respondent agrees that she will not practice in the area of pain management.

Signed this *3rd* day of *December*, 2004.

  
Anne-Francis Nicol, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held  
on *November 10*, 2004.

  
Patricia A. Nolan, MD, MPH  
Director of Health