

**BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**IN THE MATTER OF:  
Marsha K. Smith, M.D.  
License Number MD 9855**

**VOLUNTARY SURRENDER**

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1999 Reenactment) a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") alleging that Marsha K. Smith, M.D., Respondent, may have violated §5-37-5.1.

**Findings of Facts**

1. The Board of Medical Licensure and Discipline received complaints that alleged that the licensee, Marsha K. Smith, M.D., engaged in conduct that put the health and welfare of her patients at risk. Dr. Smith misrepresented facts regarding herself and her practice to the Board of Medical Licensure and Discipline; and failed to provide a transition plan for care of her patients at the time of practice closure in accordance with the agreed upon Board imposed deadline.
2. The Board Ordered the Respondent to obtain a physical and psychiatric examination in January of 2004. The Respondent has been uncooperative and has not obtained the required examination.

3. Respondent failed to adhere to a 48 hour deadline to facilitate transfer of patient care following her medical practice being placed in receivership.

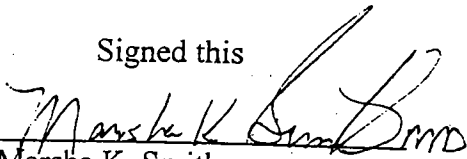
**The parties agree as follows:**

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

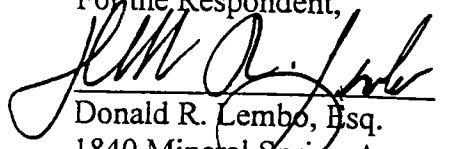
- (1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (2) Respondent hereby acknowledges 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 voluntarily surrenders her license to practice medicine in Rhode Island until further Order of the Board.

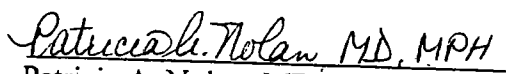
Signed this \_\_\_\_\_ day of \_\_\_\_\_, 2004.

  
Marsha K. Smith

For the Respondent,

  
Donald R. Lembo, Esq.  
1840 Mineral Spring Ave.  
North Providence, RI 02904

Ratified by the Board of Medical Licensure and Discipline at a meeting held on June 9, 2004.

  
Patricia A. Nolan, MD, MPH  
Director of Health