

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

No. C94-212

In the matter of:
N. Frank Feiner, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended, a complaint was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging N. Frank Feiner, M.D., Respondent, with violations of Section 5-37-5.1 of the General Laws of the State of Rhode Island, 1956, as amended. An investigation was conducted by Investigating Committee II, so called, of the Board.

Investigating Committee II reported its evaluations and recommendations to the Board. The report was reviewed by the Board and it recommended further action.

The following constitutes the Investigating Committee's Finding of Facts with respect to the professional performance of the Respondent.

Finding of Facts

1. The Respondent entered into an extended sexual relationship with a woman who was his patient.
2. As a result of this relationship, the Respondent, acting through the Physicians's Health Committee of the Rhode Island Medical Society, voluntarily sought and obtained a psychiatric evaluation.
3. The evaluation team rendered a diagnosis of total disability and recommended that the Respondent temporarily

suspend his practice.

4. The Respondent has voluntarily suspended his practice and entered a residential treatment facility.

5. The Respondent voluntarily surrendered his license while under investigation by the Board of Medical Licensure and Discipline.

6. The Board alleges that the Respondent is guilty of "unprofessional conduct" by violating Rhode Island General Laws 5-37-5.1(19) for committing willful misconduct in the practice of medicine.

The parties agree as follows:

(1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. 6633.

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

(3) Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee II 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.

(4) 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.

(5) If the Consent Order is not accepted by the Respondent, the Investigative Committee will recommend to the Board that an Administrative Hearing be scheduled with respect to any and all acts of alleged unprofessional conduct. If the Board approves, a Hearing Committee will be convened for the purpose of conducting the Administrative Hearing. The composition of the Hearing Committee is described by statute. If the Hearing Committee votes in favor of finding the Respondent guilty of unprofessional conduct as specified in the charges, the Board shall prepare written finding of fact and law in support of said conclusion. If the accused is found not guilty, the Board shall, forthwith, issue an order dismissing the charges.

(6) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(7) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board. It shall be published as the Board, in its exercise of its discretion, shall determine.

(8) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(9) Respondent voluntarily accepts the Board's finding of unprofessional conduct with a sanction of an Indefinite Suspension of his license to practice medicine. The Respondent shall enter into a Five-Year Contract with the Physician's Health Committee of the Rhode Island Medical Society and shall cooperate fully with all of its recommendations. Reports from the Physicians's Health Committee shall be forwarded to the Board on a quarterly basis. The Respondent shall release to the Board of Medical Licensure and Discipline all psychological evaluations and treatment plans. The Respondent shall not be allowed to return to the practice of medicine in the State of Rhode Island until he can demonstrate to the Board that he can practice with Reasonable Skill and Safety. Such demonstration shall be in the form of medical and psychiatric evaluations by psychiatrists and other medical doctors chosen by the Board. This evaluation shall be ordered by the Board promptly after a request by the Respondent and shall be rendered within a reasonable time after having been ordered. The evaluation shall be considered and acted upon by the Board within a reasonable time, not to exceed ninety (90) days, following receipt of the evaluation.

Signed this 8th day of

Dec 1994.
N. Frank Feiner

N. Frank Feiner, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on Dec. 14th 1994.

Barbara A. DeBuono
Barbara A. DeBuono M.D., M.P.H.
Chairperson
Board of Medical Licensure and
Discipline