

RHODE ISLAND BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN THE MATTER OF:
Jason D. Ferreira, MD
License No.: MD13895
Case No.: C23-0471

CONSENT ORDER

The Board of Medical Licensure and Discipline ("Board") makes the following:

FINDINGS OF FACT

1. Jason D. Ferreira, MD ("Respondent") has been licensed to practice medicine in the State of Rhode Island since May 1, 2012.
2. At the time of the filing of the Complaint, Respondent was employed by University Gastroenterology at a medical office located in Providence, Rhode Island.
3. Respondent specializes in gastroenterology.
4. On or about May 16, 2023, an anonymous complaint was filed against Respondent regarding prescriptions written by Respondent for various opioid drugs. The complaint alleged that Respondent was prescribing narcotics as pain medication on a frequent basis.
5. The Board conducted an investigation and examined the Physician Drug Monitoring Program ("PDMP") regarding the prescriptions written by Respondent for controlled substances. The prescriptions data revealed that Respondent prescribed opioid therapy for certain patients for an extended period of time, including some patients who were receiving consecutive opioids over more than a one-year period. Upon examination of the relevant medical records for the patients receiving opioid prescriptions, it was determined by the Board that Respondent did not comply with certain requirements of the Department of Health's regulation for the administration opioid medications to patients, entitled *Pain Management*,

Opioid Use, and the Registration of Distributors of Controlled Substances in Rhode Island, 216-RICR-20-20-4. *See*, 216-RICR-20-20-4.4(F), 4.4(G) and 4.4(G)(3). The aforementioned regulation relates to the administration of opioid medication for chronic pain. The examination of said medical records indicated that there were deficient written patient treatment agreements in place within 90 days of the commencement of treatment with opioid medication; deficient documentation with respect to whether Respondent conducted periodic reviews, including in-person visits, at intervals not to exceed six months; and insufficient documentation to determine whether Respondent reviewed information from the PDMP at least every 12 months for those patients maintained on continuous opioid therapy for six months or longer. *See*, 216-RICR-20-20-4.4 (F)(1), 4.4 (G) and 4.4 (G)(3).

6. Respondent appeared before the Board's Investigative Committee on September 7, 2023. During his appearance, Respondent explained that he is certified in both internal medicine and gastroenterology and treats patients with complicated medical profiles, conducting advanced procedures on high-risk patients with significant illnesses. Respondent also explained that he is conservative regarding controlled substance prescriptions and uses them to improve quality of life while decreasing the intensity of pain and improving patient functionality. He further explained that he presently has fewer than 10 patients receiving opioid therapy despite the thousands of patients he has treated over the past eight years. Respondent acknowledged that any deficits with conducting in-person visits has been corrected and that all patients receiving opioid therapy, except for one who remains in a hospital setting, have been seen in-person within a six-month period. Respondent further acknowledged that while his review of the PDMP has been done periodically, it had not been done within the time requirements of the applicable

regulation and, further, that presently all prescriptions for opioid therapy are being reviewed within the timeframe required under the regulation.

7. Based upon a review of the medical records and the appearance of Respondent, the Investigative Committee made a probable cause determination of unprofessional conduct due to Respondent's failure to fully comply with each of the requirements set forth under the DOH regulation, *Pain Management, Opioid Use, and the Registration of Distributors of Controlled Substances in Rhode Island*, 216-RICR-20-20-4.

Based upon the foregoing, the Parties agree as follows:

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

2. Respondent agrees to this Consent Order and understands that it is subject to final approval by the Board and is not binding on Respondent until final ratification.

3. If ratified by the Board, 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 on 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 those specifically contained herein;
- f) any and all rights of appeal of this Consent Order; and
- g) any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the RI DOH public website.

4. Respondent is hereby issued an order of reprimand by the Board and shall pay administrative fees in the amount of \$1,100.00. No fines have been imposed. The administrative fees must be paid within three (3) months of the ratification of this Consent Order


and shall be made payable to the Rhode Island General Treasurer, and delivered to the Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908, Attn. Jessica DeSanto. Respondent will send notice of compliance of this condition to DOH.PRCCompliance@health.ri.gov within thirty (30) days of submitting the above-referenced payment.

5. Respondent, at his own expense, shall complete and successfully pass a course pre-approved by the Board for medical records and, further, shall complete and successfully pass a course pre-approved by the Board for the administration of controlled substances, with specific reference to opioid prescriptions. Both courses must be completed within six (6) months from the ratification of this Consent Order. Respondent shall be required to comply with the recommendations provided to him in writing from the two courses described herein. Respondent shall also be required to review and be familiar with the requirements set forth under Section 4.4 of *Pain Management, Opioid Use, and the Registration of Distributors of Controlled Substances in Rhode Island*, 216-RICR-20-20-4.

6. In the event that any term of this Consent Order is violated, after ratification and approval, the Board or its Director shall have the discretion to impose further disciplinary action pursuant to R.I. Gen. Laws §§ 5-37-5.1 through 5-37-6.3. If the Board or its Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of further discipline. The Board or its Director shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. Any administrative hearings, whether initiated by the Board or the Respondent, shall be conducted in accordance with R.I. Gen. Laws §§ 5-37-5.1 through 5-37-6.3 or R.I. Gen.

Laws §§ 5-37-8 and 42-35-14(c), the Rules and Regulations for the Licensure and Discipline of Physicians (216-RICR-40-05-1), the Rules and Regulations for Practices and Procedures Before the Rhode Island Department of Health (216-RICR-10-05-4), and applicable provisions of R.I. Gen. Laws Chapter 42-35-1 *et seq.*

As Assented to and Signed this 12th day of March 2024.



Jason D. Ferreira, MD

Ratified by the Medical Licensure and Discipline Board on the 10th day of April 2024.

