

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**IN THE MATTER OF:
JASON K. AUSTIN, D.O.
License Number DO00660
Controlled Substances Registration Number CDO00660
BMLD Complaint Number C14-383**

**VOLUNTARY SURRENDER OF
CONTROLLED SUBSTANCES REGISTRATION**

Jason K. Austin, D.O. (hereinafter "Respondent") is licensed as a physician in Rhode Island and is licensed to prescribe controlled substances under Rhode Island General Laws chapter 21-28, having both a state Controlled Substances Registration and a Federal Drug Enforcement Administration Registration to prescribe controlled substances. An investigative committee of the Board of Medical Licensure and Discipline (hereinafter the "Board") reviewed this matter on July 3, 2014. After the committee's review of the complaint, the records, and the written response and appearance of the Respondent before the committee, the Director makes the following:

FINDINGS OF FACT

1. Respondent has been a licensed physician in Rhode Island since July 27, 2010. His practice is located at North Providence, Rhode Island. He is a 1997 graduate of the New York College of Osteopathic Medicine. His specialty is family practice.

2. Respondent prescribed four types of controlled substances to a family member over the course of approximately seven years. For much of that time, the family member was being treated simultaneously by another physician. Respondent failed to communicate with the other physician that he was prescribing controlled substances although he did share with the other treating physician that he prescribed antibiotics to the family member. Respondent failed to coordinate care of this patient with the other physician even though the patient was being prescribed controlled substances.
3. Respondent kept a separate medical record for this family member in his possession that was different from the record kept by the facility at which Respondent at which he treated his family member. Not all of the patient's medications were recorded in Respondent's progress notes. The investigative committee noted that one of the urine drug screens was dated December 3, 2014.
4. A review of the family member's medical records demonstrates Respondent's failure to maintain effective safeguards to prevent diversion. Respondent does not perform adequate urine drug screening to ensure patients are taking medication as prescribed. Respondent did not document review of the Prescription Monitoring Program for the family member despite prescribing a high-risk combination of controlled substances. During Respondent's appearance before the investigative committee, he did not think it unusual that when his family member was weaned from oxycodone 90mg/day over a week or two that the family member did not undergo withdrawal. This fact should have led Respondent to at least consider that the patient was not taking the drugs as prescribed.

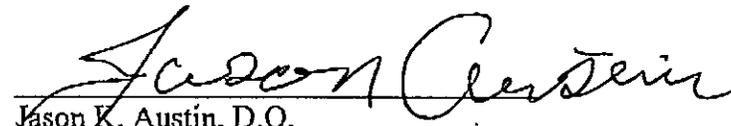
5. A review of a sample of medical records of Respondent's patients demonstrate his failure to meet the minimal standard of care both for recordkeeping and for prescribing pain medication, as such records do not include a complete list of the family member's medications.
6. Respondent prescribed opioids, benzodiazepines, muscle relaxants and stimulants to a family member, which was inappropriate due to both the familial relationship and the lack of effective safeguards against diversion of controlled substances.
7. Respondent has a pattern of prescribing narcotics with insufficiently detailed medical records for this family member.
8. Respondent has a pattern of prescribing narcotics without performing a sufficient examination of this family member.
9. Respondent is in violation of Rhode Island General Laws § 5-37-5.1(19) for failing to adhere to minimum standards of acceptable practice.
10. The public health, safety, or welfare imperatively requires emergency action.

ORDER

1. Based on the foregoing, the Director of the Department of Health has determined that the continuation of the controlled substances registration of the Respondent constitutes an immediate threat to the health, welfare and safety of the public.

2. Accordingly, Respondent voluntarily surrenders his controlled substances registration to prescribe controlled substances forthwith pursuant to Rhode Island General Laws §§ 21-28-3.04 and 42-35-14(c).
3. The voluntary surrender of the Respondent's controlled substances registration shall continue until further Order of the Department of Health and until an administrative hearing or other resolution.
4. Respondent shall continue to be responsible for providing a proper continuity of care for any of his patients who need controlled substances prescribed to them, and shall continue to be responsible to transfer any medical records of such patients immediately upon request or when needed.

Signed this 3 day of July, 2014.


Jason K. Austin, D.O.

Signed this 3 day of July, 2014.


Delegated Authority for
Michael Fine, M.D.
Director of Health
Rhode Island Department of Health

