

**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**

**REINSTATEMENT 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 his family member was treated. 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.

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 is in civil violation of Rhode Island General Laws § 5-37-5.1(19) for failing to adhere to minimum standards of acceptable practice.
8. Since the July 3, 2014, voluntary surrender of Respondent's controlled substance registration, Respondent has successfully completed extensive education at the University of Florida using the Vanderbilt program on the topic of prescribing controlled substances. The University of Florida program was satisfied with Respondent's performance in its program.
9. Based on Respondent's successful completion of programs to address the underlying issues that arose in the above-referenced complaint, the Board is satisfied that Respondent has created appropriate policies at his office to monitor controlled substances prescriptions, and to prevent diversion and misuse of controlled substances.

Based on the foregoing, it is hereby ordered:

1. Respondent submits to the jurisdiction of the Board.
2. Respondent acknowledges and hereby waives:
 - a. The right to appear personally, 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 as specifically contained herein;
 - f. Any and all rights of appeal to 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 become necessary for the full Board to become acquainted with all the relevant information pertinent to this matter in order to review this Consent Order adequately; and
 - i. Any objection to the potential for bias against the Respondent that might occur as a result of presentation of this Consent Order.
3. Acceptance of this Consent Order constitutes an admission by the respondent to the findings of fact made by the Committee.
4. This Consent Order shall become part of the public record once it has been accepted by all the parties.

JASON AUSTIN, D.O.

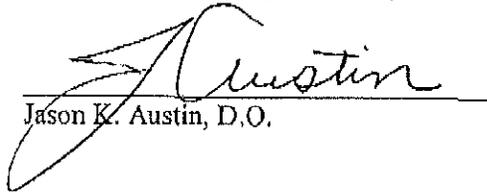
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5. Respondent's license is no longer restricted and he may prescribe controlled substances in accordance with state and federal laws and accepted community standards. Respondent shall immediately institute pain-management agreements with each patient for whom he prescribes a controlled substance for more than a thirty day period; shall document and specify which diagnosis or diagnoses that support each controlled substance prescription; shall maintain a narcotics log for each such patient; shall refer to the web-based PMP before refilling any narcotic prescriptions; shall perform toxicology screening of any patient who exhibits "drug-seeking" behavior or repeated early pharmacy requests for controlled substances; and shall require any patient who has a controlled substance prescription to have it filled at a Rhode Island pharmacy only.
6. Respondent agrees to this Reprimand by the Board based on the facts found above.
7. Respondent shall pay an administrative fee to the Board of Medical Licensure and Discipline for staff time spent reviewing the instant complaint, and shall submit to the Board a check for \$850.00 made payable to the Rhode Island General Treasury within sixty days of the ratification of this Consent Order.
8. Respondent shall remain on probation for two years from ratification of this order. During this period of probation, in the event there is a credible complaint(s) alleging violations of the provisions of state and federal law related to controlled substances, the Director of the Department of Health shall have the discretion to

summarily suspend the Respondent's license and/or impose further disciplinary action. Prior to such summary suspension and/or disciplinary action, the Director shall contact Respondent and his counsel and afford them the opportunity to have a conference to discuss such complaint and why summary suspension and/or further disciplinary action is not warranted. Notwithstanding such conference, if the Director summarily suspends the license and/or imposes further disciplinary action, Respondent shall be given notice and shall have the right to an administrative hearing within twenty days after written request for same. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence, after hearing thereon.

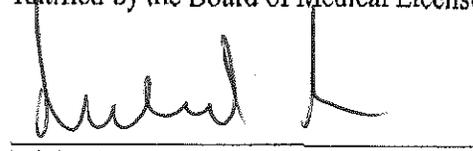
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Signed this 13 day of January, 2015.



Jason K. Austin, D.O.

Ratified by the Board of Medical Licensure and Discipline this 14 day of January, 2015.



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