

**STATE OF RHODE ISLAND AND
PROVIDENCE PLANATIONS**

**DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

IN THE MATTER OF:

**STEPHEN PETTERUTI, D.O., License Number DO 00413
Controlled Substances Registration Number CDO 00413**

Case No. C12-100

CONSENT ORDER

Stephen Petteruti, 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. The Board of Medical Licensure and Discipline (hereinafter the "Board") summarily suspended Respondent from prescribing controlled substances on August 29, 2012, after the investigative committee's review of the complaint, the records, and the written response of the Respondent. The investigating committee found the following:

FINDINGS OF FACT

1. On February 7, 2012, inspectors for the Rhode Island Board of Pharmacy visited a pharmacy in East Greenwich and obtained original paper prescriptions for a family member of the Respondent; and between October 12 and December 12, 2011, six prescriptions were written for the same family member; and no physical examination was evident for such prescriptions, but Respondent said he monitored the family member for side effects;

2. The Respondent has admitted that he prescribed Adderall 10 mg for another family member on one occasion in February 2012; and he was aware of the family member's full medical history and observed his response to the prescribed medication;
3. The Board found Respondent was in violation of Rhode Island General Laws § 5-37-5.1(19) and (26) for failing to adhere to minimum standards of acceptable practice and for violation of state laws concerning standards of practice and prescribing of controlled substances.

The parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board, and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, with respect to the findings referenced in paragraph 3 above, 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;

- g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
4. The Respondent hereby agrees to a Reprimand by the Board based on the findings above and submit to Rhode Island General Treasury an administrative fee of \$1500.-
 5. The Board's Summary Suspension of the Respondent's Controlled Substance Registration is hereby rescinded, and Respondent's Controlled Substance Registration is reinstated, effective June 6, 2013.
 6. For three years following ratification of this Consent Order by the Board and commencing on June 17, 2013, Respondent will be subject to a monitoring program performed by Affiliated Monitors, Inc. of Boston, Massachusetts as follows: an Affiliated Monitors physician, agreeable to Respondent, will review the Electronic Data Transfer of Controlled Substances information available from the Rhode Island Department of Health for Respondent and select and review 10 patient charts of Respondent and then report to the Board as to whether or not Respondent has treated or otherwise prescribed controlled substances for any members of his family; Affiliated Monitors will perform this review on a monthly basis for the first 3 months, then on a quarterly basis for the next 9 months, then every 6 months for the following 24 months; the Affiliated Monitors reviewing physician will visit Respondent's office in connection with his or her first 3 reviews; thereafter, the Affiliated Monitors reviewing physician will have the patient charts he or she identifies forwarded to him or her for review.
 7. Dr. Petteruti currently is a patient of Dr. Jonathan Wincze. Throughout the probationary period referenced in this Consent Order, Dr. Wincze will provide to the Board bimonthly reports regarding Dr. Petteruti's status. Dr. Wincze will also report to the Board at any

time should he deem in his discretion that Dr. Petteruti is exhibiting any behavior that causes a concern for patient safety or boundaries.

8. The Respondent will remain on probation for three years following ratification of this Consent Order by the Board.
9. Respondent will not treat as a patient or prescribe controlled substances for any member of his family.
10. In the event that any term of this Consent Order is violated, after signed and accepted, the Director of the Department of Health may summarily suspend the Respondent's license and/or impose further disciplinary action. If the Director suspends the license and/or imposes further disciplinary action, Respondent shall be given notice and the Respondent shall have a right to have an administrative hearing held within ten (10) days of the suspension and/or further discipline. 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. Any suspension or disciplinary action pursuant to this paragraph is appealable pursuant to R.I.Gen.Laws §§ 5-37-7 and 42-35-9 et seq.

Signed this 10 day of June, 2013.


Stephen Petteruti, D.O.

Ratified by the Board of Medical Licensure and Discipline on the ____ day of June, 2013.


Michael Fine, M.D.
Director of Health

