

State of Rhode Island
Department of Health
Board of Medical Licensure and Discipline



IN THE MATTER OF:
Frank LaFazia D.O.
License No.: DO 00385
Case No.: C210746

CONSENT ORDER

Frank Lafazia, DO ("Respondent") is licensed as a physician in Rhode Island. The Rhode Island Board of Medical Licensure and Discipline ("Board") has reviewed and investigated the above-referenced complaint pertaining to Respondent through its Investigative Committee. The Board makes the following

FINDINGS OF FACT

1. Respondent has been a licensed physician in the State of Rhode Island since July 1, 1989. Respondent graduated from New England College of Osteopathic Medicine in 1988.
2. The Board received a complaint from Patient A (alias) regarding concerns about office practices and clinical care.
3. Respondent was the attending physician for Patient A and treated and evaluated her in his office on multiple occasions for the last several years. Respondent sent the Board as requested a copy of the medical record of Patient A which documented outpatient visits in the office.
4. Respondent appeared before the Investigative Committee August 25th, 2021 via Zoom.
5. The Investigative Committee reviewed the medical record which was handwritten. There are

dated progress notes, yet there are not 2 identifiers on these progress notes. Additionally, although the patient is seen by more than one provider, it is not clear who the author is of each progress note. Respondent stated in his appearance before the Investigative Committee that the patient was seen by either himself or the PA.

6. Respondent admitted he did see the patient, yet the Investigative Committee determined the progress notes were illegible. Additionally, these progress notes do not contain an active problem list, medication list, evidence of medication reconciliation, nor evidence of medical decision making or sufficient documentation to justify the clinical course of treatment.

7. The Investigative Committee concluded that Respondent violated R.I. Gen. Laws § 5-37-5.1 (19), which define "unprofessional conduct" as including, respectively, *"[i]ncompetent, negligent, or willful misconduct in the practice of medicine, which includes the rendering of medically unnecessary services, and any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing medical practice in his or her area of expertise as is determined by the board."*

Based on the foregoing, the parties agree as follows:

1. Respondent admits to and agrees to remain under 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 is not binding on Respondent until final ratification by the Board.
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;

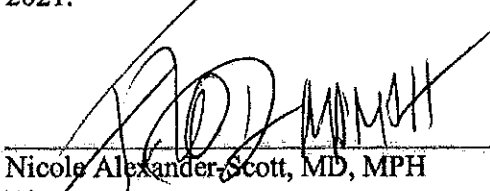
- e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review; and
 - h. Any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the Rhode Island Department of Health ("RIDOH") public website.
4. Respondent agrees to pay, within 5 days of the ratification of this Consent Order, an administrative fee of \$1490.00 for costs associated with investigating the above-referenced complaint. Such payment shall be made by certified check, made payable to "Rhode Island General Treasurer," and sent to Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908, Attn: Lauren Lasso. Respondent will send notice of compliance with this condition to DOH.PRCCompliance@health.ri.gov within 30 days of submitting the above-referenced payment.
5. Respondent hereby agrees to this reprimand on his physician license.
6. Within six months of ratification of this Consent Order, Respondent shall at his own expense, successfully complete the CPEP Medical Records Course. Evidence of successful completion shall be sent to DOH.PRCCompliance@health.ri.gov within 30 days of completion of this course.
7. If Respondent violates any term of this Consent Order after it is signed and accepted, the Director of RIDOH ("Director") shall have the discretion to impose further disciplinary action, including immediate suspension of Respondent's medical license. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request within 20

days of the suspension and/or further discipline an administrative hearing. The 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. 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.

Signed this 11 day of JANUARY, 2021.


Frank LaFazia D.O.

Ratified by the Board of Medical Licensure and Discipline on the 12th day of JANUARY, 2021.


Nicole Alexander-Scott, MD, MPH
Director
Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, RI 02908

3/23/22

Correction: Consent order ratified 1/12/2022

