

RHODE ISLAND BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN THE MATTER OF:

Boris O. Bergus, MD

License No.: MD 07797

Case Nos.: C21-1528, C21-1657, C22-0017, C22-0318, C22-1113

CONSENT ORDER AND SURRENDER OF LICENSE

Boris Bergus, M.D., (hereinafter "Respondent") is licensed as a physician in Rhode Island. After review of the above referenced matter, The Board of Medical Licensure and Discipline (hereinafter "Board") through its Investigative Committee makes the following:

FINDINGS OF FACT

1. Respondent was issued a license in the State of Rhode Island on July 3, 1990. The license was suspended by the Board on December 8, 2021 ("Suspension").
2. Prior to December 8, 2021, Respondent listed his place of medical business as America's Vein & Cosmetic Surgery Centers, located at two offices in the towns of East Greenwich and Lincoln.
3. Complaint 21-1528 arose from site visits by a Board investigator, which revealed expired and mislabeled medications at both the Lincoln and East Greenwich office locations on December 2, 2021. Respondent submitted a detailed response disputing the allegations.
4. Complaint 21-1657 alleged that Respondent prescribed a controlled substance to an immediate family member, a Massachusetts resident who was treated in Massachusetts. Prescriptions to immediate family members is prohibited. Respondent submitted a detailed response and appeared before the Board in response to the complaint, denying any unprofessional conduct.
5. Complaint 22-0017 alleged that Respondent engaged in a personal relationship with a patient. Respondent submitted a detailed response denying this allegation.
6. Complaint 22-0318 alleged that Respondent's office submitted claims for services rendered while Respondent's license was suspended. Respondent submitted a detailed response that denied all claims of wrongdoing.
7. Complaint 22-1113 alleged that Respondent prescribed controlled medications under his Rhode Island license during a time when Respondent was suspended from the practice of medicine in the State of Rhode Island. Respondent responded to this complaint denying any intentional wrongdoing connected to the filling of prescriptions.


8. The Investigative Committee of the Board reviewed the relevant documents and considered Respondent's responses and made probable cause findings of "Unprofessional Conduct" by Respondent in the above-referenced complaints, in violation of R.I. Gen. Law §§ 5-37-5.1 (8), (16), (19), (24), (30) and 216-RICR-40-05-1.5.9(C) and the Board also imposed fines in the amount of \$10,000 and an administrative fee in the amount of \$4,750.
9. Respondent disputes these findings of fact and any violations of law or applicable regulation.

Without any express admission of wrongdoing by Respondent and **based upon the foregoing, the Board and Respondent agree as follows:**

1. Respondent admits to and hereby agrees to remain under the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and Voluntary Suspension in lieu of continuing to contest the alleged violations. Respondent's voluntary surrender of his license shall not be construed as an admission of liability as he has denied and continues to deny the allegations set forth in the complaint.
3. Respondent understands this Consent Order and Voluntary Surrender is subject to the final approval of the Board and is not binding until it is signed by Respondent and ratified by the Board.
4. 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 surrender of license to practice medicine; and,
 - g) any objection to the fact that this Consent Order and Voluntary Surrender will be presented to the Hearing Committee for consideration and review.
5. This Consent Order and Surrender of License shall become part of the public record of this proceeding once it is approved by the Director, shall be posted on the Rhode Island Department of Health website, and shall be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted on the RI DOH website.
6. Upon the approval and ratification of this Consent Order and Voluntary Surrender of License, the December 8, 2021, summary suspension entered in C21-1528 shall be vacated, removed from the RI DOH website and Respondent shall surrender his license to practice medicine in the State of Rhode Island.

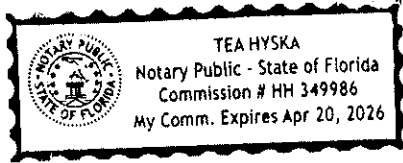
7. Respondent agrees not to seek reinstatement of his license to practice medicine at any time in the future in the State of Rhode Island.
8. The Board has imposed an administrative fee of \$4,750 to investigate the above referenced matters, and, assessed fines in the amount of \$10,000. Respondent agrees to pay within 180 days of the ratification of this Surrender of License the administrative fee of \$4,750 and the remaining fines via two (2) payments of \$5,000 with the first payment being due 12 months after the ratification of this License Surrender and the second payment being due 24 months after this License Surrender. Such payments shall be paid by certified check, made payable to "Rhode Island General Treasurer," which payment shall be sent to Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908 Attention Jessica DeSanto. Respondent will send notice of compliance with this condition to DOH.PRC Compliance at www.Health.ri.gov within thirty (30) days of submitting the above-referenced payment.
9. The Board shall consider any all pending matters concluded upon signature by Respondent and the ratification by the Board to this Consent Order and Surrender of License.
10. In the event any term of this Consent Order and Voluntary Surrender is violated, after signed and ratified, the Board or Director of the Department of Health ("Director") shall have the discretion to impose further disciplinary action. If the Board or Director does so, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of the suspension and/or further discipline. The Board pr 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 and Voluntary Surrender of his license as a physician. The Administrative Hearing Officer may impose further discipline and/or related fees and fines if the alleged violation is proven by a preponderance of evidence.

As Assented to and Signed this 16 day of May 2023.


Boris O. Bergus, MD

STATE OF FLORIDA
COUNTY OF ST. JOHNS

In Florida on this 16th day of May 2023, before me personally appeared **Boris O. Bergus, MD**, personally known by me or proved to me through satisfactory evidence of identification, which was FL DL, to be the person executing the foregoing instrument and he acknowledged said instrument, by him executed, to be his free act and deed.



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Notary Public
My commission expires: April 20, 2026

Ratified by the Medical Licensure and Discipline Board on the 14th day of July 2023.

Alice A. Incever, MD 7/14/23
Date