

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF HEALTH  
BOARD OF MEDICAL LICENSURE AND DISCIPLINE  
THREE CAPITOL HILL  
PROVIDENCE, RHODE ISLAND 02908

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IN THE MATTER OF:

Donya Powers, M.D.

Respondent.

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Case Nos. C14-813; C14-758;  
C15-394; -380; -067; -473; -350; -660

**DECISION**

**I. INTRODUCTION**

The above-entitled matter came before a hearing committee (“Committee”) of the Board of Medical Licensure and Discipline (“Board”)<sup>1</sup> pursuant to a Specification of Charges and Notice of Hearing both issued on November 25, 2016 to Dr. Donya Powers (“Respondent”).<sup>2</sup> The Respondent holds a license (“License”) as a physician pursuant to R.I. Gen. Laws § 5-37-5.1 *et seq.* A hearing was held on December 15, 2016. The Department was represented by counsel and the Respondent was *pro se*. The parties rested on the record.

**II. JURISDICTION**

The Board has jurisdiction over this matter pursuant to R.I. Gen. Laws § 5-37-1 *et seq.*, R.I. Gen. Laws § 42-35-1 *et seq.*, *Rules and Regulations for the Licensure and Discipline of*

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<sup>1</sup> On May 2, 2016, pursuant to R.I. Gen. Laws § 5-37-5.2, the Director of the Department of Health (“Department”) designated three (3) members of the Board to act as the Committee for the purposes of adjudicating and issuing a final decision in this matter. The Committee members are Elizabeth Nestor, M.D., James Griffin, DO, and Sandy Coletta. See Department’s Exhibit One (1).

<sup>2</sup> See Department’s Exhibits Two (2) (Notice and Time of Hearing) and Three (3) (Specification of Charges).

*Physicians, and Rules and Regulations of the Department of Health Pertaining to Practices and Procedures Before the Department of Health.*

**III. ISSUE**

Whether the Respondent violated R.I. Gen. Laws § 5-37-5.1(23) and (24) and if so, what is/are the appropriate sanction(s)?

**IV. MATERIAL FACTS AND TESTIMONY**

The Respondent and the Board had agreed to an order of the Board dated May 26, 2016 ("Order"). See Department's Exhibit Four (4). This Order required the Respondent to take certain steps in order to maintain her License. The Department represented that the Respondent failed to comply with said Order. See Department's Exhibit Five (5) (September 6, 2016 letter from Rhode Island Medical Society to the Board's Chief Administrative Officer). At the hearing, the Respondent represented that her failure to comply to with said Order was due to financial constraints.

**V. DISCUSSION**

**A. Relevant Statutes and Regulation**

R.I. Gen. Laws § 5-37-5.1 provides in part as follows:

Unprofessional conduct. – The term "unprofessional conduct" as used in this chapter includes, but is not limited to, the following items or any combination of these items and may be further defined by regulations established by the board with the prior approval of the director:

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(23) Failing to furnish the board, its chief administrative officer, investigator or representatives, information legally requested by the board.

(24) Violating any provision or provisions of this chapter or the rules and regulations of the board or any rules or regulations promulgated by the director or of an action, stipulation, or agreement of the board.

**B. Agreement**

At hearing, the Respondent and Department entered into the following agreement:

1. The Respondent will voluntarily surrender her License effective December 31, 2016 for a five (5) year period. This period represents the time that the Board previously determined that her License would be suspended.

2. The Respondent may come before the Board to request she be reinstated prior to the five (5) year period if she has completed all the requirements contained in the May, 2016 Order referenced above and she has no other outstanding complaints against her.

**VI. FINDING OF FACTS**

1. The Respondent is licensed as a physician pursuant to R.I. Gen. Laws § 5-37-1 *et seq.*

2. The Respondent and Department agreed to the May, 2016 Order.

3. The Respondent did not comply with the May, 2016 Order.

4. The Respondent has agreed to voluntarily surrender her License for five (5) years as set forth above.

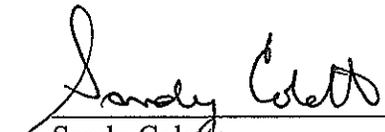
5. The facts contained in Section IV and V are reincorporated by reference herein.

**VII. ORDER**

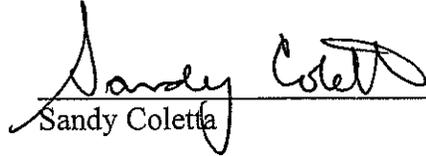
Based on the forgoing, the Board hereby orders the following:

The parties' agreement shall be effective as December 31, 2016.

Entered this 30<sup>th</sup> day of December, 2016.

  
Sandy Coletta,  
Public Member of the Board

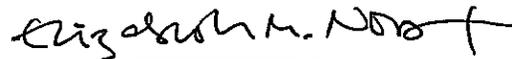
Sandy Coletta hereby represents that she read the transcript for the hearing, reviewed the evidence in the administrative record, and adopts the summary of testimony, findings of facts, and Conclusions of Law as his own.

  
Sandy Coletta

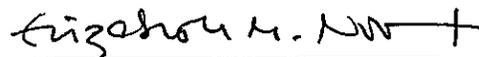
  
James Griffin, DO  
Board Member

James Griffin, DO hereby represents that he read the transcript for the hearing, reviewed the evidence in the administrative record, and adopts the summary of testimony, findings of facts, and Conclusions of Law as his own.

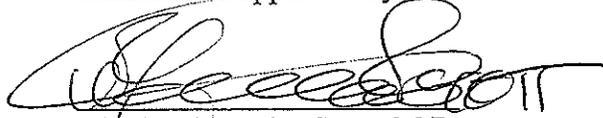
  
James Griffin, DO

  
Elizabeth Nestor, MD  
Board Member

Elizabeth Nestor, M.D. hereby represents that she read the transcript for the hearing, reviewed the evidence in the administrative record, and adopts the summary of testimony, findings of facts, and Conclusions of Law as his own.

  
Elizabeth Nestor, M.D.

Ratified and approved by the Director of the Department of Health



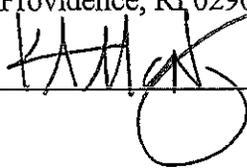
Nicole Alexander-Scott, M.D.  
Director

**NOTICE OF APPELLATE RIGHTS**

**PURSUANT TO R.I. GEN. LAWS § 5-37-7, THIS DECISION MAY BE APPEALED TO THE SUPERIOR COURT WITHIN THIRTY (30) DAYS AFTER THE DECISION OF THE DIRECTOR BY SERVING THE DIRECTOR WITH A NOTICE OF APPEAL AND FILING SUCH NOTICE IN SUPERIOR COURT. APPEALS ARE GOVERNED BY THE ADMINISTRATIVE PROCEDURES ACT, R.I. GEN. LAWS § 42-35-1 *et seq.***

**CERTIFICATION**

I hereby certify on this 3<sup>rd</sup> day of January, 2017 that a copy of the within Decision and Notice of Appellate Rights was sent by first class mail, postage prepaid, and certified mail to the Respondent's address on file with the Board and by hand-delivery to Stephen Morris, Esquire, Department of Health, Three Capitol Hill, Room 204, Providence, RI 02908.

  
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