

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

IN THE MATTER OF:

JAMES DENIER, M.D. License Number MD 09802

Controlled Substances Registration Number CMD09802

PROPOSED CONSENT ORDER

James Denier, MD (hereinafter "Respondent") is licensed as a physician in Rhode Island and is licensed to prescribe controlled substances under RIGL 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") suspended Respondent from practicing medicine and prescribing controlled substances on June 6, 2012, after Respondent failed to respond to an inquiry by the Board, at which time the Board found the following:

FINDINGS OF FACT

1. The Respondent has a pattern of prescribing controlled substances to patients in a manner that does not meet the standards of acceptable practice;
2. The Respondent has a pattern of prescribing narcotics without medical records;
3. The Respondent has a pattern of prescribing narcotics without seeing the patient;
4. The Respondent's medical records are substandard and incomplete for patients to whom the Respondent has prescribed narcotics. Specifically, the Respondent's medical records routinely show a failure to weigh the patient, as well as a lack of problem summary and active medication lists and a lack of meaningful medical and social histories. The

Respondent's medical records routinely show a failure to have x-rays read by a radiologist and a failure to include x-ray reports in medical records when x-rays have been ordered;

5. The Respondent has delivered care below accepted minimal standards, including the inappropriate prescription of narcotics. The Respondent has shown a lack of vigor in pursuing non-narcotic options for pain management. The Respondent has prescribed narcotics to patients without a pain agreement or alcohol assessment and without a suicide risk assessment for patients with a history of mental health issues.
6. The Respondent is in violation of RIGL § 5-37-5.1 (19) and (26) for failing to adhere to the minimum standards of acceptable practice and violation of state laws concerning standards of practice and prescribing of controlled substances.

The parties agree as follows:

Respondent admits to the jurisdiction of the Board.

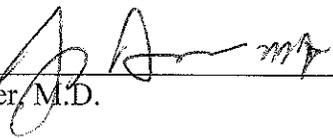
1. Respondent has prepared this Consent Order and understands that it is subject to final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board;
2. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally 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;
3. Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

4. The Respondent agrees to attend a number of Board-approved extensive training programs the next time they are offered. Specifically, Respondent will register for and attend the course: Medical Record Keeping offered by Case Western Reserve University on November 1-2, 2012. Respondent will additionally attend the course: Prescribing Controlled Drugs offered by Vanderbilt University on November 14-16, 2012.
5. The Respondent agrees to a suspension from practice, dating back to June 6, 2012. Respondent will have his license reinstated and may return to the practice of medicine on the date of ratification of this Order.
6. Respondent's RI Controlled Substances Registration will continue to be suspended until the completion of the Prescribing Controlled Drugs course has been completed and evidence to the same has been supplied to and acknowledged by the Board.
7. Respondent will make every effort to pursue non-narcotic options for pain management for his patients.
8. Prior to prescribing narcotics or opiates to a patient, in addition to a problem summary, Respondent will weigh the patient, obtain current medication lists, as well as medical and social histories. Respondent will also obtain any necessary pain agreement or alcohol assessment if warranted for a patient. Also, when warranted, Respondent will obtain a suicide risk assessment for patients with a history of mental health issues;
9. Respondent agrees to written prescriptions only for narcotics and opiates, no phone prescriptions and no refills without a follow-up visit. Furthermore, no written prescription will be provided to any patient without a photo ID being shown by a patient. Each written prescription will be handed to patient and a copy of said prescription will be made for the patient's file, assuring this Board that Respondent has seen each patient.

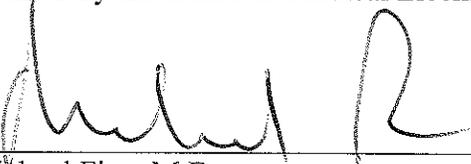
10. Upon ordering of any x-ray, Respondent will request that the x-ray be read by a radiologist and will request any report be sent to his attention. Furthermore, he will direct that any x-ray report he receives be placed in the patient's file.

11. The Respondent will remain on probation for five years following ratification of this order by the Board.

Signed this 7 day of AUGUST, 2012.


James Denier, M.D.

Ratified by the Board of Medical Licensure and Discipline on 8 day of August 2012.


Michael Fine, M.D.
Director of Health