

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



IN THE MATTER OF:
Michael Spizzirri, MD
License No.: MD 04983
Case No.: C200903

CONSENT ORDER

Michael Spizzirri, MD ("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 graduated from the University of Bologna School of Medicine and Surgery in 1970 and has been a licensed physician in the State of Rhode Island since April 14, 1976.
2. In August 2018, the Board conducted an audit of licensee CME compliance for the previous licensing cycle, July 1, 2016 to June 30, 2018, pursuant to which audit Respondent provided the Board with documentation of having earned only seven of the required 40 hours of AMA PRA Category 1 Credit™/AOA Category 1a continuing medical education credits for the licensing cycle.

3. Pursuant to the audit, Respondent admitted to the Board that he earned no other CME hours between July 1, 2016 and June 30, 2018 and, moreover, earned no additional CME hours in the succeeding licensing cycle.

4. At his September 30, 2020 appearance before the Investigative Committee, Respondent represented that he retired from the practice of medicine three years ago, though he continued to renew his license afterward and to periodically prescribe medications, albeit without documenting such prescribing in a medical record. Respondent further represented that significant life stressors had precluded him from earning the required CMEs, but acknowledged that he had not approached the Board for an extension.

5. Based on the foregoing, the Investigative Committee concluded that Respondent failed to "earn a minimum of forty (40) hours of AMA PRA Category 1 Credit™/AOA Category 1a continuing medical education credits" for the licensing cycle from July 1, 2016 to June 30, 2018, in violation of Section 1.5.5(A) of the rules and regulations for Licensure and Discipline of Physicians (216-RICR-05-1) ("Regulations").

6. The Investigative Committee further concluded, therefore, that Respondent had violated R.I. Gen. Laws § 5-37-5.1(24), which defines "unprofessional conduct" as including "[v]iolating any provision or provisions of [R.I. Gen. Laws § 5-37] 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."

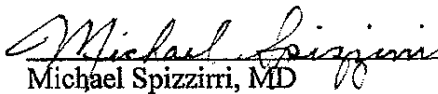
Based on the foregoing, the parties agree as follows:

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.

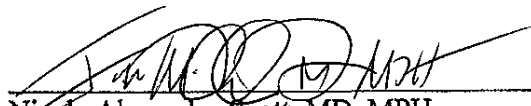
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas 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 \$850.00 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.PRCOMPLIANCE@health.ri.gov within 30 days of submitting the above-referenced payment.
5. Respondent hereby agrees to surrender his physician license.
6. 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 11th day of NOVEMBER, 2020.


Michael Spizzirri, MD

Ratified by the Board of Medical Licensure and Discipline on the 9th day of December, 2020.


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

JVMW MD MPH