

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



IN THE MATTER OF:
Nicholas Bruno, MD
License No.: MD 05860
Case Nos.: 201352 A&B

CONSENT ORDER

Nicholas Bruno, 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 has been a licensed physician in the State of Rhode Island since July 29, 1981. Respondent graduated from St. Louis University School of Medicine. Respondent's specialty is dermatology.
2. The Board received notice from Blue Cross Blue Shield of Rhode Island ("BCBSRI") that Patient A (alias), a patient of Respondent, had alleged that Respondent had conducted himself inappropriately with her and that "an attorney is working on it," but that Patient A needed to know the relevant dates of service. The Board opened complaint 201352A pursuant to BCBSRI's notice. Separately, Patient A, herself, filed her own complaint—201352B—on the same matter.
3. Respondent was the attending physician for Patient A (alias). Per notice from BCBSRI,

Respondent saw Patient A twice: July 11, 2018 and August 1, 2018.

4. In her complaint, Patient A described her relationship with Respondent, alleging that it was “unethical and disturbing”. Patient A stated that she had one visit with Respondent to examine a wound on her face. Patient A returned three weeks later for follow-up regarding her facial wound and a dermatologic full body examination. Respondent recommended that Patient A use Retin-A and agreed to obtain samples. Respondent delivered the samples to Patient A’s home. There were a number of additional contacts between Patient A and Respondent. Patient A and Respondent disagree regarding the frequency and nature of these encounters. Neither Patient A nor Respondent allege that these encounters serve to advance the health interests of Patient A.

5. Patient A also discussed her concerns relative to Respondent’s actions with her psychologist, which information is recorded in the psychologist’s notes. The notes include specific reference to stress caused by Patient A’s communications and encounters with respondent.

6. The Board obtained Respondent’s relevant telephone records and determined that there were 5 hours 22 minutes of calls between Respondent and Patient A.

7. Respondent submitted a written response to the Board, indicating that a female medical assistant was present as a chaperone and scribe for both office visits and that she was in the examination room for the duration of each encounter. The office manager for Rhode Island Dermatology and Cosmetic Center, in a letter to Blue Cross and Blue Shield of Rhode Island, confirmed that the medical assistant was present in the room with Dr. Bruno during both visits. The initial response did not therein address all of the allegations in the complaints. Rather, the response was limited to a chronology of the Patient A’s care. Upon request, Respondent submitted a supplemental response wherein he denied all allegations.

8. Respondent appeared before the Investigative Committee on December 16, 2020, at which

time he answered the Investigative Committee's questions. Respondent denied many of the allegations of Patient A, but admitted to visiting Patient A's house to deliver Retin-A, as alleged. He also admitted to having engaged in several phone conversations with Patient A that were not related to Patient A's health. Additionally, Respondent admitted that he wrote a physician note for Patient A that her skin condition interfered with her ability to complete an online course. Notably, there is no such note memorialized in Patient A's medical record. Respondent denied the existence of a romantic relationship with Patient A, stating that Patient A misunderstood their relationship.

9. The Investigative Committee concluded that Respondent failed to maintain appropriate professional boundaries with an existing patient. When asked by the Investigative Committee what appropriate boundaries were, Respondent did not answer the question correctly and failed to demonstrate appropriate insight into why complainant "misunderstood" the relationship. The Investigative Committee concluded that Respondent's conduct constituted unprofessional conduct, as contemplated by R.I. Gen. Laws § 5-37-5.1.

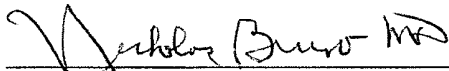
Based on the foregoing, the parties agree as follows:

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 \$1100.00 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 will complete at least eight hours of Board-approved courses in professional boundaries.
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 20 days from the suspension and/or further discipline to request an administrative hearing. The Director shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any

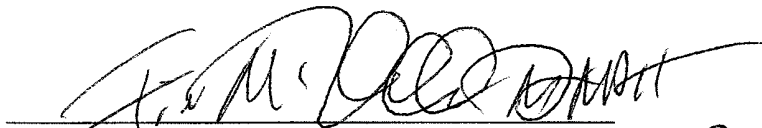
term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.

Signed this 8th day of February, 2021.

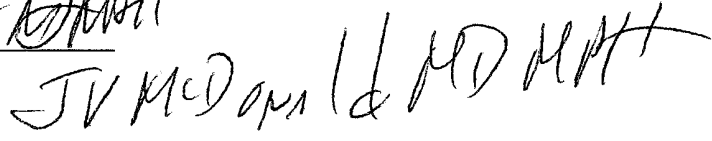


Nicholas Bruno, MD

Ratified by the Board of Medical Licensure and Discipline on the 10th day of February, 2021.



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



Delegated Authority