

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH**

File No: C09-468

**IN THE MATTER OF NICHOLAS D. IANNUCILLI, M.D.
License Number MD 04413**

Consent Order

Pursuant to R.I. General Laws §5-37-5.2, 1956, as amended, (2004 Reenactment) the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") received notice that the Respondent was involved in controlled substances diversion. The Respondent was arrested by North Providence police and arraigned before a Justice of the Peace. The Respondent appeared later before the administrative staff of the Board and agreed to the cease practice pending resolution of certain issues. The following constitutes the Investigating Committee's Findings:

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. Respondent is a physician licensed to practice in Rhode Island since April of 1972. He is a 1969 graduate of the University of Bologna in Italy and practices in the specialty of radiology. The Department of Health received information from federal and state law enforcement indicating that the Respondent had written prescriptions for controlled substances in other people's names and that the drugs were diverted for personal and family use.

2. The Respondent admitted that he has a substance abuse problem and has cooperated with an evaluation and treatment program.
3. The complaints to the Board implicate the provisions of R.I.G.L.5-37-5.1 (26) for violation of state and federal law relating to controlled substances.

The parties agree as follows:

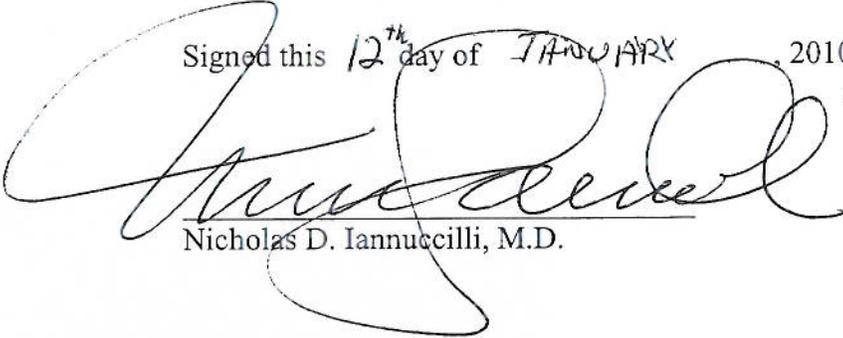
The Respondent is a physician with an active allopathic license number MD 04413. Respondent admits to the jurisdiction of the Board.

- (1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (2) 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 in 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 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;

- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- (3) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth in paragraphs 1 through 3, inclusive, of the Findings of Fact section herein.
 - (4) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
 - (5) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
 - (6) The Respondent agrees to a Suspension from Practice dating back to August 21, 2009. Respondent's RI Drug Control License is suspended for at least 1 year after which the Board may review and, in its discretion, agree to permit reinstatement of the Drug Control License. Respondent agrees to continue treatment with providers recommended by the Physician's Health Committee.
 - (7) Respondent may begin to practice medicine on the date of ratification of this order. Respondent will remain on probation through the period of the Contract with the Physician's Health Committee.

(8) The Respondent agrees to pay a \$500.00 administrative fee within one month of ratification of this Order.

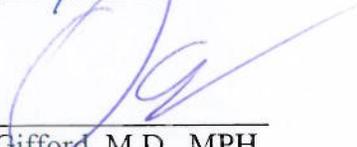
Signed this 12th day of JANUARY, 2010.



Nicholas D. Iannuccilli, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on

1/13/10, 2010



David R. Gifford, M.D., MPH
Director of Health

1/14/10
Date

CERTIFICATION

I hereby certify that a copy of this ORDER was sent via facsimile and regular mail to Respondent's legal counsel, David Carroll, Esq. located at Roberts, Carroll Roberts, Carroll, Feldstein & Peirce, Ten Weybosset Street, Providence, RI 02903-2808 this 14th day of January 2010.

