

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

DEPARTMENT OF HEALTH

BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN THE MATTER OF:

ALVIN C. BACON, D.O.

License Number DO00461

Controlled Substances Registration Number CDO00461

BMLD Case Number C13-162

SUMMARY SUSPENSION OF CONTROLLED SUBSTANCES REGISTRATION

Alvin C. Bacon, D.O. (hereinafter "Respondent") is licensed as an osteopathic physician in Rhode Island and is licensed to prescribe controlled substances under Rhode Island General Laws chapter 21-28, having both a state Controlled Substances Registration and a Federal Drug Enforcement Administration Registration to prescribe controlled substances. After a review of the above-numbered complaint, and a review of medical and pharmacy records, the Director of the Department of Health makes the following:

FINDINGS OF FACT

1. Respondent has been licensed as a physician in Rhode Island since April 30, 1996. His primary specialty is family practice, and he has hospital privileges at Saint Joseph Hospital. His business address is 598 Great Road, Lower Level, North Smithfield, Rhode Island.
2. Respondent has been treating Patient A, a 34 year old male. Respondent prescribed that this patient should take a certain number of Oxycodone Hydrochloride 30 milligrams

("Oxycodone IR 30"), a Schedule II controlled substance, over a 432 day period (January 5, 2012 to March 12, 2013), but Respondent authorized an amount to be dispensed that would be an equivalent of 1076 days of this narcotic if the patient were to follow that same daily dosage (for a total of 6460 tablets). In addition, Respondent prescribed to the same patient another 6460 tablets of Oxycodone IR 15 mg for a 1063 day supply during the same 432 day period. Patient A filled various prescriptions during that time period at eight different pharmacies.

3. On June 6, 2012, Respondent wrote a prescription to Patient A for Oxycodone IR 30, which was fifteen days early, and on June 7, 2012, Respondent wrote a prescription to him for Oxycodone IR 30 that was to be filled on June 18, 2012. This enabled Patient A to obtain in an approximate 12 day period 60 days' worth of Oxycodone IR 30, which totaled 360 tablets.
4. Respondent has been treating Patient B, a 35 year old male. Respondent prescribed that this patient should take a certain number of Oxycodone IR 30 over a 330 day period (April 10, 2012 to March 4, 2013), but Respondent authorized an amount to be dispensed that would be an equivalent of 823 days of this narcotic if the patient were to follow that same daily dosage (for a total of 6950 tablets). Patient B filled various prescriptions during that time period at eleven different pharmacies using four addresses.
5. Respondent prescribed 25 day supplies of Oxycodone IR 30 to Patient B on July 16 and 18, 2012; August 2 and 6, 2012; and August 23 and 27, 2012.
6. Respondent has been treating Patient C, a 39 year old male. Respondent prescribed that this patient should take a certain number of Oxycodone IR 30 over a 270 day period (June 4, 2012 to February 28, 2013), but Respondent authorized an amount to be

dispensed that would be an equivalent of 412 days of this narcotic if the patient were to follow that same daily dosage (for a total of 4790 tablets). Patient C filled various prescriptions during that time period at five different pharmacies.

7. Respondent prescribed to Patient C on October 22, 2012, a 15 day supply of Oxycodone IR 30, and on October 24, 2012, wrote a prescription for another 15 day supply of Oxycodone IR 30 to the same patient. Respondent on January 24, 2013, prescribed a 13 day supply of Oxycodone IR 30 to Patient C, and another 13 day supply of the same drug on January 30, 2013, to the same patient, and the two prescriptions were filled at two pharmacies.
8. Respondent has been treating Patient D, a 37 year old male. Respondent prescribed to Patient D on May 31, 2012, 180 milligrams daily of Oxycodone IR 30, to last until July 22, 2012. Respondent prescribed to Patient D on June 11, 2012, a prescription for the same drug and dosage to be filled on July 23, 2012. The manufacturer of Oxycodone IR 30 produces a package insert with the drug that advises prescribers, "Patients who have not been receiving opioid analgesics should be started on ROXICODONE ® (the brand name of Oxycodone) in a dosing range of 5 to 15 mg every 4 to 6 hours as needed for pain." Respondent's prescriptions were double the amount recommended by the drug's manufacturer for a patient with his history of having this drug prescribed.
9. Respondent on three occasions between April 26 and June 19, 2012, prescribed a Schedule II controlled substance for a family member.
10. Respondent reported on April 24, 2013, to the Department of Health chief pharmacy compliance officer that Respondent has not lost any of his prescription pads or had them stolen in the past two years, except for one isolated occasion in Connecticut in which one

of his prescriptions was fabricated. Respondent could not recall the specific date and stated local authorities resolved the incident.

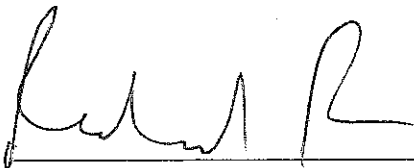
11. Respondent has a pattern of prescribing controlled substances to patients in a manner that does not meet the standards of acceptable practice.
12. Respondent has delivered care below accepted minimal standards, including the inappropriate prescription of narcotics.
13. Respondent is in violation of Rhode Island General Laws § 5-37-5.1(19) and (26) for his failure to adhere to minimum standards of acceptable practice and for violation of state laws concerning standards of practice and prescribing of controlled substances.
14. The public health, safety, or welfare imperatively requires emergency action.

ORDER

1. Based on the foregoing, the Director of the Department of Health has determined that the continuation of the physician license and controlled substances registration of Alvin C. Bacon, D.O., constitutes an immediate threat to the health, welfare and safety of the public.
2. Accordingly, the controlled substances registration to prescribe controlled substances issued to Alvin C. Bacon, D.O., are hereby suspended forthwith pursuant to Rhode Island General Laws § 42-35-14(c).
3. Based on the foregoing, the Director of the Department of Health has determined that the continuation of the controlled substances registration of Alvin C. Bacon, D.O., constitutes an immediate threat to the health, welfare and safety of the public.

4. The suspension of the Respondent's controlled substances registration shall continue until further Order of the Department of Health and until an administrative hearing or other resolution.
5. Respondent shall continue to be responsible for providing a proper medical home for any of his patients who need controlled substances prescribed to them, and shall continue to be responsible to transfer any medical records of such patients immediately upon request or when needed.
6. The Respondent is entitled to a hearing in accordance with Rhode Island General Laws § 42-35-14(c).

Signed this 24 day of April, 2013.



Michael Fine, M.D.
Director of Health
Rhode Island Department of Health
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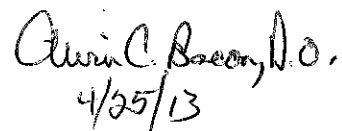
4/25/13

Louis J. Capizano
Constable State of R.I.
License #6040

CERTIFICATION OF SERVICE

I hereby certify that a copy of this Summary Suspension Order was delivered to the Respondent, on the 25 day of April, 2013, at the following addresses:

Alvin C. Bacon, D.O.
598 Great Road, Lower Level
North Smithfield, Rhode Island



4/25/13