

**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

CONSENT ORDER

Alvin C. Bacon, D.O. (hereinafter "Respondent") is licensed as an osteopathic physician in Rhode Island. After a review of the above-numbered complaint, and a review of medical and pharmacy records, the Board of Medical Licensure and Discipline 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 had been treating Patient A, a 34 year old male, and prescribed Oxycodone Hydrochloride 30 milligrams 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). 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.

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 had been treating Patient B, a 35 year old male, and prescribed 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).
5. Respondent had been treating Patient C, a 39 year old male, and prescribed 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).
6. 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.

7. Respondent has been treating Patient D, a 37 year old male, and prescribed to him 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. Respondent's prescriptions were double the amount recommended by the drug's manufacturer for a patient with his history of having this drug prescribed.
8. Respondent on three occasions between April 26 and June 19, 2012, prescribed a Schedule II controlled substance for a family member.
9. Respondent was in civil 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.
10. Since the April 24, 2013, order that suspended Respondent's controlled substance registration, Respondent has completed extensive education at the Vanderbilt University program and other continuing medical education courses on the topic of prescribing controlled substances. The Vanderbilt program was satisfied with Respondent's performance in its program.

11. Respondent has created appropriate policies at his office to monitor controlled substances prescriptions, and to prevent diversion and misuse of controlled substances.

Based on the foregoing, it is hereby ordered:

1. Based on the foregoing, the Board of Medical Licensure and Discipline has determined that the reinstatement of the controlled substances registration of Alvin C. Bacon, D.O., is not contrary to the health, welfare and safety of the public.
2. The Board's Summary Suspension of the Respondent's Controlled Substance Registration is hereby rescinded, and Respondent's Controlled Substance Registration to prescribe controlled substances is reinstated forthwith upon ratification of this Consent Order.
3. Respondent admits to the jurisdiction of the Board.
4. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board, and this Consent Order is not binding on Respondent until final ratification by the Board.
5. 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; and
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
6. The Respondent hereby agrees to a reprimand by the Board based on the findings above.
7. Respondent shall submit a civil administrative fee to the Board arising from investigation of the above-referenced complaint, and within one-hundred twenty (120) days of ratification of this Consent Order, Respondent shall thus submit a check payable to the Rhode Island General Treasury in the amount of \$1286.
8. For twelve months commencing on March 11, 2014, Respondent will be subject to a monitoring program performed by a physician who is approved by the Board. The monitoring physician will review the Prescription Monitoring Program of Controlled Substances available from the Rhode Island Department of Health for Respondent; shall select and review three patient charts of Respondent each month; shall report to the Board as to whether Respondent has treated or otherwise prescribe controlled substances for any members of his family, and whether Respondent is prescribing controlled substances appropriately. The

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monitoring physician shall perform this review on a monthly basis for the first three months, then on a quarterly basis for the following nine (9) months.

9. In the event that any term of this Consent Order is violated, after signed and accepted, the Director of the Department of Health may summarily suspend the Respondent's license and/or impose further disciplinary action. If the Director suspends the license and/or imposes further disciplinary action, Respondent shall be given notice and shall have a right to have an administrative hearing held within ten (10) days of the suspension and/or further discipline. The Director of the Department of Health 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. Any suspension or disciplinary action pursuant to this paragraph is appealable pursuant to R.I.Gen.Laws §§ 5-37-7 and 42-35-9 et seq.

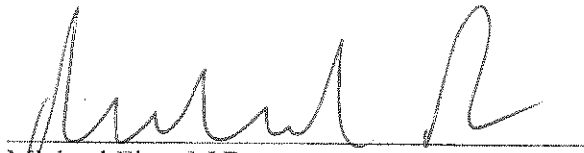
Signed this 10th day of December, 2013.

Alvin C. Bacon, D.O.
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Ratified by the Board of Medical Licensure and Discipline on this 11 day of December, 2013.

A handwritten signature in black ink, appearing to read "Michael Fine", written over a horizontal line.

Michael Fine, M.D.

Director of Health

Rhode Island Department of Health

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