

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



IN THE MATTER OF:
Rikhi J D'Souza D.O.
License # DO 00354
Controlled substance registration CDO 00354
Complaint # C170827

CONSENT ORDER

The Rhode Island Board of Medical Licensure and Discipline (hereinafter "Board") has reviewed and investigated the above referenced complaint pertaining to Dr. Rikhi D'Souza (hereinafter "Respondent") through its Investigative Committee.

FINDINGS OF FACT

1. Respondent is a licensed physician in Rhode Island and was issued his license December 16, 1986.
2. The Board received a complaint regarding Respondent's controlled substance prescribing. The complaint was reported to the Board by an estranged family member of Patient A (Patient) who was allegedly concerned about public safety because Patient was, for a six-month period in early 2017, driving periodically from his new home in Florida to Rhode Island to visit his brother, daughter and grandchild, and also continued to receive medical care from Respondent during that time.
3. For many years (and well before coming under the care of Respondent) Patient had been prescribed opioids in order to manage his pain in the wake of a fall which caused multiple serious orthopedic injuries.

4. Respondent was attending physician for Patient who was being treated by Respondent since 2007 due to back pain due to the fall several years earlier.
5. Patient was initially treated for his back pain by a physician in New York. That treatment included multiple medications including methadone and fentanyl. Respondent assumed Patient A's treatment since Patient A lived in Rhode Island and wanted to help patient not to make these trips to New York for medication. In January of 2017, Patient moved to Florida. Respondent continued to see patient in his office periodically and provide treatment to Patient, including the prescribing of controlled substances, because Patient reported that he was unable to find a physician in Florida to treat his condition. Patient did find a new doctor in Florida as of June 2017 and Respondent's doctor-patient relationship with Patient ended at that time.
6. Respondent prescribed methadone to Patient from 2015 to 2017. Fentanyl doses were lowered and eventually discontinued in 2015, in consultation with Patient's surgeons. Methadone and fentanyl are schedule II opioids and controlled substances. Methadone and opioids are long acting opioids.
7. Throughout Respondent's treatment of patient, there was no escalation in the dosage of Patient's pain medication and, in fact, there was an overall reduction of the dosage.
8. Nevertheless, review of Respondents medical records for Patient did not reveal sufficient documentation to satisfy the requirements set forth in Rhode Island R-21-28 section 3.12. Specifically, the medical record did not reveal a pain agreement, nor was there documentation of patient education of the risks of serious life threatening or even fatal respiratory depression, or other adverse outcomes, as well as risks to children of fatal overdose. There was also no documentation of risk of addiction, dependence, or withdrawal from the medication if it was discontinued.
9. Patient subsequently found a treating prescriber in Florida as of June of 2017, and Patient sent a letter to the Board indicating he was very happy with Respondent's care.
10. Respondent has violated Rules and Regulations for Pain Management, Opioid Use and the Registration of Distributors of Controlled Substances in Rhode Island R-21-28

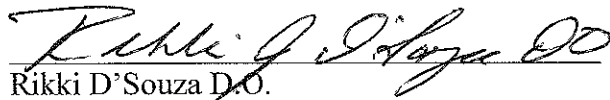
section 3.12 Long Acting Opioids subsections (b) and (c).

Based on the foregoing, the parties agree as follows:

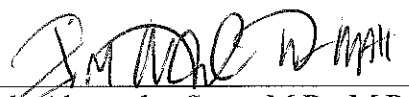
1. Respondent admits to the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board, and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby 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; and
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
 - h. Any objection that this Consent Order will be reported to the National Practitioner Data Bank, Federation of State Medical Boards as well as posted on the department's public web site.
4. Respondent hereby agrees to this reprimand on his physician license.
5. Respondent hereby agrees to successfully complete a Board approved Continuing Medical Education course in the subject matter of controlled substance prescribing, such as the Vanderbilt Prescribing Course. This course shall be completed within 6 months of ratification of this order.
6. Respondent will check the PMP before prescribing any controlled substance.

7. Respondent has paid an administrative fee to the Board via a check in the amount of \$850 dollars payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint, the receipt of which is hereby acknowledged.
8. If Respondent violates any term of this Consent Order, after it is signed and accepted, the Director of the Department of Health shall have the discretion to impose further disciplinary action, including immediate suspension of license. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request a hearing within twenty (20) days of the suspension and/or further discipline. The Director of the Department of Health shall also have the discretion to request a hearing after notice to Respondent of a violation of any term of this Consent Order. The Board may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if any alleged violation is proven by a preponderance of evidence.

Signed this 4th day of January, 2018.


Rikki D'Souza D.O.

Ratified this 11th day of February 2018 by the Board of Medical Licensure and Discipline.


Nicole Alexander-Scott, M.D., M.P.H. *Delegated*
Director *ASW 4*
Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, Rhode Island 02908