

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



IN THE MATTER OF:
Diane King MD
License Number MD 07639
Case # C18-0160

AMENDED CONSENT ORDER

The Rhode Island Board of Medical Licensure and Discipline (hereinafter “Board”) has reviewed and investigated the above referenced complaint pertaining to Dr. Diane King (hereinafter “Respondent”) through its Investigative Committee. This Amended Consent Order (see paragraph 4,5 page 2 and paragraph 4 page 3) grants an extension to Respondent to comply with the original Consent Order ratified on August 8th, 2018.

FINDINGS OF FACT

1. Respondent has been a licensed physician in the State of Rhode Island since November 9th, 1989. Her primary specialty is Psychiatry. Her practice is located at Suite 2, 464 Maple Avenue, Barrington, Rhode Island.
2. The Board received a complaint from her ex-husband alleging Respondent had a pattern of prescribing medications to herself and immediate family without maintaining a medical record nor conducting appropriate exams.
3. The Investigative committee reviewed pharmacy claims data for 2016 and 2017 for relevant prescriptions filled for the affected individuals. This report demonstrated that Patient A (alias) received prescriptions filled for 2017 from Respondent, including medications such as; ondansetron, Montelukast, amoxicillin, methylprednisolone and levocetirizine. Levocetirizine is indicated for over the counter use under the brand name

Xyzal. Patient B (alias) received prescriptions from Respondent including medications such as; Montelukast, and naltrexone in 2017. Patient C received prescriptions from Respondent including medications such as; venlafaxine, Advair, ProAir, and gabapentin.

Respondent appeared before the Investigative Committee May 30th, 2018 and admitted she did prescribe these medications for herself and family members. Respondent admitted that she sometimes did exams, yet did not do complete exams and did not perform vital signs or pulse oximetry (when applicable). Respondent also admitted that she and her family members did have health care providers, yet she chose to prescribe as a matter of convenience. Respondent admitted she obtained an Epi-pen for one of the patients due to a shell fish allergy but never administered it.

Respondent treated various chronic and acute health conditions for Patient A, B and C including exacerbations of Asthma, management of persistent asthma, allergic rhinitis, Strep throat and viral stomatitis. Other conditions that were treated of a chronic nature were not clear due to lack of medical records. None of the prescriptions were for controlled medications.

4. Respondent notified the Board regarding the ratified consent order of August 8th, 2018, that Respondent had unforeseen challenges satisfying the conditions of the ratified consent order as previously agreed upon.
5. The Board recognizes Respondent made a good faith effort to satisfy the conditions of the previously ratified Consent Order and unforeseen circumstances prevented her from meeting these requirements. Therefore the Consent Order is hereby amended and restated in its entirety (this "Amended Order"). Because this Amended Order includes amendments of an agreement that already exists, it does not, nor should it be construed to, represent either a new or distinct agreement or a new or distinct disciplinary action

Respondent has violated Rhode Island General Laws, § 5-37-5.1 The Board also alleges Respondent has violated Rules & Regulations for the licensure and discipline of physicians [R5-37-MD/DO] section 11.4; medical records.

Based on the foregoing, the parties agree as follows:

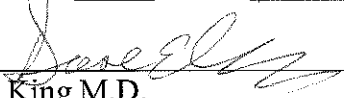
1. Respondent admits to the jurisdiction of the Board.

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 has paid the agreed upon fee of \$850 based on the prior ratified Consent Order. Respondent agrees to pay upon ratification of this Consent Order an administrative fee to the Board with a check for \$300 dollars made payable to the Rhode Island General Treasurer for costs associated with amending the prior ratified Consent Order.
5. Respondent hereby agrees to this reprimand on her physician license.
6. Respondent will complete a Board approved CME of at least 13 hours within 90 days of ratification of this order on appropriate professional boundaries.
7. Respondent will complete and pass CPEP Probe course within 90 days of ratification of this order. Respondent will send evidence of passing this course to

DOH.PRCOMPLIANCE@HEALTH.RI.GOV no later than 10 business days after receiving results.


8. Respondent will submit a notarized affidavit including all pharmacy dispensing records for herself and immediate family 12 months after ratification of this order and 24 months after ratification of this order for the preceding year. The affidavit must be sent to DOH.PRCOMPLIANCE@HEALTH.RI.GOV no later than 10 business days after the conclusion of each of these annual monitoring periods.
9. In the event that any term of this Consent Order is violated, after it is signed and accepted, the Director of the Department of Health shall have the discretion to immediately suspend Respondent's license, and/or impose further disciplinary action. If the Director suspends Respondent's license and/or imposes further disciplinary action, Respondent shall be given notice and shall have the right to request a hearing within twenty (20) days of the immediate 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.

Signed this 7th day of March, 2019.



Diane King M.D.

Ratified by the Board of Medical Licensure and Discipline on the 13th day of March
2019.



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

