

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



IN THE MATTER OF:
Irving Gilson M.D.
License Number MD .3444
Case # C170864

CONSENT ORDER

Irving Gilson, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") makes the following:

FINDINGS OF FACT

1. Respondent is a licensed physician in Rhode Island. His Practice is located at 1145 Reservoir Avenue, Cranston, Rhode Island.
2. The Board received a complaint from the Office of State Medical Examiner with respect to Patient A (alias) who died as a result of an accidental opioid overdose.
3. Respondent was the attending physician for Patient A from December of 2009 until patient's death in November of 2016.
4. In the progress note of Patient A's the first office visit, respondent notes that Patient A had taken Oxycontin and Percocet in the past. Respondent notes in his office note from December 4, 2009, that "...*chronic pain pills of that nature will not be dispensed from this office and she seemed to understand that*".
5. After the first office visit, respondent prescribed certain controlled substances including; hydrocodone-acetaminophen (an opioid), alprazolam (a benzodiazepine), and soma (a muscle relaxant). Soon thereafter, Respondent prescribed a small amount of a barbiturate and acetaminophen.
6. The Investigative Committee of the Board (the "Investigative Committee") determined

that there was no evidence Respondent verified that Patient A was taking these medications.

7. Respondent maintained a medical record for Patient A, and the Investigative Committee determined that such medical record did not contain sufficient information to justify the course of treatment.
8. Patient A was being treated for low back pain, there was not documentation Patient A's back was examined at followup visits.
9. The medical record for Patient A did not reflect evidence of education or consent for long term opioid use by Patient A.
10. Respondent has violated Rules and Regulations for the licensure and Discipline of Physicians R5-37-MD/DO 11.4 regarding maintaining appropriate medical records. Additionally, respondent has violated Rules and Regulations for Pain Management, Opioid Use ...R21-28-CSD sections 3.1, 3.2, 3.4, 3.7.

Based on the foregoing, the parties agree as follows:

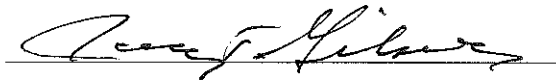
1. Respondent admits to the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board, and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby 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. All rights of appeal regarding 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 agrees to pay within (60) days of the ratification of this Consent Order (the Effective Date") an administrative fee to the Board with a check for \$850 dollars made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint.
 5. Respondent hereby agrees to a reprimand of his physician license.
 6. Respondent agrees to engage a Board approved monitor within 60 days of "Effective Date". The Board approved monitor will send monthly reports to the Board administrator for 12 months regarding adequacy of documentation in medical record and appropriateness of care. After 12 months, if monitoring is favorable, reports will be quarterly for the subsequent 2 years.
 7. Respondent agrees to review the Prescription Drug Monitoring Program ("PDMP") before prescribing any controlled substance.
 8. Respondent agrees to establish a smooth transition of care for each patient who he will no longer be prescribing too. Respondent has 30 days from the "Effective Date" to establish that transition of care.
 9. Respondent further agrees that as of the Effective Date he shall: (i) cease accepting any new primary care/internal medicine patients to his practice except for patients seeking nutritional medicine service of the type that are typically rendered by members of the American Board of Obesity Medicine and Obesity Medicine Association (the "Nutritional Medicine Services Patients") ; (ii) not prescribe controlled substances to any patient of his practice except for schedule IV medications that are directly related to the practice of obesity medicine and include Belviq, Contrave, and Osymia or their generic equivalents; and (iii) provide primary care/internal medicine services only to patients who were

existing patients of his practice as of the Effective Date; provided however, that if Nutritional Medicine Services Patients request primary care services Respondent may provide such services as long as such services do not include prescribing Schedule II opiates and benzodiazepines.

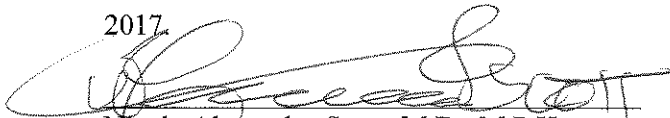
10. In the event that any terms of this Consent Order is violated, after it is signed and accepted, the Director of the Department of Health shall have the discretion to impose further disciplinary action. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of imposition of disciplinary action. 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 Board 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 6th day of November, 2017.



Irving Gilson, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 13th day of December 2017.



Nicole Alexander-Scott, M.D., M.P.H.

Director

Rhode Island Department of Health

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Providence, Rhode Island 02908