

RHODE ISLAND BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN THE MATTER OF:
Morris Paul Elevado, MD
License No.: MD 11133
Case No.: C22-0805

CONSENT ORDER

The Board of Medical Licensure and Discipline ("Board") makes the following:

FINDINGS OF FACT

1. Morris Paul Elevado, MD ("Respondent") was issued a medical license by the State of Rhode Island on April 9, 2003.
2. At the time of the filing of the Complaint, Respondent was providing medical services to inmates at the Maximum Security facility of the Rhode Island Department of Corrections ("DOC") located in Cranston, Rhode Island.
3. On or about June 23, 2022, DOC Inspector Charles Devine filed a Complaint against Respondent alleging misconduct against five inmates of the Maximum Security facility. The incidents allegedly occurred on Monday, April 25, 2022. The inmates alleged that Respondent had, at the conclusion of each of the inmate's medical examinations, "fist bumped" the inmates and then slapped each of them on their buttocks on the way out of the examination room. There was also an allegation of an inappropriate comment during the medical examination of one of the inmates.
4. Each of the alleged incidents were recorded on a CCTV camera, located in the medical examination room, commencing at 9:00 a.m. on April 25, 2022.
5. On June 29, 2022, the Board provided Respondent with a copy of the Complaint and further provided Respondent with an opportunity to fully respond to the allegations in question, along with any supporting documentation.

6. The Board has procured a complete copy of the video recordings from the CCTV located in the examination room as well as the investigative findings of DOC.

7. On July 23, 2022, Respondent provided a written rebuttal to the allegations set forth in the Complaint. Respondent specifically admitted to the "fist bumping" and "slapping" several inmates on the buttocks as they walked out of the examination room. While Respondent did acknowledge making a comment to one of the patients about a digital rectal exam, he claimed it was not intended to be offensive, and was intended to make the patient laugh.

8. Respondent was interviewed by the Investigative Committee on September 1 2022. The Investigative Committee proceeded to make a probable cause finding of unprofessional conduct on the part of Respondent, in violation of R.I. Gen. Laws § 5-37-5.1(19), due to the Committee's probable cause determination that Respondent's comment to one patient was inappropriate. While the video does demonstrate brief touching of patients, the Committee determined the specific touching at issue was not related to clinical care, and was not clinically appropriate.

Based upon the foregoing, the Parties agree as follows:

1. Respondent admits to and agrees to remain under the jurisdiction of the Board.
2. Without acknowledgement of agreement with the Board's determination, Respondent agrees to this Consent Order and understands that it is subject to final approval of the Board and is not binding on Respondent until final ratification.
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;
- g) any objection to the fact that this Consent Order will be presented to the Hearing Committee for consideration and review; and
- h) any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the RI DOH public website.

4. Respondent is hereby issued a reprimand by the Board and shall, at his own expense, complete and successfully pass the Center for Personalized Education for Physician (CPEP), Ethics & Boundary Program as well as the payment of administrative fees in the amount of \$1,137.50. Said administrative fees must be paid and the aforementioned program must be completed and successfully passed within nine (9) months of the ratification of this Consent Order.

7. In the event that any term of this Consent Order is violated, after ratification and approval, the Director of the Department of Health shall have the discretion to impose further disciplinary action pursuant to R.I. Gen. Laws §§ 5-37-5.1 through 5-37-6.3. 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 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. Any administrative hearings, whether initiated by the Director or the Respondent, shall be conducted in accordance with R.I. Gen. Laws §§ 5-37-5.1 through 5-37-6.3 or R.I. Gen. Laws §§ 5-37-8 and 42-35-14(c), the Rules and Regulations for the

Licensure and Discipline of Physicians (216-RICR-40-05-1), the Rules and Regulations for Practices and Procedures Before the Rhode Island Department of Health (216-RICR-10-05-4), and applicable provisions of R.I. Gen. Laws Chapter 42-35-1 *et seq.*

As Assented to and Signed this 28 day of APRIL 2023.



Morris Paul Elevado, MD

Ratified by the Medical Licensure and Discipline Board on the 10TH day of

MAY 2023.