

**STATE OF RHODE ISLAND**  
**DEPARTMENT OF HEALTH**  
**BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**IN THE MATTER OF PASQUALE MASTROSTEFANO, MD** C10-735  
**LICENSE NUMBER MD 03995**

**CONSENT ORDER**

The Board of Medical Licensure and Discipline, (hereinafter, "Board") received notice relating to an allegation Pasquale Mastrostefano, MD (hereinafter, "Respondent") destroyed the records of patients. The matter was referred to the Investigating Committee (hereinafter, "Committee") for review and recommendation. The following are the findings of fact and conclusions of law of the Committee:

**Findings of Fact and Conclusions of Law**

1. The Respondent was a physician licensed to practice medicine, license number MD03995. Respondent retired from practice in April of 2010. He is a 1967 graduate of St. Louis University School of Medicine. The Respondent specialized in Internal Medicine.
2. Respondent was practicing at 347 Broadway, Providence, RI and had hospital privileges at Roger Williams Hospital.
3. On April 26, 2010, Respondent closed his medical office and retired from practice. Prior to the closure of his office, Respondent (i) attempted to contact his active

patients by phone to inform them of Respondent's planned retirement and (ii) placed an advertisement in the Providence Journal for two (2) weeks informing patients to pick-up their records.

4. Any remaining records after the two (2) week period were shredded and destroyed resulting in patients not being able to obtain prior medical records from the Respondent.
5. The Investigating Committee found that the Respondent's destruction of patient's medical records was unprofessional conduct pursuant to R.I.G.L. 5-37-5.1(19).

**The Parties Agree as Follows:**

Based on the foregoing findings of fact and conclusions of law by the Committee, the parties agree as follows:

- a. Respondent submits to the jurisdiction of the Board.
- b. Respondent acknowledges and hereby waives:
  1. The right to appear personally, by counsel, or both before the Board;
  2. The right to produce witnesses and evidence on his behalf at a hearing;
  3. The right to cross examine witnesses;
  4. The right to have subpoenas issued by the Board;
  5. The right to further procedural steps except as specifically contained herein;
  6. Any and all rights of appeal to this Consent Order;
  7. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;

8. Any objection to the fact that it will become necessary for the full Board to become acquainted with all the relevant information pertinent to this matter in order to review this Consent Order adequately;
  9. Any objection to the potential for bias against the Respondent that might occur as a result of presentation of this Consent Order
- c. Acceptance of this Consent Order constitutes an admission by the Respondent to the findings of fact made by the Committee.
  - d. This Consent Order shall become part of the public record once it has been accepted by all the parties. Any announcement or release relating to the subject matter of this Consent Order shall specify that the reprimand received by Respondent concerned Respondent's failure to retain records as required by law following the closure of Respondent's medical office.
  - e. Failure to comply with the terms of this Consent Order, when accepted and signed, shall subject the Respondent to further disciplinary action.

#### SANCTION

The Respondent hereby consents to a reprimand.

Signed this 31 day of MARCH, 2011.

Pasquale Mastrostefano M.D.  
Pasquale Mastrostefano, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on

          *April 13, 2011*

      
*Michael R. Fine*

Michael Fine, M.D.  
Acting Director of Health