

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



**IN THE MATTER OF:**  
**Richard J Gilbert M.D.**  
**License Number M.D. 14862**  
**Complaint # C 171730**

**CONSENT ORDER**

The Rhode Island Board of Medical Licensure and Discipline (hereinafter "Board") has reviewed and investigated the above referenced complaint pertaining to Dr. Richard Gilbert (hereinafter "Respondent") through its Investigative Committee. Respondent has no prior disciplinary action with the Board.

**FINDINGS OF FACT**

1. Respondent is a licensed physician in the State of Rhode Island and was issued his license on December 30<sup>th</sup>, 2014. He graduated from New Jersey Medical School January 21<sup>st</sup>, 1978. He specializes in gastroenterology and had hospital privileges at Kent County Hospital. His office was located at Suite 201, 215 Toll Gate Road, Warwick, Rhode Island.
2. The Board received a complaint from Kent County Hospital regarding Respondent due to his privileges being suspended at Kent in November of 2017. In June of 2018, that Respondent's privileges at Kent were revoked. Litigation is pending on that matter.
3. The Board conducted interviews with nurses at Kent Hospital and obtained photographs of the endoscopy suite. Nursing staff reported their perception of inappropriate conduct or comments.
4. The Respondent met with the Investigative committee regarding the above referenced complaint. The Investigative committee determined that the Respondent was required to have a Forensic psychiatry evaluation. Respondent was evaluated by Dr. Brandon

Krupp on December 6<sup>th</sup>, 2017, April 2<sup>nd</sup>, 2018 and April 6<sup>th</sup>, 2018. Dr. Krupp made the following recommendations; *Dr. Gilbert should complete a training course for physicians in understanding and respecting boundaries. One such course is the ProBE Ethics and Boundaries Course offered through the Center for Personalized Education for Professionals (headquartered in Denver, CO). Dr. Gilbert should engage in any medical treatment approved by recommendation through the Physicians Health Committee. Dr. Gilbert should have a workplace peer colleague frequently check in with Dr. Gilbert and with other staff to ensure that problematic behaviors are addressed quickly and clearly.*

5. After reviewing the findings of Dr. Krupp, the Investigative committee required Respondent to be evaluated by a neuropsychologist. Respondent was evaluated by Dr. Steven Fuller, Phd. From June 25<sup>th</sup> to August 7<sup>th</sup>, 2018. Dr. Fuller concluded; *Dr. Gilbert does not present, at this time, as unfit to practice medicine.*
6. The Investigative committee concluded Respondent in reference to the above acted in a manner which created a disruptive environment in a clinical setting and displayed conduct that was considered offensive and therefore committed; *Incompetent, negligent, or willful misconduct in the practice of medicine which includes the rendering of medically unnecessary services, and any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing medical practice in his or her area of expertise as is determined by the board. The board does not need to establish actual injury to the patient in order to adjudge a physician or limited registrant guilty of the unacceptable medical practice in this subdivision;*

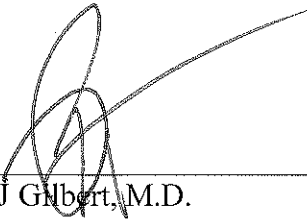
**Based on the foregoing, the parties agree as follows:**

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.
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 agrees to pay upon ratification of this Consent Order an administrative fee to the Board with a check for \$2,543.46 dollars made payable to the "Rhode Island General Treasurer" for costs associated with investigating the above-referenced complaint.
  5. Respondent hereby agrees to this reprimand on his physician license.
  6. Respondent agrees to complete and pass CPEP Probe Course within six (6) months of the ratification of this. Respondent will send evidence of completing his CME to [DOH.PRCOMPLIANCE@health.ri.gov](mailto:DOH.PRCOMPLIANCE@health.ri.gov).
  7. Respondent will agree to any recommendations of the Rhode Island Medical Society Physicians Health Committee for the next 2 years, including any required medical treatment by RIMSPHC approved providers.
  8. Respondent will have a peer colleague in the work place for the next 2 years to address potentially problematic behaviors or actions. The colleague will send a report to the Board quarterly, no later than the 15<sup>th</sup> day of the quarterly month to [DOH.PRCOMPLIANCE@health.ri.gov](mailto:DOH.PRCOMPLIANCE@health.ri.gov).

9. In the event that any term of this Consent Order is violated, 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 the suspension and/or further discipline.

Signed this 17<sup>th</sup> day of December, 2018.

  
Richard J Gilbert, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 9<sup>th</sup> day of January, 2018.

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