

RHODE ISLAND BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN THE MATTER OF:
Steven W. Powell, MD
License No.: MD16303
Complaint No.: C23-0756

CONSENT ORDER

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

FINDINGS OF FACT

1. Steven W. Powell, MD ("Respondent") has been licensed to practice medicine in the State of Rhode Island since May 10, 2018.
2. At the time of the filing of the Complaint, Respondent specialized in the practice of Psychiatry.
3. On or about July 13, 2023, a complaint was filed by the Citizens Commission on Human Rights regarding a report by the Department of Justice, U.S. Attorney's Office, District of New Hampshire, published on May 24, 2023, indicating that Dr. Powell pled guilty to Medicare fraud totaling \$1.9 million dollars.
4. The matter appeared before the Board's Investigative Committee on February 28, 2024. The Investigative Committee reviewed criminal pleadings filed against Dr. Powell in the United States District Court for the District of New Hampshire, including a Criminal Information and a plea agreement entered on April 26, 2023. The Criminal Information charged Respondent with one felony count of Health Care Fraud in violation of 18 U.S.C. § 1347, in connection with a scheme in which Respondent was paid to approve false claims to Medicare for durable medical equipment. Medicare paid more than \$760,000 on the false claims.
5. Respondent entered a plea of guilty to one count of health care fraud in violation of 18 U.S.C. § 1347. In the Plea Agreement, Respondent stipulated that if the matter had

proceeded to trial, the United States Government had sufficient evidence to prove its case against him beyond a reasonable doubt.

6. Thereafter, on May 24, 2023, the federal court accepted Respondent's guilty plea to one count of felony health care fraud.

7. On or about December 7, 2023, the Board of Healing Arts of the State of Kansas entered a Final Order against Respondent, finding violations of Kansas state law, including K.S.A. 65-2836(c) of the Kansas Healing Arts Act, pertaining to the aforesaid felony conviction entered in the United States District Court for the District of New Hampshire. The Final Order revoked Respondent's license to practice medicine and surgery in the State of Kansas.

8. Based upon its review of the aforesaid federal court criminal pleadings and the State of Kansas revocation order, the Investigative Committee made a probable cause determination of unprofessional conduct in violation of R.I. Gen. Laws § 5-37-5.1(3), (6), (7), (8) and (21).

Based upon the foregoing, the Parties agree as follows:

1. Respondent admits to and agrees to remain under the jurisdiction of the Board.
2. Respondent agrees to this Consent Order and understands that it is subject to final approval by 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;

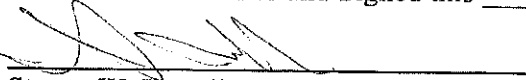
- f) any and all rights of appeal of this Consent Order; and
- g) any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the RI DOH public website.

4. Respondent's license to practice medicine in the State of Rhode Island is hereby revoked and Respondent shall pay administrative fees in the amount of \$1,100.00. The administrative fees must be paid within six (6) months of the ratification of this Consent Order and shall be made payable to the Rhode Island General Treasurer, and delivered to the Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908, Attn. Jessica DeSanto. Respondent will send notice of compliance of this condition to DOH.PRCOMPLIANCE@health.ri.gov within thirty (30) days of submitting the above-referenced payment.

5. In the event that any term of this Consent Order is violated, after ratification and approval, the Board or its Director 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 Board or its 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 Board or its Director 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 Board 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 19th day of March 2024.



Steven W. Powell, MD

Ratified by the Medical Licensure and Discipline Board on the 10th day of
April 2024.

