

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



**IN THE MATTER OF:
Timothy Rivinus, MD
License No.: MD 06944
Case No.: C190411**

CONSENT ORDER

Timothy Rivinus, MD (“Respondent”) is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (“Board”) makes the following:

FINDINGS OF FACT

1. Respondent has been a licensed physician in the State of Rhode Island since August 20, 1986.
2. Respondent graduated from Temple University School of Medicine on June 1, 1970. Respondent’s specialty is psychiatry.
3. Respondent, until March 1, 2019, was employed as an attending physician at the Department of Veterans Affairs, Providence VA Medical Center, in Providence, Rhode Island (“VA”).
4. Included among Respondent’s usual duties at the VA were diagnosis, evaluation, and treatment of patients, as well as the keeping and maintenance of patient medical records.
5. On March 26, 2019, the Board received notice from the VA that it had reported Respondent to the National Practitioner Data Bank (“NPDB”) regarding Respondent’s retirement “prior to the

completion of an ongoing investigation.” Attached with the notice from the VA was the VA’s report to the NPDB, which stated that the VA reported Respondent to the NPDB because Respondent “*retired prior to the completion of an ongoing investigation on concerns related to inappropriate documentation within the patient medical records system.*”

6. Respondent, in his written response to the Board, acknowledged that the VA had notified him by letter dated December 4, 2018 that his request for renewal of privileges had been “administratively denied pending the outcome of an ongoing investigation” concerning “inappropriate documentation within the patient medical records system.” Respondent further acknowledged that, because he was unable to ascertain the status of the review concerning the investigation and his request for renewal after two months had passed, he chose to retire from the VA, his last day being March 1, 2019.

7. The Investigative Committee obtained Respondent’s credentials file from the VA and confirmed the above facts and circumstances. Further, the Investigative Committee confirmed that Respondent retired from the VA, effectively surrendering his privileges, prior to the conclusion of the investigation, and that Respondent had been advised by the VA as follows: “*If you surrender or voluntarily accept a restriction of your clinical privileges, including by resignation or retirement, while your clinical care is under investigation, during these proceedings, or to avoid investigation, VA is required to file a report to the NPDB, with a copy to the state licensing board(s), pursuant to VA regulations in title 38 Code of Federal Regulations (CFR) Part 46 and VHA Handbook 1100.17, National Practitioner Data Bank Reports.*”

8. Based on the foregoing, the Investigative Committee concluded that Respondent surrendered his privileges at the VA while under investigation by the VA for acts or conduct—inappropriate documentation within the patient medical records system—which would constitute

grounds for action under Chapter 5-37 of the R.I. Gen. Laws. The Investigative Committee concluded, therefore, that Respondent violated R.I. Gen. Laws § 5-37-5.1(21), which defines “unprofessional conduct” as including, “*surrender...of privilege[s]...[or] membership on any medical staff ...while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as described in [Chapter 5-37 of the R.I. Gen. Laws].*”

Based on the foregoing, the parties agree as follows:

1. Respondent admits to and agrees to remain under 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 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. 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 Board for consideration and review; and
 - h. Any objection that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted on the Rhode Island Department of Health (“RIDOH”) public web site.
4. Respondent agrees to a Reprimand on his license.

5. Within 180 days of ratification of this Consent Order, Respondent, at his own expense, shall complete a Board approved course in medical records, such as the Case Western Reserve University School of Medicine Intensive Course in Medical Documentation. Respondent shall send notice of compliance with this condition to DOH.PRCCompliance@health.ri.gov within 30 days of completing the above-referenced requirement.

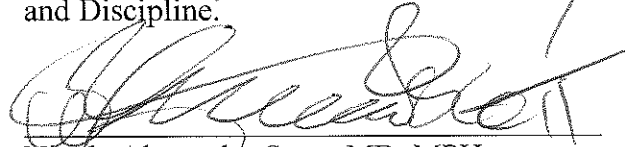
6. Within five days of the ratification of this Consent Order, Respondent shall pay an administrative fee of \$1190.00 for costs associated with investigating the above-referenced complaint. Such payment shall be made by certified check, made payable to “**Rhode Island General Treasurer,**” sent to Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908, Attn: Lauren Lasso. Respondent shall send notice of compliance with this condition to DOH.PRCCompliance@health.ri.gov within 30 days of submitting the above-referenced payment.

7. If Respondent violates any term of this Consent Order after it is signed and accepted, the Director of RIDOH (“Director”) shall have the discretion to impose further disciplinary action, including immediate suspension of Respondent’s medical license. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request a hearing within 20 days of the suspension and/or further discipline. The Director shall also have the discretion to request a 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 licensure period if any alleged violation is proven by a preponderance of evidence.

Signed this 30th day of January, 2020.


Timothy Rivinus MD

Ratified this 12th day of February, 2020 by the Board of Medical Licensure
and Discipline.


Nicole Alexander-Scott, MD, MPH
Director
Rhode Island Department of Health
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Providence, RI 02908