

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2022-022

In the Matter of

JULIE F. DELEO, M.D.

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Julie F. Deleo, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 20-059.

Findings of Fact

1. The Respondent graduated from Brown University School of Medicine in 1992. She has been licensed to practice medicine in Massachusetts under certificate number 220972 since 2004, but she has never practiced in the Commonwealth. She is Board-certified in Internal Medicine and maintains a practice at South Coast Health in Portsmouth, Rhode Island.

2. Patient A's mother disclosed to the Respondent that Patient A was incarcerated, charged with a drug felony, and unable to report to work.

3. At the mother's request, the Respondent signed a note on her practice's letterhead to Patient A's employer stating he would be unable to work from November 13, 2018 to November 28, 2018.

4. The Respondent did not see or treat Patient A during this time and was aware of no medical reason for him to be unable to report to work.

5. On or about October 9, 2019, the Respondent signed a Consent Order with the Rhode Island Board of Medical Licensure and Discipline for a Reprimand, a requirement that she take eight hours of ethics courses, and pay \$850 in administrative fees for violating R.I. Gen. Laws § 5-37-5.1(8), which defines "unprofessional conduct" as including "[w]illfully making and filing false reports or records in the practice of medicine."

6. The Rhode Island Consent Order is attached as Exhibit A and is incorporated by reference.

Conclusion of Law

A. The Respondent has violated 243 CMR 1.03(5)(a)12 in that she has been disciplined in another jurisdiction in by the proper licensing authority for reasons substantially the same as those set forth in G.L. c. 112, § 5 or 243 CMR 1.03(5)—specifically:

- i. The Respondent has violated 243 CMR 1.03(5)(a)10 by practicing medicine deceitfully, or engaging in conduct that has the capacity to deceive or defraud.
- ii. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

Sanction and Order

The Respondent's license is hereby Reprimanded. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them.

Execution of this Consent Order

Complaint Counsel and the Respondent agree that the approval of this Consent Order is left to the discretion of the Board. The signature of Complaint Counsel, the Respondent, and the Respondent's counsel are expressly conditioned on the Board accepting this Consent Order. If the Board rejects this Consent Order in whole or in part, then the entire document shall be null and void; thereafter, neither of the parties nor anyone else may rely on these stipulations in this proceeding.

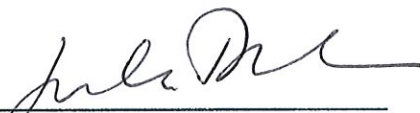
As to any matter in this Consent Order left to the discretion of the Board, neither the Respondent, nor anyone acting on her behalf, has received any promises or representations regarding the same.

The Respondent waives any right of appeal that she may have resulting from the Board's acceptance of this Consent Order.

The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in

which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date of imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.


The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action it has taken.



Julie F. Deleo, M.D.
Licensee

7.11.22

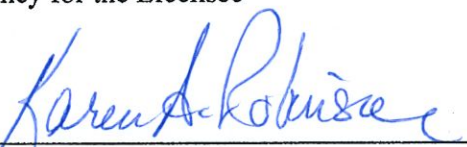
Date



Stephen P. Harten, Esq.
Attorney for the Licensee

07.13.22

Date




Karen A. Robinson, Esq.
Complaint Counsel

7/15/22

Date

So ORDERED by the Board of Registration in Medicine this 20 day of July,
2022.



~~Julian N. Robinson, M.D.~~
Board Chair

Woody Giessmann, LADC-I, CADC, CIP, AIS
Acting Chair

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



IN THE MATTER OF:
Julie Deleo, MD
License #: MD 09468
Case #: C19-0170

CONSENT ORDER

Julie Deleo, MD ("Respondent") is licensed as a physician in Rhode Island. The Rhode Island Board of Medical Licensure and Discipline ("Board") makes the following

FINDINGS OF FACT

1. Respondent has been a licensed physician in Rhode Island since June 4, 1997.
2. Respondent graduated from Brown University School of Medicine on June 1, 1992.
3. The Board received a complaint regarding Respondent from an attorney representing the Newport Preservation Society ("Complainant"). According to the complaint, Respondent had provided a medical note for Patient A (alias) stating that Patient A would be unable to work from November 13, 2018 through November 28, 2018. Complainant asserts that Respondent could not have evaluated Patient A on November 13, 2018 because Patient A, at that time, was *"in jail and charged with a drug felony (manufacturing, Possession, Delivering Schedule I/II)."*
4. Respondent admits that on November 13, 2018 she was approached in the hallway of her usual place of practice by a family member of her patient, Patient A, at which time the family member informed Respondent that Patient A was incarcerated. As a result, the Respondent was told that Patient A would be unable to report for work as scheduled. Patient A's family member

then asked Respondent to write a note for Patient A.

5. Respondent told Patient A's family member that she would not lie for Patient A, but that she would write a note. Respondent directed her staff to generate a note, which note was generated containing the letterhead and business address of Southcoast Health. The note was written on November 13, 2018 and reflects a same day date of visit. The visit date field in the letter template was auto-filled when the letter was generated, and was not specifically added at the direction of the Respondent. The note provides as follows: *"To Whom It May Concern:*
Patient A will be out of work until November 28th, 2018. If you have questions or concerns,
please don't hesitate to call." Respondent considered this information accurate at the time. Respondent states that she did not intend to convey that an office visit occurred on that day or that there was a medical basis for Patient A's absence from work.

6. On November 19, 2018, a human resource representative at the Newport Preservation Society left a telephone message with Respondent, expressing concern that the note appeared fraudulent and requesting a return call. The Investigative Committee was provided no evidence of Respondent having returned the call. On December 13, 2018, the Newport Preservation Society, through its attorney, contacted Respondent, seeking an explanation for the note. On January 30, 2019, Respondent responded through her own attorney.

7. Respondent appeared before the Investigative Committee on July 31, 2019, at which time she admitted to providing the note, which she acknowledged she should not have done. Respondent stated that she had wanted to promptly respond to the Newport Preservation Society and its counsel but that she had been advised by her own counsel not to do so, because she did not have written authorization from Patient A. Respondent stated that she regrets writing the note, which she says was done out of sympathy for the family member.

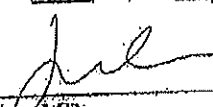
8. The Investigative Committee reviewed the facts and circumstances of this complaint and concluded that Respondent violated R.I. Gen. Laws § 5-37-5.1(8), which defines "unprofessional conduct" as including "[w]illfully making and filing false reports or records in the practice of medicine."

Based on the foregoing, the parties agree as follows:

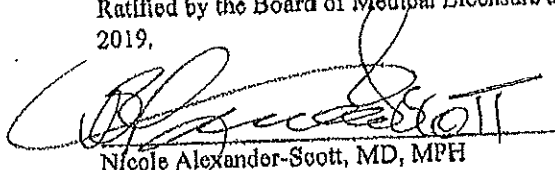
1. Respondent admits to agree to remain under the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board and is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent 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 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 Rhode Island Department of Health ("RIDOH") public website.
4. Respondent agrees to pay, within 5 days of the ratification of this Consent Order, an administrative fee of \$850.00 for costs associated with investigating the above-referenced complaint. Such payment shall be made by certified check, made payable to "Rhode Island

General Treasurer," send to Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908, Attn: Lauren Lasso Respondent will send notice of compliance with this condition to DOH.PRCOMPLIANCE@health.ri.gov within 30 days of submitting the above-referenced payment.

5. Respondent hereby agrees to this reprimand on her physician license.
 6. Within six months of ratification of this Consent Order, Respondent will complete eight hours of Board approved courses in ethics.
 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 an administrative hearing within 20 days of the suspension and/or further discipline. The 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. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.
- Signed this 11 day of September 2019.


Julie DeLeo, MD

Ratified by the Board of Medical Licensure and Discipline on the 9th day of October 2019,


Nicole Alexander-Scott, MD, MPH
Director

Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, RI 02908