

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2022-022

In the Matter of

JULIE F. DELEO, M.D.

STATEMENT OF ALLEGATIONS

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that JULIE F. DELEO, M.D. (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 20-059.

Biographical Information

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.

Factual Allegations

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.

Legal Basis for Proposed Relief

Pursuant to 243 CMR 1.03(5)(a)12, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has been disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, § 5 or 243 CMR 1.03(5). More specifically, in Massachusetts, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has:

1. Practiced medicine deceitfully, or engaged in conduct that has the capacity to deceive or defraud, in violation of 243 CMR 1.03(5)(a)10; and
2. Engaged in conduct which undermines the public's 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).

The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,



Julian N. Robinson, M.D.
Board Chair

Date: July 20, 2022

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.

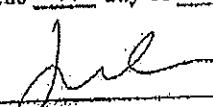
8. The Investigative Committee reviewed the facts and circumstances of this complaint and concluded that Respondent violated R.I. Gen. Laws § 5-37-5.1(8), which defines "unprofessional conduct" as including "[w]illfully making and filing false reports or records in the practice of medicine."

Based on the foregoing, the parties agree as follows:

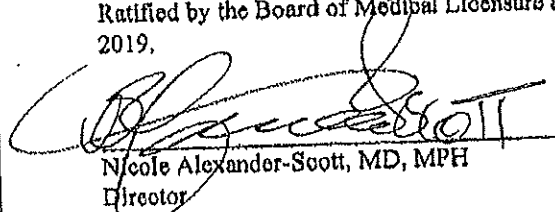
1. Respondent admits to agrees to remain under the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board and is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent 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 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.PRCCompliance@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