

STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH  
BOARD OF MEDICAL LICENSURE  
AND DISCIPLINE

IN RE: ALAN PERL, M.D.

:  
:  
:  
:  
:

C 94-226

**ADMINISTRATIVE DECISION**

This matter came on for hearing before the duly appointed Hearing Committee of the Board of Medical Licensure and Discipline (hereinafter "Board") on October 14, 1998 upon allegations that the Respondent was guilty of unprofessional conduct in that a Massachusetts Trial Court had convicted him of crimes which constitute felonies. Conviction of a felony is a violation of Section 5-37-5.1(3) of the Rhode Island General Laws. The State was represented by counsel. Dr. Perl did not appear for hearing nor was he represented at hearing.

**TRAVEL AND FACTS**

In 1994 Dr. Perl had been charged with two counts of the crime of unlawful distribution or dispensing of a controlled substance within the Commonwealth of Massachusetts, which crime constitutes a felony. As a result of those charges, the Director of Health of the State of Rhode Island summarily suspended the Respondent's license to practice medicine within the State of Rhode Island on December 12, 1994. By agreement of the parties at that time, no hearing was conducted on the issue of whether the summary suspension was proper, pending resolution of the criminal charges. By agreement of the parties, the summary suspension was continued in effect.

In June 1998 Dr. Perl was convicted by a Massachusetts jury of two counts of unlawful distribution or dispensing of a controlled substance, felonies. He was sentenced to the Plymouth House of Correction for terms totalling three (3) years. He is currently incarcerated. An appeal of his convictions has been taken to the Supreme Judicial Court of Massachusetts, and that matter is still pending. On October 7, 1998 the Massachusetts Board of Registration in Medicine issued a Final Decision and Order revoking Dr. Perl's license to practice medicine within the Commonwealth. The State of Rhode Island is herein attempting to do likewise.

#### EVIDENCE PRESENTED

The State presented no witnesses, but did offer six (6) exhibits in support of its position. State's Exhibit #3 clearly shows that Dr. Perl was notified of the date and time of hearing, as were his two former attorneys. One attorney, Robert Murray, returned correspondence to the Board indicating that he no longer represented the Respondent. The other attorney, Richard Egbert of Boston, Massachusetts did not respond, nor did Dr. Perl.

The evidence presented demonstrates that Dr. Perl was convicted of the aforementioned felony charges in June of 1998 (Exhibit 5) and, further, that the Massachusetts Board issued an order revoking Dr. Perl's license to practice within the State of Massachusetts on October 7, 1998.

CONCLUSIONS OF LAW

The Board herein has determined that the Respondent is guilty of unprofessional conduct as same is defined in Section 5-37-5.1(3) of the General Laws by reason of his conviction on two felony charges in June 1998. Violation of Section 5-37-5.1(3) subjects the Respondent to disciplinary proceedings.

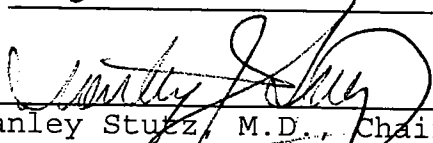
The Board also takes note of the Final Decision and Order of the Massachusetts Board of Registration revoking the Respondent's license to practice medicine in that state. Pursuant to Section 5-37-5.1(21) of the General Laws, this Board is authorized to take reciprocal action against a licensee in this state who has been the subject of disciplinary action in another state.


ORDER

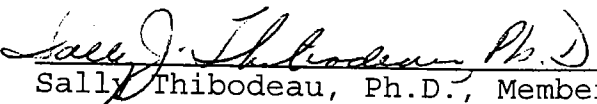
Based upon the Findings of Fact, Evidence Presented, and Conclusions of Law, the Board hereby enters the following Order:

1. That Respondent's license to practice medicine within the State of Rhode Island is hereby **REVOKED**.

Entered this 23rd day of October 1998.

  
\_\_\_\_\_  
Stanley Stutz, M.D., Chairman

  
\_\_\_\_\_  
Barry Jasilli, J.D., Member

  
\_\_\_\_\_  
Sally Thibodeau, Ph.D., Member

Approved as to form and content and accepted as an Order of  
the Director of Health.

Patricia A. Nolan MD MPH  
Patricia A. Nolan, M.D., M.P.H.  
Director of Health

A written appeal of this Administrative Decision may be taken  
within thirty (30) days to the Rhode Island Superior Court.

CERTIFICATION

I hereby certify that I have mailed a true copy of the within  
Administrative Decision to Alan Perl-A1, Plymouth House of  
Corrections, 26 Long Pond Road, Plymouth, MA 02360; Richard  
Egbert, Esquire, 99 Summer Street, Suite 1620, Boston, MA 02110;  
and a copy was given to Bruce McIntyre, Esquire, Legal Counsel,  
Board of Medical Licensure and Discipline, Department of Health,  
Cannon Building, Three Capitol Hill, Providence, RI on this 23rd  
day of October 1998.

Bruce W. McIntyre