

**STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE AND
DISCIPLINE**

C03-117

In the Matter Of:
Philemon T. Marvell, M.D.
License #: MD 05394

Consent Order

Pursuant to R.I. General Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") has received received a complaint from the husband of a patient alleging that the Respondent engaged in a sexual relationship with his wife during the time when the patient was receiving medical care from the doctor. The following constitutes the Investigating Committee's Findings of Fact:

Findings of Fact

1. The Respondent, Philemon T. Marvell, M.D. is a 1976 graduate of the University of Bordeaux medical school. He has been licensed to practice medicine in the State of Rhode Island, since 1978. He was Board Certified in Family Practice in 1994. He manages walk-in medical practices in Massachusetts and Rhode Island.
2. The Respondent admitted to engaging in a sexual relationship with a patient under his care. He was referred to the Physician's Health Committee of the Rhode Island Medical Society for evaluation and follow-up monitoring. The

Respondent cooperated with certain portions of the evaluation but not all of the recommendations of the evaluators.

3. It is the position of the Board that the Respondent was not candid with the evaluators and the Physician Health Committee. Respondent volunteered the information to the Board, however, during a subsequent follow-up meeting on the complaint.
4. Respondent's conduct violates the provisions of RIGL § 5-37-5.1(30) for having sexual contact with a patient during the existence of the doctor/patient relationship.

The parties agree as follows:

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The Respondent is a physician in Rhode Island and Massachusetts with an allopathic license number MD 05394. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

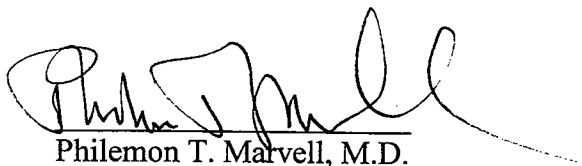
- (1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (2) Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence in 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;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

- (3) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.
- (4) This Consent Order shall become part of the public record once it is accepted by the Board.
- (5) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (6) The Respondent voluntarily surrenders his license to practice medicine in Rhode Island. Respondent may apply for reinstatement only after he has completed an evaluation and treatment program accomplished in collaboration with the Physician's Health Committee of the Rhode Island Medical Society. Upon completion of the program to the satisfaction of

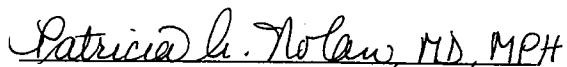
the evaluators, the Respondent may seek reinstatement. Such reinstatement shall be at the discretion of the Board. If the Respondent elects to reapply, he must have worked through the Physician Health Programs and must have had signed releases for the programs and the Board of Medical Licensure and Discipline in order for the programs and the Boards to communicate with the programs and receive all evaluations and recommendations.

Signed this 14th day of July, 2004.



Philemon T. Marvell, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on July 14, 2004.


Patricia A. Nolan, M.D.
Director of Health