

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
**D E P A R T M E N T O F H E A L T H**



*Safe and Healthy Lives in Safe and Healthy Communities*

**BOARD OF MEDICAL LICENSURE AND  
DISCIPLINE**

No. C97-233

No. C97-234

**In the matter of:  
Benjamin S. Vogel, M.D.  
License Number MD04526**

**Consent Order**

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (1995 Reenactment) complaints were filed with the Board of Medical Licensure and Discipline (hereinafter referred to as "Board") charging Benjamin S. Vogel, M.D., Respondent, with violations of §5-37-5.1. An investigation was conducted by Investigating Committee II, so called, of the Board. The following constitutes the Investigating Committee's Findings of Fact with respect to the professional performance of the Respondent.

**Findings of Facts**

1. The Respondent began a weight loss clinic separate and apart from his medical practice of Obstetrics and Gynecology. The Respondent hired staff to operate the clinic under his supervision.
2. The Board finds that protocols and standards for prescribing controlled substances for weight loss were not met in all circumstances.
3. The Board finds that the Respondent's management of the weight loss clinic was in violation of R.I.G.L. 5-37-5.1(19) for failure to maintain minimal standards of acceptable practice in certain circumstances.

4. Respondent does not admit the Boards Findings of Fact numbered 2 and 3 above, but does acknowledge they are the result of an investigation performed by the Board, and voluntarily enters into this consent agreement to resolve the matter.

**The parties agree as follows:**

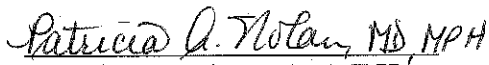
- (1) The Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license No. MD04526 Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.
- (2) Respondent has read this Consent Order and understands that it represents the findings of Investigating Committee II of the Board.
- (3) 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 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.
- (4) Acceptance of this Consent Order constitutes an acknowledgement, not an admission, by the Respondent of the Investigative Findings set forth herein and agrees not to contest this matter any further.
  - (5) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
  - (6) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
  - (7) The Respondent accepts the Board's finding of unprofessional conduct with the sanction of a Reprimand.
  - (8) The Respondent agrees to pay an administrative fee of \$500 (five hundred dollars) within 6 months of ratification of this order.

Signed this 3<sup>rd</sup> day of August, 2000

  
Benjamin S. Vogel, M.D.

Ratified by the Board of Medical Licensure and Discipline on August 9, 2000.

  
Patricia A. Nolan, MD, MPH  
Director of Health