



**IN THE MATTER OF:
VINCENT J. ZIZZA, DO
License No.: DO 00487
Complaint No.: C181021**

CONSENT ORDER

Vincent Zizza, DO ("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 graduated from the University of New England College of Osteopathic Medicine in 1992. Respondent has been a licensed physician in the State of Rhode Island since February 11, 1998. Respondent was board certified in urology in 2007.
2. On August 7, 2018, Respondent and Blackstone Valley Surgicare ("BVS") voluntarily notified the Board that an incident had occurred that morning BVS. Specifically, Respondent had initiated a urological procedure on the wrong side of the Patient A's (alias) body.
3. Respondent was the attending physician for Patient A.
4. Patient A signed a consent form for the left-side procedure and a surgical "time out" was completed prior to beginning the procedure.
5. Nevertheless, at the procedure debrief with the operating room staff, it was learned that Respondent had performed the procedure on the incorrect side. Thereafter, Respondent re-scrubbed and completed the procedure on the correct side.
6. Patient B was informed of the error post-operatively.

7. The post-operative medical record does not reflect that the procedure was initially performed on the incorrect side, then corrected.

8. Respondent had scheduled six additional cases for the morning of August 7, 2018 at BVS; all were canceled after Patient A's procedure.

9.

10. Notably, Respondent initiation of the procedure on the incorrect side was the second wrong-side procedure performed by Respondent since March 2018. Respondent had appeared before the Investigative Committee on May 30, 2018, on Complaint No. C180352, and admitted to making an incision on the incorrect side of another patient. On August 3, 2018, Respondent had executed a Consent Order, pursuant to which he agreed to eight years of probation on his license, among other things. That Consent Order was ratified by the Board on August 8, 2018, the same day that the Director of RIDOH ("Director") summarily suspended Respondent in the instant case.

11. Since August 8, 2018, Respondent has been evaluated for his professional competency by the Center for Personalized Education for Professionals ("CPEP"), which evaluator made specific recommendations for Respondent. Respondent has also been evaluated by the Rhode Island Medical Society Physician Health Program ("PHP"), which evaluator also made specific recommendations for Respondent. Respondent has also been evaluated by a Rhode Island neuropsychologist who performed a fitness-for-practice evaluation and also made specific recommendations for Respondent.

12. Respondent appeared before the Investigative Committee in this case on October 28, 2020, at which time he admitted that he first performed the procedure on Patient A on the incorrect side.

13. Based on the foregoing, the Investigative Committee concluded that Respondent violated R.I. Gen. Laws § 5-37-5.1(19), which defines "unprofessional conduct" as including, "[i]ncompetent, negligent, or willful misconduct in the practice of medicine which includes the rendering of medically unnecessary services, and any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing medical practice in his or her area of expertise as is determined by the board."

Based on the foregoing, the parties agree as follows:

1. Respondent admits to and 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's license is on probation for eight years from the date of ratification of this order ("Probation Period").
5. Respondent's license to practice medicine is reinstated upon ratification of this consent order.
6. Respondent will notify the Board (DOH.PRCompliance@health.ri.gov) if he applies for licensure to practice medicine in any jurisdiction anywhere in the world.
7. Respondent will not provide surgical procedures, excluding the following office based procedures: removal of skin lesions, insertion of foley, and supra pubic tube exchange. In addition, the prohibition on surgical procedures shall not include extracorporeal shock wave lithotripsy, as long as there is an arrangement with licensed urologist to provide any necessary follow-up care.
8. Respondent agrees to pay, within 60 days of the ratification of this Consent Order, an administrative fee to the Board with a check for \$2,260 for costs associated with investigating the above-referenced complaint. Such payment shall be made by certified check, made payable to "Rhode Island General Treasurer," and sent 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.
9. Respondent, at his own expense, shall remain enrolled with the PHP for at least 5 years after ratification of this Consent Order and follow its recommendations.
10. Respondent, at his own expense, shall engage a board approved monitor who shall hold regularly scheduled meetings with Respondent to review cases, including documentation, to discuss decisions related to those cases, to review specific topics, and to make plans for future learning. The period of monitoring shall be 5 years from ratification of this Consent Order.

Reports shall be sent to DOH.PRCCompliance@health.ri.gov. The monitoring reports shall be made once per quarter, starting three months after ratification of this Consent Order, and shall be sent to the Board at the above-referenced email address no later than 15 calendar days after the end of each quarter.

11. Respondent, at his own expense, shall obtain 40 hours of CME credits germane to the areas of study noted in CPEP's evaluation and send proof of completion of these credits to DOH.PRCCompliance@health.ri.gov within one year of the ratification of this Consent Order.

12. Respondent, at his own expense, shall successfully complete a Board-approved course in medical record keeping and send proof of completion of these credits to DOH.PRCCompliance@health.ri.gov within one year of the ratification of this Consent Order.

13. Respondent, at his own expense, shall successfully complete an eight-hour Board-approved course in topics related to shared decision making, informed consent, and/or the universal protocol.

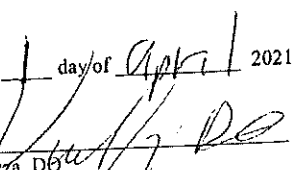
14. Respondent shall not approach the Board for an amendment of this Consent Order regarding performing surgical procedures until he has been successfully employed and practiced in monitored practice for at least 12 consecutive months with at least four favorable monitoring reports from the above-referenced monitor.

15. Respondent shall follow the recommendations of the evaluating neuropsychologist, as noted in the July 8, 2020 neuropsychological evaluation of Respondent.

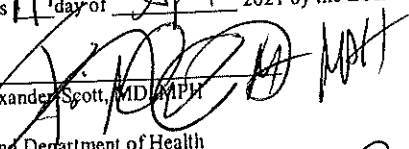
16. If Respondent violates any term of this Consent Order after it is signed and accepted, the Director shall have the discretion to impose further disciplinary action, including immediate suspension of his medical license. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have twenty days from the date of the suspension or further discipline to request a hearing. The Director shall also have the discretion to request a 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 probation period if any alleged violation is proven by a preponderance of evidence.

Signed this 1 day of April 2021.


Vincent Zizza, DO

Ratified this 14th day of April 2021 by the Board of Medical Licensure and Discipline.


Nicole Alexander Scott, MD MPH
Director
Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, Rhode Island 02908


James V. McDevitt
Acting Director