

RHODE ISLAND BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN THE MATTER OF:

Robert O. Cicchelli, MD

License No.: MD09279

Case No.: C23-0574

CONSENT ORDER

The Board of Medical Licensure and Discipline ("Board") makes the following:

FINDINGS OF FACT

1. Robert O. Cicchelli, MD ("Respondent") has been licensed to practice medicine in the State of Rhode Island since August 13, 2002.
2. At the time of the filing of the Complaint, Respondent was employed by Coastal Medical in Newport, Rhode Island, specializing in internal medicine.
3. On or about June 6, 2023, the above-referenced Complaint was filed in connection with Respondent's malpractice insurance carrier notifying the Board of a settlement of a lawsuit that had been filed in Newport County Superior Court.
4. The Board conducted an investigation and examined the medical records relating to the underlying malpractice claim. Respondent also appeared before the Board's Investigative Committee on September 27, 2023 to discuss the matter. The medical records and related information establish that in 2011, Respondent properly ordered an MRA for a patient in order to initially rule out the possibility of a brain aneurysm, based upon the patient's family history. The MRA revealed the existence of a mass in the parietal lobe. Respondent properly ordered a dedicated MRI of the patient's brain which revealed the existence of a probable meningioma. Respondent presented a treatment plan consisting of serial MRIs to be conducted on a five-year periodic basis, beginning in 2016. An MRI was performed in 2017 when the patient developed neurologic symptoms, which revealed an increase in the size of the meningioma compared to the

MRI performed in November of 2011. Respondent immediately referred the patient to a neurosurgeon for further treatment.

5. Based upon a review of the medical records and the related information provided by Respondent, the Investigative Committee made a probable cause determination of a violation of R.I. Gen. Laws § 5-37-5.1(19), due to Respondent's failure to order more frequent diagnostic testing in order to track the potential growth of the meningioma.

Based upon the foregoing, the Parties agree as follows:

1. Respondent admits to and agrees to remain under the jurisdiction of the Board.
2. Respondent agrees to this Consent Order and understands that it is subject to final approval of the Board and is not legally binding on Respondent until Board ratification.
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 Hearing Committee 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 RI DOH public website.
4. Respondent is hereby issued a reprimand and is required to make payment of an administrative fee in the amount of \$1,100.00. Said administrative fee must be paid within six

(6) months of the ratification of this Consent Order and shall be made payable to the Rhode Island General Treasurer, and delivered to the Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908, Attn. Jessica DeSanto. Respondent will send a notice of compliance of this condition to doh.pcompliance@health.ri.gov within thirty (30) days of submitting the above-referenced payment.

5. The Board does not impose any fines or further remediation against Respondent.

6. In the event that any term of this Consent Order is violated, after signed and ratified, the Board or its Director of the Department of Health ("Director") shall have the authority to impose further disciplinary action. If the Board or its Director does so, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days following the suspension and/or further discipline. The Board or its Director shall also have the authority to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may impose further discipline and/or related fees and fines if the alleged violation is proven by a preponderance of evidence.

As Assented to and Signed this 2nd day of NOVEMBER 2023.


Robert O. Cicchelli, MD

Ratified by the Medical Licensure and Discipline Board on the 10th day of

January 2024 (2024)

