

State of Rhode Island
Department of Health
Board of Medical Licensure & Discipline



IN THE MATTER OF:
VINCENT J. ZIZZA, D.O.
License Number DO 00487
Complaint # C180352

CONSENT ORDER

The Rhode Island Board of Medical Licensure and Discipline (hereinafter "Board") has reviewed and investigated the above referenced complaint pertaining to Dr. Vincent Zizza (hereinafter "Respondent") through its Investigative Committee.

FINDINGS OF FACT

1. Respondent is a licensed physician in the State of Rhode Island and was issued his license on February 11, 1998. He graduated from the University of New England College of Osteopathic Medicine in 1992. He was board certified in urology in 2007, and he has hospital privileges at Kent County Hospital. His office is located at Tri-County Urology, Suite 301, 176 Toll Gate Road, Warwick, Rhode Island.
2. The Board received notification from Kent County Hospital regarding a National Practitioner Data Bank report. It was noted in this report, among other things, that Respondent's privileges were summarily suspended March 15th, 2018.
3. Respondent is the attending physician for Patient A, a 60-year-old male, who presented to Respondent for partial nephrectomy of the right kidney due to a renal tumor. Respondent conducted an appropriate pre-op evaluation and obtained informed consent regarding treatment for renal cell carcinoma, including an evaluation for metastatic disease.

4. Respondent did conduct an initial time-out with the surgical team per the hospital's universal protocol. Respondent noted that certain equipment was missing, and a circulating nurse left the room to obtain this additional equipment and placed it on the left side of Patient A. Respondent notes the instrument is usually placed on the side of the patient where the operation is to occur.
5. Respondent had placed 3 of the 4 drapes needed for this operation. The fourth drape was placed by the surgical technician, which covered the initial marking of the correct side for the incision. Respondent did not conduct another time out per hospital protocol and made an incision on the incorrect side of Patient A. The assisting surgeon entered the room immediately after this incision and identified that Respondent made the incision on the incorrect side. Respondent immediately stopped the surgery confirmed laterality with the assistant and sutured the incision site. Then Respondent performed the planned surgical procedure on the correct side of the patient. Patient A and family were notified of the wrong site incision immediately after completion of the surgery.
6. Respondent appeared before the Investigative Committee on May 30th, 2018 and admitted he did make an incision on the incorrect side of Patient A.
7. Respondent has violated Rhode Island General Law § 5-37-5.1 (19) *negligent . . . misconduct in the practice of medicine which includes . . . 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 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 this Consent Order 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;

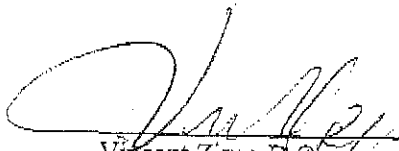
- b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order; and
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
 - h. Any objection that this Consent Order will be reported to the National Practitioner Data Bank, Federation of State Medical Boards.
4. Respondent hereby agrees to successfully complete a Board approved Continuing Medical Education course of at least twenty (20) hours duration, prior to December 31, 2018.
 5. Respondent's license is on probation for eight (8) years from date of ratification of this order (the "Probation Period").
 6. Respondent's license to practice medicine is suspended for five (5) years but said suspension shall be actively served and commence at 12:00 AM September 1st, 2018 and continue through 12:00 PM October 31st, 2018 for a continuous period of 61 days. The remainder of the five (5) year suspension (58 months) shall be stayed throughout the Probationary Period on the condition that Respondent fully comply with this Consent Order as well as abide by all laws and regulations regarding the practice of medicine in Rhode Island.
 7. 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.
 8. Prior to September 1, 2018, Respondent shall notify active patients that he is currently treating of his office closure and their options for obtaining coverage.

Active patients that he is currently treating shall mean any patient that Respondent has treated in the six (6) weeks prior to September 1, 2018, as well those whom he believes may need urological care during the period September 1, 2018 to October 31, 2018. In addition, from September 1, 2018 to October 31, 2018, Respondent shall ensure that patients who call the office are told that the office is closed during that period and if a patient requests a copy of his or her medical records such records shall be made available to such patient within thirty (30) days of a patient providing a valid written request for such medical records.

9. From September 1, 2018 to October 31, 2018, Respondent shall arrange for patients requiring immediate care to be treated by another group of urologists. Alternately, such patients may choose to receive urological care from another physician and Respondent's practice will transfer patient's medical records to a succeeding physician within thirty (30) days of a patient providing a valid written request to transfer such medical records.
10. Respondent will ensure that the Operating Room Director or person of equivalent title (the "Overseer") at any hospital or surgery center at which he operates will review the surgical log for each surgery he performs and confirm Respondent's compliance with the universal protocol. Respondent will ensure that the Overseer provides a monthly report of its monitoring to DOH.PRCOMPLIANCE@health.ri.gov by the 15th of the following month. Respondent shall comply with the monitoring and reporting requirements set forth in this Section 10 until December 31, 2020.
11. Respondent agrees to pay within (60) days of the ratification of this Consent Order an administrative fee to the Board with a check for \$1,070 dollars made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint. Respondent will send notice of compliance with this condition to DOH.PRCOMPLIANCE@health.ri.gov within 30 days of mailing the above referenced payment.


12. If Respondent violates any term of this Consent Order, after it is signed and accepted, the Director of the Department of Health 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 the right to request a hearing within twenty (20) days of the suspension and/or further discipline. The Director of the Department of Health shall also have the discretion to request a hearing after notice to Respondent of a violation of any term of this Consent Order. The Board 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 3 day of August 2018.



 Vincent Zizza D.O.

Ratified this 31st day of August 2018 by the Board of Medical Licensure and Discipline.



 Nicole Alexander-Scott, M.D., M.P.H.
 Director
 Rhode Island Department of Health
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