

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



IN THE MATTER OF:
Arnold Rosenbaum, MD
License No.: MD 04446
Case No.: 191638A

CONSENT ORDER

Arnold Rosenbaum, MD (“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 has been a licensed physician in the State of Rhode Island since August 9, 1972. Respondent’s practice is located at 65 Eddie Dowling Highway, North Smithfield, Rhode Island.
2. The Board was notified by the National Practitioner Data Bank (“NPDB”) of the settlement of a malpractice suit, relative to care of Patient A (alias), pursuant to which a payment was made on behalf of Respondent.
3. Patient A was a 43-year-old male with a documented and known history of asplenia (absence of his spleen) as a result of a bicycle accident during adolescence. Asplenia is known to result in a compromised immune system.
4. Respondent was Patient A’s attending physician on April 2, 2015 at an urgent care clinic where Patient A presented seeking health care for an acute illness.

5. Patient A presented with a history of fever¹, chills, night sweats, fatigue and aches. Respondent documented Patient A's vital signs and recorded a pulse oximetry of 99%. Asplenia was documented in the medical record, but there is no indication in the medical record that Respondent assessed whether Patient A had been immunized with Pneumovax®, which is a vaccine to protect against infection from Streptococcus pneumoniae (pneumococcal) bacteria that is typically administered to patients who have lost their spleens.

6. Respondent conducted a rapid flu test, which was negative. Respondent also ordered a urinalysis, but the patient was unable to void.

7. In response to the above-referenced complaint, Respondent submitted a written response to the Board.

8. Respondent subsequently appeared before the Investigative Committee, via teleconference, on May 7, 2020, at which time Respondent answered the Investigative Committee's questions relative to the quality of care Respondent delivered to Patient A

9. The Investigative Committee concluded that Respondent failed to meet the minimum standard of care.

10. The Investigative Committee concluded that Respondent had violated R.I. Gen. Laws § 5-37-5.1(19), which defines "unprofessional conduct" as including, "*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*", inclusive of medical record keeping.

Based on the foregoing, the parties agree as follows:

1. Respondent admits to and agrees to remain under the jurisdiction of the Board.

¹ The medical record provides no indication as to how high.

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 agrees to pay, within 5 days of the ratification of this Consent Order, an administrative fee of \$1250.00 for costs associated with investigating the above-referenced complaint. Such payment shall be made by 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.

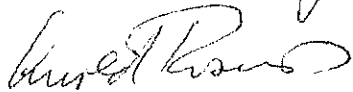
5. Respondent hereby agrees to a reprimand on his physician license.

6. Respondent agrees to limit his scope of practice to pain medicine and addiction medicine, exclusively; Respondent has ceased to practice and will not resume the practice of urgent care medicine without express, written permission of the Board.

7. Respondent agrees to take greater than 12 hours of Category 1-approved CME with respect to risk management and/or medical records keeping prior to his next reporting obligation.


8. If Respondent violates any term of this Consent Order after it is signed and accepted, the Director of RIDOH ("Director") shall have the discretion to impose further disciplinary action, including immediate suspension of Respondent's medical license. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request an administrative hearing within 20 days of the suspension and/or further discipline. The Director shall also have the discretion to request an administrative 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 licensing period if the alleged violation is proven by a preponderance of evidence.

Signed this 16th day of June, 2020.

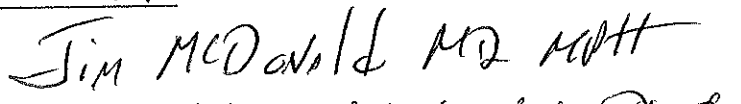


Arnold Rosenbaum, MD

Ratified by the Board of Medical Licensure and Discipline on the 8th day of JULY, 2020.



Nicole Alexander-Scott, MD, MPH
Director



Jim McDonald MD MPH
Delegated Authority Acting Director

Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, RI 02908