



IN THE MATTER OF:

David Burchenal M.D.
License Number MD 10842
BMLD Case Number C170904

CONSENT ORDER

David Burchenal, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") makes the following:

FINDINGS OF FACT

1. Respondent is a licensed physician in Rhode Island and was issued his license on March 15th, 2002. His primary specialty is internal medicine in which he is board certified.
2. The Board received a report C170904 regarding disciplinary action from the State of Connecticut, Department of Public Health, Healthcare Quality and Safety Branch.
3. In the Connecticut action Respondent attended "Patient A" (alias) as a primary care provider for 11 years. Patient A has microhematuria and hematuria noted several times in the medical record. Respondent did not follow up on this abnormal finding and Patient A was going to Florida for the winter. Patient A was subsequently diagnosed with renal failure and sepsis a few months later and succumbed to this illness.
4. Respondent agreed to a Consent order with the Connecticut Medical Examining Board

where he agreed to a reprimand, additional CME, a civil penalty of \$8000, probation for 3 years and a board approved monitor of 20% (or 20) medical records for 3 years.

5. Rhode Island General Law §5-37-5.1(21) provides that based on sufficient facts, the Board may take action under the following circumstances: *“Surrender, revocation, suspension, limitation of privilege based on quality of care provided, or any other disciplinary action against a license or authorization to practice medicine in another state or jurisdiction; or surrender, revocation, suspension, or any other disciplinary action relating to a membership on any medical staff or in any medical or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct which would constitute grounds for action as described in this chapter”*.

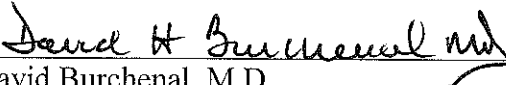
Based on the foregoing, the parties agree as follows:

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.
3. This Consent Order is not binding on Respondent until final ratification by the Board.
4. 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;

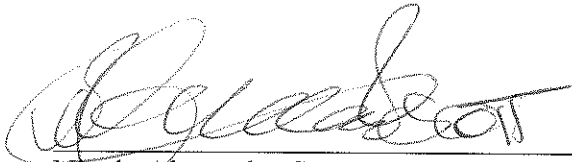
- e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order; and
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
 - h. Any objection that this Consent Order will be reported to the National Practitioner Data Bank, Federation of State Medical Boards as well as posted on the department's public web site.
5. Respondent agrees to pay within (60) days of the ratification of this Consent Order an administrative fee to the Board with a check for \$650 dollars made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint.
6. Respondent hereby agrees to this reprimand on his physician license.
7. Respondent has successfully completed CME already satisfactory to jurisdiction of original complaint.
8. In the event that any term of this Consent Order is violated, after it is signed and ratified by the Board, the Director of the Department of Health shall have the discretion to impose further disciplinary action. If the Director imposes further disciplinary action, Respondent has the right to request an administrative hearing within twenty (20) of said disciplinary action. The Director of the Department of Health 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 Hearing Panel of the Board 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 26 day of September, 2017.


David Burchenal, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 11th day of October 2017.



Nicole Alexander-Scott, M.D., M.P.H.

Director

Rhode Island Department of Health

3 Capitol Hill, Room 401

Providence, Rhode Island 02908