

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



IN THE MATTER OF:
Luciano Sztulman, MD
License No.: MD 10209
Case No.: C190412

CONSENT ORDER

Luciano Sztulman, MD (“Respondent”) is licensed as a physician in Rhode Island. The 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 December 7, 1999. Respondent graduated from the Medical School of ABC University Foundation on December 1, 1983.
2. The Board received notice of settlement of an alleged malpractice suit arising out of Respondent’s care of a Patient 1 whom alleged complications related to tumescent liposuction of various parts of the body, including the abdominal area, specifically, a viscus perforation and abscess (“Patient 1”). The Investigative Committee reviewed Respondent’s written response and Respondent’s medical record for Patient 1. Respondent appeared before the Investigative Committee on September 25, 2019.

3. The Investigative Committee found that pre- and post-operative documentation in the medical record was inadequate. The record includes documentation of post-operative contact with Patient 1, but these visits are very minimally documented and lack evidence of meaningful history, exam or evidence of medical decision making, assessment, or specific plan.

4. On the evening of POD #22, Patient 1's spouse called Respondent and reported that Patient 1 was experiencing a malodorous drainage from the left flank incision and that Patient 1 was incoherent and tired. Respondent advised Patient 1's spouse to call 911 immediately. Patient 1 was taken to the hospital, where he was diagnosed with sepsis, and treatment was initiated. Patient 1 subsequently underwent surgery, and a small bowel perforation and abscess were identified. Patient 1 subsequently underwent multiple surgeries to treat these complications. The Investigative Committee noted that these complications, specifically the small bowel perforation, were not identified as known complications in the informed consent form presented to and executed by Patient 1 for the procedure performed by Respondent, i.e., tumescent liposuction, nor were these complications included in any information given to the patient by Respondent about the procedure.

5. The Investigative committee concluded that Respondent violated R.I. Gen. Laws § 5-37-5.1(19).

Based on the foregoing, the parties agree as follows:

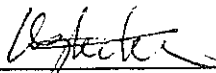
1. Respondent admits to and agrees to remain under the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board and is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent 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;
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- 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 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 five days of the ratification of this Consent Order, an administrative fee of \$1180.00 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.PRCCompliance@health.ri.gov within 15 days of submitting payment.
5. Respondent agrees to this reprimand on his physician license.
6. Respondent shall successfully complete the Case Western Reserve University Intensive Course in Medical Documentation within seven months of ratification of this order. Respondent will send notice of compliance with this condition to DOH.PRCCompliance@health.ri.gov within 15 days of completing the course.
7. In the event that 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 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.

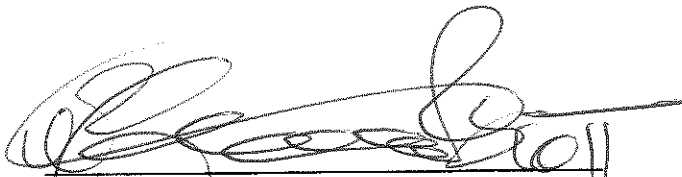
[SIGNATURE PAGE FOLLOWS]

Signed this 5th day of December, 2019.



Luciano Sztulman, MD

Ratified by the Board of Medical Licensure and Discipline on the 11th day of December
2019.



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