

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



IN THE MATTER OF:
Matthew Rogalski, MD
License No.: MD 13007
Case No.: C180728

CONSENT ORDER

Matthew Rogalski, 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 Rhode Island since June 10, 2009.
2. Respondent graduated from Wake Forest University, Bowman Gray School of Medicine, on May 16, 2005
3. Respondent, pursuant to his application for renewal of his Rhode Island license, disclosed to the Board that his gynecology privileges at Sturdy Memorial Hospital in Attleboro, Massachusetts ("Sturdy") had been revoked in 2017.
4. Respondent's gynecology privileges were suspended and subsequently revoked following an April 18, 2017 gynecological procedure performed by Respondent on Patient A (alias). Respondent was the attending physician for Patient A, who underwent a LEEP (Looped Electrosurgical Excision Procedure) to address an abnormal PAP smear. Patient A suffered a complication from the procedure that was not recognized intra-operatively or post-operatively by Respondent. Patient A presented to the emergency department on April 19, 2017, at which point

a perforation of the small bowel was identified and, subsequently, repaired by a general surgeon.

5. At the time of the Patient A's procedure, Respondent had been in compliance with an FPPE (Focused Professional Practice Evaluation) unrelated to this type of procedure.

6. Effective May 23, 2017, Sturdy revoked Respondent's gynecology privileges based on the April 17, 2017 event and Sturdy's existing concerns relative to Respondent's gynecologic care that had precipitated the FPPE.

7. Respondent appeared before the Investigative Committee on November 28, 2018, at which time he and addressed the facts and circumstances of the April 17, 2017 event and the FPPE, which resulted in the revocation of his gynecology privileges, however his obstetrical privileges were not revoked.

8. Respondent violated § 5-37- 5.1(21), which defines "unprofessional conduct" as including *"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 that would constitute grounds for action as described in this chapter."*

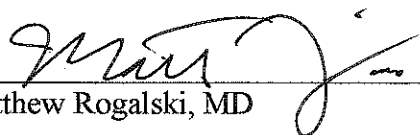
Based on the foregoing, the parties agree as follows:

1. Respondent 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;
 - 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 \$1050.00 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 30 days of submitting the above-referenced payment.
5. Respondent hereby agrees to this reprimand on his physician license.
6. Within six months of ratification of this Consent Order, Respondent will complete greater than 16 hours of Board approved courses in gynecologic surgery.
7. 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 30th day of December, 2019.



Matthew Rogalski, MD

Ratified by the Board of Medical Licensure and Discipline on the 8th day of January, 2020
~~2019~~



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