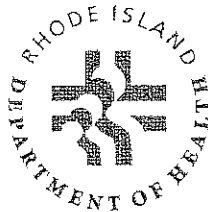


State of Rhode Island
Department of Health
Board of Medical Licensure & Discipline



IN THE MATTER OF:
Michael Heru M.D.
License Number MD 08125
Case # C177736

CONSENT ORDER

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

FINDINGS OF FACT

1. Respondent is a licensed physician in Rhode Island and was issued his license on December 20th, 2005. Respondent's specialty is Internal Medicine. Respondent is a graduate of University of West Indies June 1, 1982.
2. Respondent was the attending physician for Patient A.
3. The Board received a report from the National Practitioner Data Bank reporting a settlement in the care of Patient A on behalf of Respondent for \$1 million dollars on October 5th, 2017. Date of loss of Patient A was reported as care delivered on or about November of 2010.
4. Patient A saw Respondent several times at a "walk-in clinic" from 2008 through 2012 for various acute medical problems. At several visits, Patient A was noted to have hypertension.
5. Patient A was evaluated on several visits from 2008 through 2012 and at some of these visits, Patient A's blood pressure was elevated. The medical record did not always reveal a diagnosis of hypertension. On some visits, the medical record revealed a diagnosis of hypertension secondary to stress.

6. The Investigative Committee was particularly concerned about Patient A's visit to Respondent on November 26th, 2010. Patient A presented with a complaint of lot of stress, headaches as well as cough congestion, ears itchy, sore throat and stuffy nose for 1 day. Patient A's blood pressure that visit was recorded as 174/110. Respondent diagnosed Patient A with Acute Sinusitis and Acute Rhinitis. Patient A was prescribed Imitrex® as well as Naprosyn®. There was no diagnosis of Hypertension in the medical record on that date, nor were there any lab orders or treatment prescribed for hypertension.
7. Respondent states he did order lab tests and encouraged for Patient A to follow up with a primary care provider, yet these orders and referrals were not documented in the medical record.
8. Patient A did not have health insurance and Respondent states he waived the fee to see Patient A, so Patient A would have lab work done. Patient A did not have lab work done according to Respondent, yet continued to frequent this "walk-in" clinic for acute problems and at every visit, blood pressure continued to be elevated.
9. Respondent's medical record at each visit did record vital signs and a history of present illness and physical exam. Respondent's medical record did not document lab tests were ordered, nor did he always record a diagnosis of hypertension when blood pressure was recorded as elevated. Respondent also did not document in the medical record the need for a primary care physician to follow up on these medical problems. He did prescribe Lisinopril for hypertension.
10. Patient A was subsequently diagnosed with Stage IV/V kidney failure and requires lifelong dialysis.
11. The Investigative Committee concluded Respondent did not meet the minimum standard of care for documentation of care delivered to Patient A.
12. Respondent violated R.I.G.L. § 5.37.5.1(19), *...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.* Respondent also violated the Rules and Regulations for the Licensure and Discipline of Physicians R5-37-MD/DO 11.4.

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 as well as posted on the department's public web site.
4. Respondent agrees to pay upon ratification of this Consent Order an administrative fee to the Board with a check for \$850 dollars made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint.
5. Respondent will send notice of compliance with all conditions of this order to DOH.PRCOMPLIANCE@health.ri.gov within 30 days of satisfying each condition.
6. Respondent hereby agrees to this reprimand on his physician license.

7. If any term of this Consent Order is violated, 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. 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. After hearing thereon, the Board may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if any alleged violation is proven by a preponderance of evidence.

Signed this 17 day of April, 2018.


Michael Heru, M.D.

Ratified this 13th day of June 2018 by the Board of Medical Licensure and Discipline.


Nicole Alexander-Scott, M.D., M.P.H.
Director
Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, Rhode Island 02908