

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



**IN THE MATTER OF:**  
**Samuel Kagan M.D.**  
**License Number MD 08504**  
**Case # C16-919**

**CONSENT ORDER**

Samuel Kagan, 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 September 1, 1993. His primary specialty is family medicine. His Practice was located at 925 Main Street, East Greenwich, Rhode Island. Respondent has retired from the practice of medicine.
2. The Board received a notice of settlement of a lawsuit, C16-919, regarding Patient A (alias) regarding care received while under the care of the Respondent in 2009.
3. Respondent was the attending physician for Patient A. Patient A presented to Respondent for symptoms of cough and pain in center of chest. Recorded vital signs did not include the patients pulse, blood pressure or respiratory rate. Recorded physical exam of the patient did not include auscultation of the heart. The patient was diagnosed with an

Upper respiratory tract infection and prescribed azithromycin.

4. Patient A was brought to Kent Hospital in cardiopulmonary arrest later that evening and pronounced dead 7 hours after seeing respondent. There was not an autopsy.
5. Respondent has violated Rhode Island General Laws §5-37-5.1(19) for failure to meet the minimum standard of care.

**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 within (60) days of the 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 hereby agrees to this reprimand on his physician license.
6. In the event that 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. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request an administrative 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 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 7 day of August, 2017.

  
Samuel Kagan, M.D.

Board of Medical Licensure & Discipline  
Samuel Kagan M.D. C16-919

Ratified by the Board of Medical Licensure and Discipline on the 9<sup>th</sup> day of August 2017.



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