

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

DEPARTMENT OF HEALTH

**BOARD OF MEDICAL
LICENSURE AND DISCIPLINE**

**IN THE MATTER OF:
Carl Schwartz, M.D.
License Number MD 07124
BMLD Complaint Number C13-551**

CONSENT ORDER

Carl Schwartz, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") received notice a malpractice judgment in 2013. The Board makes the following:

FINDINGS OF FACT

1. Respondent is a physician who has been licensed in Rhode Island since July 1, of 1987. He graduated from St. Georges University School of Medicine in 1982. Respondent's specialty is anesthesia.
2. A malpractice judgment was reported to the Board via the National Practitioner Data Bank on June 21, 2013 regarding care given to "Patient A". The facts of this case have been reviewed thoroughly by the investigative committee, which determined that the Respondent did not document an abnormal finding from an intraoperative transesophageal echocardiogram in the medical record.
3. The patient had severe mitral valve insufficiency and atrial fibrillation and presented for mitral valve replacement in January of 2004. Respondent was

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responsible for providing general anesthesia and conducting a preoperative and intraoperative transesophageal echocardiogram.

4. Respondent performed the preoperative transesophageal echocardiogram which revealed abnormal findings yet a normal aortic valve. Subsequent, intraoperative transesophageal echocardiogram revealed a well seated prosthetic mitral valve and aortic insufficiency, presumably due to an errant stitch by the cardiothoracic surgeon. Respondent avers he communicated this result to the attending cardiothoracic surgeon, yet the medical record as documented by respondent records is blank in this area.
5. Patient A had to undergo a second surgery to repair the aortic valve which was damaged intra-operatively.
6. Based on the deficiency in the patient's medical record, Respondent has violated Rhode Island General Laws §5-37-5.1(19) and Section 11.4 of the Rhode Island Rules and Regulations for the Licensure and Discipline of Physicians based on the failure to meet minimum standards of care regarding sufficient medical recordkeeping.

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.

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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.
4. Respondent agrees to pay within sixty (60) days of the ratification of this Consent Order an administrative fee to the Board with a check for \$650.00 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 signed and accepted, the Director of the Department of Health shall have the discretion to summarily impose further disciplinary action. If the Director summarily 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

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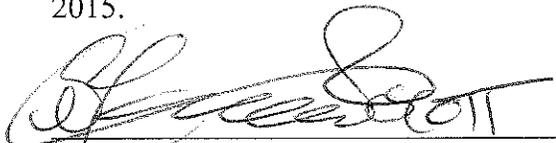
disciplinary action. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, if the alleged violation is proven by a preponderance of evidence.

Signed this 16 day of June, 2015.



Carl Schwartz, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 8th day of July, 2015.



Nisole Alexander-Scott, M.D., M.P.H.
Director
Rhode Island Department of Health