

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH**

In the Matter of:
Curtis J. Perry, M.D.
License Number MD 07729
Artistic Surgical Center
1567 South County Trail (Route 2)
East Greenwich, RI 02818

Consent Order

Pursuant to R.I. General Laws §5-37-5.2, 1956, as amended, (2004 Reenactment) the Board of Medical Licensure and Discipline (hereinafter referred to as “Board”) has received information relating to the Respondent’s Practice of Cosmetic Surgery. The following constitutes the Investigating Committee’s Findings:

FINDINGS OF FACT

1. Curtis J. Perry, M.D. (“Respondent”) is a physician licensed to practice medicine in Rhode Island since 1990. He is Board Certified by the American Board of Medical Specialties in Otolaryngology. Additionally, he is certified by the American Board of Facial Plastic and Reconstructive Surgery (ABFPRS), a board that was created in 1986 to assist ear, nose and throat physicians to obtain additional recognition for “their knowledge and skills”.
2. The Respondent performs “Extreme Makeovers”, Breast Enlargement”, “Body Sculpting”, Facial Rejuvenation”, “Facial Sculpting”, and other surgical procedures. Additionally, the Respondent performs rhinoplasty, liposuction, and abdominoplasty in the Artistic Surgical Center. The Artistic Surgical Center is not licensed as a “Physician Ambulatory Surgery Center” as required by the Rules and Regulations (R23-17-PASC). This means that the surgical safeguards which are required in licensed facilities may not be present in the Artistic Surgical Center. On

September 26, 2007 the RI Department of Health issued an immediate compliance order stating that all surgical procedures at Artistic Surgery Center must cease immediately, that all patients must be notified by the Respondent and that no further surgical procedures will be permitted at Artistic Surgical Center until further Order.

3. The Respondent does not have surgical privileges or hospital privileges at any accredited facility in Rhode Island that would allow him to perform the full range of cosmetic procedures that he was performing in his office practice and therefore is unable to assist patients for post surgical complications in a hospital.
4. The Respondent does not have post surgical coverage service with another surgeon when he is away. This lack of identified coverage leaves Kent Hospital and other area hospitals responsible for the Respondent's post surgical complications.
5. The Respondent is allowing unlicensed medical assistants to administer intravenous Midazolam and Ketamine under his supervision without a nurse or anesthesiologist present. He has previously used the medication Propofol.
6. The Respondent's use of medications such as Versed, Ketamine or Propofol constitutes conscious sedation.
7. The Respondent is also allowing unlicensed medical assistants to mix, prepare or compound medications and solutions for use on patients.
8. The Respondent was site-visited by inspectors from the Department of Health in 2001. Although at that time he claimed he was not performing procedures or using medications in a fashion that would have required licensing of his operatory under State law, he was given materials to review for licensure and should have been aware of licensing requirements.
9. The Respondent has also advertised his practice in a fashion that can be misleading to the public.
10. The Respondent violated Rhode Island General Laws § 23-17 and 5-37-5.1 for operating an unlicensed physicians operatory, for allowing unlicensed medical assistants to mix, compound and administer prescription medications, for administering conscious sedation to patients without appropriate safeguards, for advertising in a manner which can be misleading to the public, and for not having appropriate physician cross coverage and inpatient care plans.

The parties agree as follows:

The Respondent is a physician with an active allopathic license No.9962.
Respondent admits to the jurisdiction of the Board.

(1) Respondent has read this Consent Order and understands that it is effective immediately. 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 in 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 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;
- h. Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order.

(2) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth in paragraphs 1 through 8,

inclusive, of the Findings Of Fact section herein. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

- (3) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to disciplinary action.
- (4) The Respondent agrees to three [3] months Suspension of his license to Practice Medicine effective September 26, 2007 and Three [3] years probation.
- (5) The Respondent must achieve licensure for his operatory prior to performing any surgical procedures at that site.
- (6) The Respondent must maintain appropriate cross coverage relationships. The Respondent must provide the Board a description of his cross coverage arrangements for inpatient and outpatient care.
- (7) The Respondent must be very clear in all communications and advertisements, written or verbal regarding his medical and surgical qualifications such as Board Certification. Specifically when representing that he is Board Certified he must endeavor to assiduously avoid any misunderstanding that he may be Board certified in Plastic Surgery by the American Board of Surgery.
- (8) The Respondent agrees to pay an administrative fee of \$2,000 within 60 days of this order.

Signed this 9th day of October, 2007.


Curtis Perry, M.D.

Ratified by the Board of Medical Licensure and Discipline on this _____ day of October 2007.



David R. Gifford MD
Director

10/10/07

Date