

STATE OF RHODE ISLAND, DEPARTMENT OF HEALTH  
BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN THE MATTER OF:  
Ellen Frankel M.D.  
License Number MD 07038  
BMLD Case Number C14-301;

CONSENT ORDER

Ellen Frankel M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") through its investigating committee voted to find Respondent had committed unprofessional conduct and made the following:

FINDINGS OF FACT

1. Respondent has been a licensed physician in the State of Rhode Island since April 1, 1987. Respondent's primary specialty is Dermatology.
2. Respondent is the physician for "Patient A" who had a prior history of skin cancer. Patient A was evaluated in April of 2012 for 2 skin lesions and diagnosed with actinic keratosis with liquid nitrogen applied. Patient A was evaluated again on 5 separate occasions and the lesions were treated each time with liquid nitrogen. At times, the lesions were noted to be improved yet larger and at times erythematous.
3. In November of 2013, Patient A chose to be evaluated by another Dermatologist and the lesions were biopsied. The biopsy revealed the lesion was squamous cell carcinoma.

4. The Board retained an expert to review the above matter. The expert reviewed the case and opined "Standard of care is to biopsy a lesion for histologic assessment if the lesion's clinical diagnosis is uncertain and there is a suspicion of a skin cancer. Clinical parameters that indicate an actinic keratosis may be progressing to an invasive squamous cell carcinoma are rapid growth, ulceration, size > 1cm, induration, bleeding, erythema, pain, hyperkeratosis, pruritus, and unresponsiveness to treatment" The Board expert noted, that on more than one occasion, the medical record indicated such a pattern existed and was not responding to the liquid nitrogen. Additionally, the lesions should have been biopsied sooner. The Board expert concluded the standard of care was not met.
5. Respondent is in violation of Rhode Island General Laws § 5-37-5.1(19) for failure to conform to the minimal standards of acceptable and prevailing medical practice.

Based on the foregoing, the parties agree as follows:

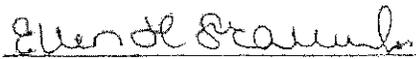
1. Respondent admits to the jurisdiction of the Board;
2. Respondent has reviewed this Consent Order and understands that it is subject to final approval of the Board; and this Consent Order is not binding on Respondent until final ratification by the Board;
3. If ratified by the Board, Respondent hereby 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;
  - 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 will be reported to the National Practitioner Data Bank, Federation of State Medical Board or posted on Rhode Island Department of Health web site.
4. Respondent agrees to this Reprimand by the Board based on the above findings.
  5. Respondent shall submit to the Board a check payable to the Rhode Island General Treasury in the amount of \$1250.00 within 60 days of ratification of this order, as an administrative fee in resolving the above-referenced complaint.
  6. Respondent will attend within 9 months of ratification of this order a Board approved CME of 12 hours on cutaneous lesions.
  7. In the event that any conditions of this Consent Order are violated after it is signed and accepted, the Director of the Department of Health shall have the discretion to impose further disciplinary action against Respondent's license. If the Director suspends such license, Respondent shall be given notice and shall

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have the right to request an administrative hearing within twenty (20) days of the  
suspension. The Director of the Department of Health shall also have the  
discretion to request an administrative hearing after notice to Respondent,  
regarding any violation of this Consent Order.

Signed this 31 day of May, 2016.

  
Ellen Frankel, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 13<sup>th</sup> day of  
July ~~June~~ 2016.

  
Nicole Alexander-Scott, M.D., M.P.H.  
Director of Health  
Rhode Island Department of Health, Room 401  
Three Capitol Hill  
Providence, RI 02903