

**STATE OF RHODE ISLAND  
DEPARTMENT OF HEALTH**

**BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**IN THE MATTER OF:**

**John Golberg, M.D.**

**License Number MD06202**

**BMLD Case Number C14-1033**

**CONSENT ORDER**

John Golberg, 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 after review of the complaint to reprimand the Respondent and the Board makes the following:

**FINDINGS OF FACT**

1. Respondent has been licensed as a physician in the State of Rhode Island since June 1983. He graduated from the University of Alberta, Canada, in 1974. He is a Board certified orthopaedic surgeon and he has hospital privileges at Landmark Medical Center. His office is located at 206 Cass Avenue, Woonsocket, Rhode Island.
2. Patient A, alias, was a 58 year old female who had severe osteoarthritis of the knee, which limited her ability to conduct activities of daily living and work. Respondent performed knee replacement surgery in April 2012. The immediate post-operative outcome was notable for a series of medical issues immediately post-operative, yet as patient convalesced, patient had recurring pain, and was notified by respondent of possible concerns with a component of the knee

replacement. Respondent arranged for the patient to seek a tertiary level expert opinion and she did that and that physician agreed that there was some misalignment of the surgical components and ultimately recommended a revision some time later.

3. The Board contacted a board-certified orthopedic surgeon for a review of the above matter. It was the opinion of the reviewer that the second opinion of the physician was correct and that there was some misalignment of one of the surgical components.
4. Patient B was an 85 year old female who sustained a fall at home and suffered a hip fracture. Respondent subsequently performed surgery, specifically an open reduction and internal fixation, in November 2012. Respondent determined shortly after this surgery that the open reduction and internal fixation was not in good position secondary to osteoporosis and inadequate maintenance of internal fixation, and Respondent recommended a second procedure which was joint hip hemi-arthroplasty. After consultation with the family, further surgery was recommended and performed by the Respondent for the patient to correct and stabilize the hip fracture. This second surgery was performed once the patient was in more stable condition, in December of 2012. Patient recovered and continues under the care of Respondent.
5. The Board consulted with a board-certified orthopedic surgeon to conduct a review. The reviewing surgeon noted a concern preoperatively regarding the quality of the images, which respondent relied on and also questioned the selection of the implant device.

6. The Board finds that Respondent is in civil violation of Rhode Island General Laws § 5-37-5.1(19) for failure to conform to the minimum standards of acceptable and prevailing practice in Respondent's area of expertise.
7. In response to this complaint and investigation, Respondent voluntarily undertook and successfully completed an independent evaluation and competence assessment of his practice of orthopedic surgery, which is a two (2) day course to evaluate clinical competence, decision-making and capabilities of physicians. Additionally, Respondent has, in 2014, completed over 50 hours of Continuing Medical Education relevant to these matters including:
  - a) Medical Records CME, Atlanta, GA (17 hours);
  - b) International Congress for Joint Reconstruction, CME on sports injuries of the hip and knee, plus total hip arthroplasty, New York, NY (21.75 hours);
  - c) AAOS CME, Hip Fracture Treatment (4 hours);
  - d) AAOS CME, Femoral neck fractures, appropriate imaging, accurate diagnosis, and treatment options, treatment paradigms for screw fixation, hemi-arthroplasty, and total hip replacement (3.5 hours);
  - e) AAOS CME, Nailing Intertrochanteric Hip Fractures (4 hours); and
  - f) AAOS CME, Ligament Balancing in total knee Arthroplasty (3 hours).

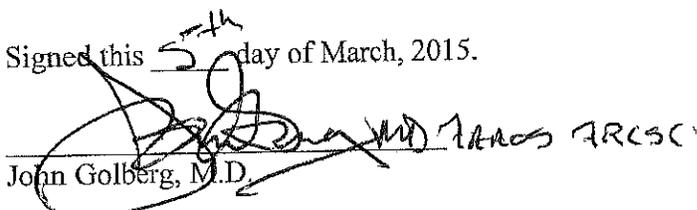
**Based on the foregoing, the parties agree as follows:**

1. Respondent admits to the jurisdiction of the Board;
2. This Consent Order resolves all pending complaints or investigations by the Board against Respondent.
3. 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;

4. 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.
  
5. To resolve and settle this matter, Respondent hereby consents to this Reprimand by the Board, without waiving any rights to defend or contest the facts which are the subject of this matter in any subsequent civil action by any third party.
  
6. Respondent agrees to pay an administrative fee to the Board for costs associating with investigating this complaint. Respondent shall submit to the Board within sixty (60) days a check made payable to the Rhode Island General Treasury for the amount of \$2,200.00.
  
7. Respondent agrees to probation of one year from date of ratification of this order, probation expires without additional notice on the anniversary date.
  
8. Respondent shall adhere to the program outlined at Landmark Medical Center, as set forth in the Corrective Action Agreement between Respondent and Landmark Medical Center. Respondent agrees to have supervision in the performance of joint replacement (hip and knee) surgery until such time as the Board notifies Respondent that such supervision is no longer required, which notification shall not be unreasonably withheld.

9. 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, including summarily suspending the Respondent's license to practice medicine in the State of Rhode Island. If the Director suspends such license, Respondent shall be given notice and shall 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 of any violation of this Consent Order. The Director of the Department of Health may suspend Respondent's license if an alleged violation is proven by a preponderance of evidence.

Signed this <sup>5<sup>th</sup></sup> day of March, 2015.

  
John Golberg, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 11 day of March, 2015.

  
Michael Fine, M.D.  
Director of Health  
Rhode Island Department of Health  
Cannon Building, Room 401  
Three Capitol Hill  
Providence, RI 02903  
Tel. (401) 222-2231  
Fax (401) 222-6548