

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

**IN THE MATTER OF JOSEPH LATINA, MD  
LICENSE NUMBER MD 04105**

**C10-588**

**CONSENT ORDER**

The Board of Medical Licensure and Discipline, (hereinafter, "Board") received notice from the Office of Facility Regulation relating to an allegation of failure to follow operative procedures and techniques by Joseph Latina, MD (hereinafter, "Respondent"). The matter was referred to the Investigating Committee (hereinafter, "Committee") for review and recommendation. The following are the findings of fact and conclusions of law of the Committee:

**Findings of Fact and Conclusions of Law**

1. The Respondent is a physician licensed to practice medicine, license number MD04105. He is a 1968 graduate of the Medical College of Wisconsin. The Respondent is Board Certified in General Surgery.
2. Respondent is practicing at 1145 Reservoir Avenue, Cranston, RI and has hospital privileges at Rhode Island Hospital and St. Joseph's Hospital.
3. On September 14, 2010 Respondent performed a laparoscopic cholecystectomy (surgical removal of the gall bladder through an incision at the navel) on the patient at

St. Joseph's Health Services of Rhode Island. Upon entering the incision, blood was noted to be in the abdominal cavity and Respondent elected to perform a formal open operation.

4. Exploration of the abdomen revealed an aortic laceration. Respondent paged Dr. Rajabiun, a vascular surgeon, to assist in the repair of the laceration. The procedure was completed, and post recovery, the patient was taken to the Cardiac Care Unit.
5. Expert Review was completed of the case, which revealed that an aortic injury is a rare complication, and is avoidable with careful techniques. The expert attributed the complication to Respondent's insertion techniques.
6. Further investigation revealed another injury to the aorta during the same procedure by Respondent on July 15, 2009. Respondent's malpractice claim history includes two (2) separate settlements, from October 2006 and March 2010.
7. The Investigating Committee found that the Respondent failed to follow operative procedures and techniques. The Committee concluded that this constituted unprofessional conduct on the part of Respondent, pursuant to R.I.G.L. 5-37-5.1(19).

**The Parties Agree as Follows:**

Based on the foregoing findings of fact and conclusions of law by the Committee, the parties agree as follows:

- a. Respondent submits to the jurisdiction of the Board.
- b. Respondent acknowledges and hereby waives:
  1. The right to appear personally, by counsel, or both before the Board;
  2. The right to produce witnesses and evidence on his behalf at a hearing;

3. The right to cross examine witnesses;
  4. The right to have subpoenas issued by the Board;
  5. The right to further procedural steps except as specifically contained herein;
  6. Any and all rights of appeal to this Consent Order;
  7. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
  8. Any objection to the fact that it will become necessary for the full Board to become acquainted with all the relevant information pertinent to this matter in order to review this Consent Order adequately;
  9. Any objection to the potential for bias against the Respondent that might occur as a result of presentation of this Consent Order
- c. Acceptance of this Consent Order constitutes an admission by the respondent to the findings of fact made by the Committee.
  - d. This Consent Order shall become part of the public record once it has been accepted by all the parties.
  - e. Failure to comply with the terms of this Consent Order, when accepted and signed, shall subject the Respondent to further disciplinary action.

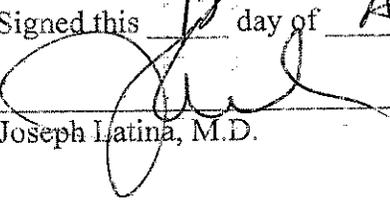
#### SANCTION

The Respondent hereby consents to a reprimand and further education of surgical techniques.

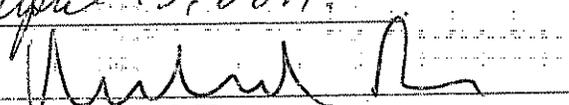
The Respondent is also ordered to pay an administrative fee of Five Hundred (\$500.00)

Dollars within 60 days of ratification of this order.

Signed this 3<sup>rd</sup> day of APRIL, 2011.

  
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Joseph Latina, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on

April 13, 2011.  
  
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Michael Fine, MD  
Interim Director of Health