BOARD OF MEDICAL LICENSURE AND DISCIPLINE **No. C03-053**

In the Matter of:
Luciano Sztulman, MD
License Number MD 10209

Consent Order

Pursuant to R.I. Gen. Laws §5-37-5.2, 1956, as amended, (2002 Reenactment) a notice of restricted privileges was filed with the Board of Medical Licensure and Discipline (hereinafter referred to as the "Board"), as required by law, by a hospital in which the Respondent practiced obstetrics and gynecology. The following constitutes the Investigating Committee's Findings of Fact with respect to the professional performance of the Respondent.

Findings of Facts

1. The Respondent, Luciano Sztulman, M.D., is an obstetrician and gynecologist who has practicing his specialty in Rhode Island since 1999. His primary business address is 235 Plain St., Providence, RI
2. The Respondent was treating a 29 year-old woman for prenatal care. At 18 weeks, the patient presented to the hospital with a diagnosis of inevitable abortion. Respondent elected to perform a dilatation and evacuation (D & C).
3. The Respondent's preoperative, interoperative, and post-operative decision making did not meet acceptable standards. The patient returned to the hospital with a uterine perforation that should have been recognized during the D & C

in the opinion of the hospital peer review panel and the Board. The patient returned to the hospital 8 hours later with abdominal pains and fainting.

4. The Board finds that the Respondent is in violation of Rhode Island General Laws 5-37-5.1(19) for a failure to conform to the minimal standards of acceptable and prevailing medical practice in obstetrics and gynecology.

The parties agree as follows:

The Respondent is a physician with an active allopathic license No. MD 10209. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

(1) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.

(2) 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.

(3) Acceptance of this Consent Order constitutes an admission by the Respondent of the facts set forth herein.

(4) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.

(5) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(6) The Respondent accepts a concurrent restriction of privileges imposed by the hospital and will be enrolled in the Practitioner Remediation and Enhancement Project (PREP) and will attend continuing education programs with the approval of the Board. The Respondent shall pay an administrative fee of five-hundred ($500.00) dollars within 30 days of ratification of this Order.

Signed this 8th day of December, 2003.

Luciano Sztulman, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on November 12, 2003.

Patricia A. Nolan, MD, MPH

Patricia A. Nolan, MD, MPH
Director of Health