

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

DEPARTMENT OF HEALTH

BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN THE MATTER OF:

Rita S. Kurl, M.D.

License Number MD 008896

BMLD Case Number C08-335

CONSENT ORDER

Rita S. Kurl, M.D. (hereinafter "Respondent") is licensed as a physician in the State of Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") found after the investigative committee's review of the complaint, the records, and the written response of the Respondent, that Respondent committed an act of unprofessional conduct arising from a malpractice litigation settlement for her improper insertion of a gastrostomy tube into a patient's abdomen. The investigating committee made the following:

FINDINGS OF FACT

1. Respondent is a physician who has been licensed in Rhode Island since June 7, 1995. Her business address is Roger Williams Medical Center, 825 Chalkstone Avenue, Providence, Rhode Island 02908, and her primary specialty is internal medicine, in which she has been board certified since 1996. She has hospital privileges at Roger Williams and Saint Joseph Hospitals.
2. Respondent on March 23, 2008, inserted a silicone gastrostomy catheter into the abdomen of an 89 year old female patient, who had twice pulled out her own G-tube prior to arriving at Our Lady of Fatima Hospital emergency department. Respondent confirmed tube placement with auscultation (using sound), but when tube was flushed, patient cried out in pain. Respondent appropriately ordered a fistulogram x-ray to check the tube's placement. The hospital had recently

changed its imaging software and Respondent had not been trained on it as of this time. The Respondent, when interpreting the film, due to unfamiliarity with the new system, selected an x-ray done earlier the same day which showed proper placement of the tube (which was done earlier in the day).

3. The patient was discharged and returned to her nursing home, but returned to the emergency department the next morning. The radiologist who viewed the correct x-rays that had been ordered by Respondent the previous evening noticed that the G-tube projected over the patient's upper abdomen and that contrast material was located outside the lumen (cavity) of the stomach, suggesting that the tube's end was outside of it. He observed on the film some free intraperitoneal air, which "cannot exclude stomach perforation". Patient had surgery that day to repair the perforation caused by the tube, which the surgeon found lying in the subcutaneous tissues. The surgical team evacuated 700 milliliters of tube feedings from the abdomen, and the tube was reinserted. Patient later developed a massive infection and died thirteen days after the improper G-tube placement.

3. Respondent is in violation of Rhode Island General Laws § 5-37-5.1 (22) and (28) for malpractice on a particular occasion.

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent has agreed to 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.
4. Respondent agrees to this Reprimand by the Board for the above reasons.
 5. Respondent agrees to a five (5) year period of probation.
 6. In the event that any term of this Consent Order is violated, after signed and accepted, the Director of the Department of Health shall have the discretion to summarily suspend the Respondent's license and/or impose further disciplinary action. If the Director suspends the license and/or imposes further disciplinary action, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of the suspension and/or further discipline. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's probationary period if the alleged violation is proven by a preponderance of evidence.

Signed this 26 day of November, 2012.

Rita Skurl MD
Rita S. Kurl, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 12 day of ^{December} ~~November~~, 2012 *MSF*

Michael R
Michael Fine, M.D.
Director of Health