

RHODE ISLAND BOARD OF MEDICAL LICENSURE AND DISCIPLINE

IN THE MATTER OF:

Rafael Enrique Liporaci Lucena, MD

License No.: MD15059

Complaint No.: C23-0815

**CONSENT ORDER**

The Board of Medical Licensure and Discipline ("Board") makes the following:

**FINDINGS OF FACT**

1. Rafael Enrique Liporaci Lucena, MD ("Respondent") has been licensed to practice medicine in the State of Rhode Island since June 1, 2015.
2. At the time of the filing of the Complaint, Respondent was employed by Prospect Charter Care Physicians, LLC, in East Providence, Rhode Island, with a specialty in Internal Medicine.
3. On August 29, 2023, the Board was notified by an insurance carrier of a settlement payment in the amount of \$2.5 million made on behalf of Respondent in connection with a medical malpractice lawsuit filed in 2021 alleging that Respondent failed to order appropriate cardiac testing, resulting in the death of a patient in January of 2020. Respondent was the patient's primary care physician and has denied all allegations of malpractice at the time of the settlement of the claim.
4. Following notice of the lawsuit settlement, the Board's Investigative Committee reviewed the patient's medical records, autopsy report, and also interviewed Respondent on December 20, 2023. The medical records and the information provided by Respondent establish that the patient was under Respondent's care since February of 2017 and that the patient presented with a history of hypertension. The patient was seen by Respondent four times in 2019, including an annual exam on March 20, 2019, as well as for care related to patient's hip arthroplasty which was performed in May of that year. On July 10, the patient reported an

episode of chest pain that occurred 5 days earlier. The patient indicated that the pain subsided and that he did not seek medical attention at the time of the incident. During his July 10 visit, the patient denied that the chest pain was related to his heart, claiming that he had eaten spicy food and recently consumed alcohol. Respondent reported to the Board's investigative committee that he twice requested that the patient undergo an electrocardiogram (EKG) during the office visit, but that the patient declined. Respondent indicated that he ordered blood lipid studies, which the patient failed to complete. Respondent further stated that his standard practice for patients with indicia of cardiovascular disease is to perform an EKG, check lipid levels via a blood test, and to perform an echocardiogram, with a referral to a cardiologist based on the results of those studies. The Investigative Committee determined that the medical records did not document the Respondent's discussion with the patient, the patient's declination of the EKG, or a referral to cardiology. The patient was seen by Respondent again on November 20, 2019, primarily concerning a complaint of pain in the hip area. The medical records do not reflect any follow-up with the patient concerning the previous chest pain and the need for an EKG and lipid testing as they had not been performed at the previous visit.

5. Based upon a review of the medical records and the appearance by Respondent, The Investigative Committee concluded that Respondent had not met the standard of care regarding cardiovascular disease and the committee made a probable cause determination of unprofessional conduct, in violation of R.I. Gen. Laws § 5-37-5.1(19).

**Based upon the foregoing, the Parties agree as follows:**

1. Respondent admits to and agrees to remain under the jurisdiction of the Board.
2. Respondent agrees to this Consent Order and understands that it is subject to final approval by the Board and is not binding on Respondent until final ratification.
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; and
- g) any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the RI DOH public website.

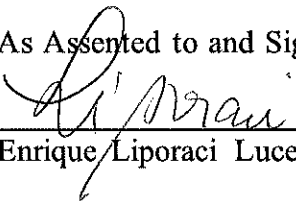
4. Respondent is hereby issued an order of reprimand by the Board and shall pay administrative fees in the amount of \$1,100.00. No fines have been imposed. The administrative fees must be paid within three (3) months of the ratification of this Consent Order by the Board and shall be made payable to the Rhode Island General Treasurer, and delivered to the Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908, Attn. Jessica DeSanto. Respondent will send notice of compliance of this condition to [DOH.PRCOMPLIANCE@HEALTH.RI.GOV](mailto:DOH.PRCOMPLIANCE@HEALTH.RI.GOV) within thirty (30) days of submitting the above-referenced payment.

5. Respondent, at his own expense, shall complete and successfully pass a course pre-approved by the Board on medical records/documentation, as well as 20 hours of continuing medical education ("CME") in outpatient cardiovascular disease and screening. The course and CMEs shall be completed within six (6) months from the ratification of this Consent Order. Respondent shall be required to comply with the recommendations provided to him in writing from any course required herein.

6. In the event that any term of this Consent Order is violated, after ratification and approval, the Board or its Director shall have the discretion to impose further

disciplinary action pursuant to R.I. Gen. Laws §§ 5-37-5.1 through 5-37-6.3. If the Board or its Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of further discipline. The Board or its Director shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. Any administrative hearings, whether initiated by the Board or the Respondent, shall be conducted in accordance with R.I. Gen. Laws §§ 5-37-5.1 through 5-37-6.3 or R.I. Gen. Laws §§ 5-37-8 and 42-35-14(c), the Rules and Regulations for the Licensure and Discipline of Physicians (216-RICR-40-05-1), the Rules and Regulations for Practices and Procedures Before the Rhode Island Department of Health (216-RICR-10-05-4), and applicable provisions of R.I. Gen. Laws Chapter 42-35-1 *et seq.*

As Assented to and Signed this 12 day of June, 2024.

  
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Rafael Enrique Liporaci Lucena, MD

Ratified by the Medical Licensure and Discipline Board on the 9<sup>th</sup> day of

October 2024.

  
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Tracey A. Truitt, MD