

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2019-024

In the Matter of)
)
)
KENNETH SERRA, M.D.)
_____)

CONSENT ORDER

Pursuant to G.L. c. 30A, § 10, Kenneth Serra, M.D. (Respondent) and the Board of Registration in Medicine (Board) (hereinafter referred to jointly as the "Parties") agree that the Board may issue this Consent Order to resolve the above-captioned adjudicatory proceeding. The Parties further agree that this Consent Order will have all the force and effect of a Final Decision within the meaning of 801 CMR 1.01(11)(d). The Respondent admits to the findings of fact specified below and agrees that the Board may make the conclusions of law and impose the sanction set forth below in resolution of investigative Docket No. 17-433.

Findings of Fact

1. The Respondent was born on March 26, 1970. He graduated from the University of Colorado School of Medicine in 1997. He is certified by the American Board of Radiology in Diagnostic Radiology. He has been licensed to practice medicine in Massachusetts under certificate number 235894 since August 6, 2008. He is also licensed to practice medicine in Illinois.

2. On November 27, 2017, the Department of Financial and Professional Regulation of the State of Illinois (State of Illinois) disciplined the Respondent when it accepted the

Respondent's Consent Order (Illinois Consent Order). In the Illinois Consent Order, the Respondent stipulated that the State of Illinois had the authority to discipline him under 225 ILCS 60/22 (A)(5); 68 Ill Admin. Code 1285.240; 20 ILCS 2105/2105-130. 225 ILCS 60/22(A)(5) states as a grounds for discipline: "Engaging in dishonorable, unethical, unprofessional conduct likely to deceive, defraud or harm the public." In the Consent Order, the Respondent stipulated that his insurance carrier settled a lawsuit arising out of the Respondent's alleged failure to diagnose a testicular torsion in interpreting a patient's ultrasound. The Respondent stipulated that if true said allegations would subject him to discipline. The Illinois Consent Order is attached hereto as Attachment A and incorporated herein by reference.

Conclusion of Law

A. The Respondent has violated 243 CMR 1.03(5)(a)12 in that he has been disciplined in another jurisdiction in by the proper licensing authority for reasons substantially the same as those set forth in G.L. c. 112, § 5 or 243 CMR 1.03(5)—specifically:

1. The Respondent has engaged in conduct that undermines the public confidence in the integrity of the medical profession. *See Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982).

Sanction and Order

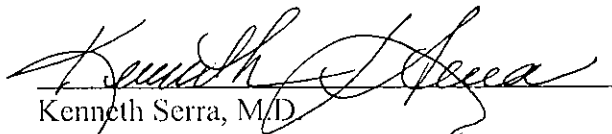
The Respondent's license is hereby Reprimanded. This sanction is imposed for each violation of law listed in the Conclusion section and not a combination of any or all of them. The Respondent waives any right of appeal that she may have resulting from the Board's acceptance of this Consent Order.

Execution of this Consent Order

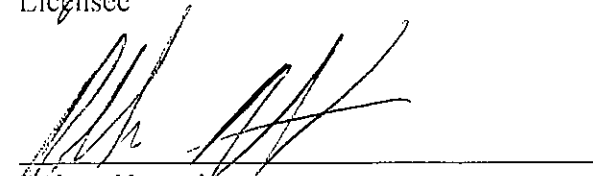
The Respondent shall provide a complete copy of this Consent Order with all exhibits and attachments within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which the Respondent practices medicine; any in- or out-of-state health maintenance organization with whom the Respondent has privileges or any other kind of association; any state agency, in- or out-of-state, with which the Respondent has a provider contract; any in- or out-of-state medical employer, whether or not the Respondent practices medicine there; the state licensing boards of all states in which the Respondent has any kind of license to practice medicine; the Drug Enforcement Administration Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which the Respondent becomes associated in the year following the date of imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that the Respondent has complied with this directive.

The Board expressly reserves the authority to independently notify, at any time, any of

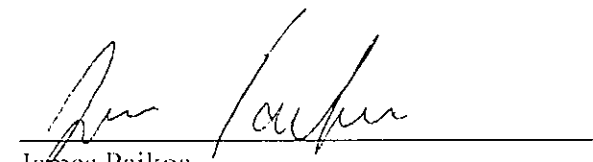
the entities designated above, or any other affected entity, of any action it has taken.


Kenneth Serra, M.D.
Licensee

8/27/18
Date

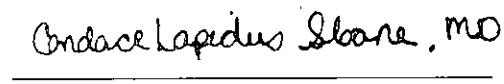

Robert Hurstak
Attorney for the Licensee

8/27/18
Date


James Paikos
Complaint Counsel

9/24/18
Date

So ORDERED by the Board of Registration in Medicine this 2 day of May,
20 19.


Candace Lapidus Sloane, M.D.
Board Chair

**STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION**

DEPARTMENT OF FINANCIAL AND)	
PROFESSIONAL REGULATION of the)	
State of Illinois,)	Complainant,
)	
v.)	No. 2017-01297
)	
KENNETH L. SERRA, M.D.)	
License No. 036.120283)	Respondent.

CONSENT ORDER

The Department of Financial and Professional Regulation of the State of Illinois, Division of Professional Regulation ("Department"), by Sarah M. Lipinski, Staff Attorney, Medical Prosecutions, and Kenneth L. Serra, M.D., ("Respondent"), by and through his attorney Anthony J. Salerno, hereby agree to the following:

STIPULATIONS

Respondent holds a Certificate of Registration as a Physician and Surgeon in the State of Illinois, License No. 036.120283. Respondent's license is currently in voluntary NOT-RENEWED status. At all times material to the matter set forth in this Consent Order the Department had jurisdiction over the subject matter and parties herein.

On or about February 6, 2017, the Department was notified that Respondent's insurance carrier settled a lawsuit arising out of Respondent's alleged failure to diagnose testicular torsion in interpreting a patient's ultrasound. The allegation(s) as set forth herein, if proven to be true, would constitute grounds for the Department to revoke, suspend, or otherwise discipline Respondent's license to practice as a Physician and Surgeon in the State of Illinois, on the authority of 225 ILCS 60/22(A)(5); 68 Ill. Admin. Code 1285.240; 20 ILCS 2105/2105-130.

On October 4, 2017, an informal conference was held at the Department's Chicago office. Present on behalf of the Department were Sarah M. Lipinski, Staff Attorney, Mary Hannosh, Law Clerk, and Brian Zachariah, M.D., Chief Medical Coordinator. Frank Nicolosi, M.D., J.D., was present on behalf of the Medical Disciplinary Board (Board). Respondent appeared in person along with his attorney, Anthony J. Salemo.

For purposes of this Consent Order only, Respondent neither admits nor denies the allegations but Respondent acknowledges that should this matter proceed to a contested hearing, the Illinois Medical Disciplinary Board ("Board") could find a violation of the Medical Practice Act. The Department and Respondent stipulate that the above acknowledgement is made only for the purposes of this Consent Order. In the event that this Consent Order is not approved by the Board or the Director of the Division of Professional Regulation of the Department ("Director"), this acknowledgement shall not be admissible in any proceeding and the matter will be set for an evidentiary hearing on the merits as if this Consent Order had not been submitted.

Respondent has been advised of the right to a formal hearing to contest the pending allegations and the right to administrative review of any order resulting from said hearing. Respondent knowingly waives each of these rights, as well as the right to administrative review of this Consent Order. Such waiver ceases if this Consent Order is rejected by either the Board or the Director of the Division of Professional Regulation of the Department (Director).

Respondent has freely and willfully entered into this Consent Order without any threat or coercion by any person. Respondent acknowledges that he has not relied upon any statement or promise made on behalf of the Department except as set forth herein.

Respondent and the Department have agreed in order to resolve this matter that Respondent be permitted to enter into a Consent Order with the Department providing for the imposition of disciplinary measures which are fair and equitable under the circumstances and which are consistent with the best

interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Sarah M. Lipinski, Staff Attorney, and Kenneth L. Serra, M.D., Respondent, by and through his attorney, Anthony J. Salerno, hereby agree to the following:

- A. Respondent's Physician and Surgeon License, No. 036.120283, shall be **REPRIMANDED**.
- B. Respondent shall complete five (5) hours of Continuing Medical Education (CME) credits related to medical record keeping and/or terminology and five (5) hours of CME credits related to testicular torsion.

- 1. Respondent must seek pre-approval in writing by the Department's Chief Medical Coordinator prior to attendance of said CMEs. Respondent shall send his written request for pre-approval to the Department's Chief Medical Coordinator at:

Illinois Department of Financial and Professional Regulation
Attn: Chief Medical Coordinator
100 W. Randolph Street, Suite 9-300
Chicago, IL 60601.

- 2. Respondent shall submit proof of completion of the aforementioned CMEs within twelve (12) months of the final approval of this Non-Disciplinary Order to the following address:

Illinois Department of Financial and Professional Regulation
Attn: Chief Medical Coordinator
100 W. Randolph Street, Suite 9-300
Chicago, IL 60601.

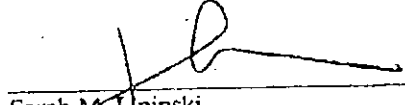
- 3. In the event Respondent fails to complete the aforementioned CMEs within twelve (12) months of the effective date of this Non-Disciplinary Order, Respondent acknowledges and agrees that his failure to complete the aforementioned CMEs permits the Director to issue an Order forthwith mandating the automatic, indefinite and immediate suspension of Respondent's Physician and Surgeon

License, No. 036.120283, for a minimum period of twelve (12) months. This suspension shall not preclude the Department from taking any other disciplinary or other actions it deems appropriate. In the event that Respondent contests the factual basis underlying said Indefinite Suspension in a written Petition that complies with the Department's Rules of Practice in Administrative Hearings, which is filed with the Department within fifteen (15) days of the effective date of the Indefinite Suspension, then Respondent shall be afforded a hearing on the merits within thirty (30) days from the filing of said Petition.


4. The aforementioned CMEs may count towards the total required to renew Respondent's license in 2020.
- C. This disposition is considered a discipline for reporting purposes to entities such as the National Practitioner Data Bank.
- D. This Consent Order shall become effective upon signing and approval by the Director.
- E. Following approval by the Director, Respondent consents and agrees to accept electronic service of this fully executed Consent Order via email, in lieu of certified or registered mail. Service shall be made upon Respondent's counsel's email address.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION
of the State of Illinois

11/09/17
DATE


Sarah M. Lipinski
Attorney for the Department

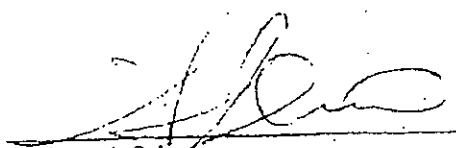
11/6/2017
DATE


Kenneth L. Serra, M.D.
Respondent

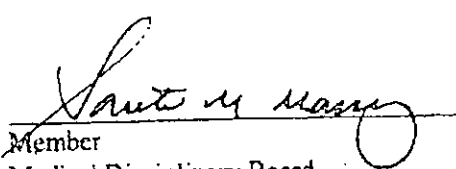
ken.serra@
vrad.com

Digitally signed by Kenneth L. Serra, M.D.
DN: cn=Kenneth L. Serra, M.D., o=Illinois
Reason: I agree to the terms outlined by
the placement of my signature in this
document.
Location:
Date: 2017.11.06 20:46:39

11-9-17
DATE


Anthony J. Salerno
Counsel for Respondent

11/15/17
DATE


Member
Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 27 day of November, 2017.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL
REGULATION of the State of Illinois:
Bryan Schneider, Secretary

DIVISION OF PROFESSIONAL REGULATION


Jessica Baer, Director

REF: Case No. 2017-01297
Lic. No. 036.120283