

COMMONWEALTH OF MASSACHUSETTS

Middlesex, SS.

Board of Registration in Medicine

Adjudicatory Case No. 2019-024

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In the Matter of )  
 )  
 )  
KENNETH SERRA, M.D. )  
\_\_\_\_\_ )

**STATEMENT OF ALLEGATIONS**

The Board of Registration in Medicine (Board) has determined that good cause exists to believe the following acts occurred and constitute a violation for which a licensee may be sanctioned by the Board. The Board therefore alleges that Kenneth Serra, M.D. (Respondent) has practiced medicine in violation of law, regulations, or good and accepted medical practice as set forth herein. The investigative docket number associated with this order to show cause is Docket No. 17-433.

**Biographical Information**

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.

**Factual Allegations**

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.

#### Legal Basis for Proposed Relief

A. Pursuant to 243 CMR 1.03(5)(a)12, the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician has been disciplined in another jurisdiction in any way by the proper licensing authority for reasons substantially the same as those set forth in M.G.L. c. 112, § 5 or 243 CMR 1.03(5)—to wit, pursuant to *Levy v. Board of Registration in Medicine*, 378 Mass. 519 (1979); *Raymond v. Board of Registration in Medicine*, 387 Mass. 708 (1982), the Board may discipline a physician upon proof satisfactory to a majority of the Board, that said physician lacks good moral character and has engaged in conduct that undermines the public confidence in the integrity of the medical profession; The Board has jurisdiction over this matter pursuant to G.L. c. 112, §§ 5, 61 and 62. This adjudicatory proceeding will be conducted in accordance with the provisions of G.L. c. 30A and 801 CMR 1.01.

Nature of Relief Sought

The Board is authorized and empowered to order appropriate disciplinary action, which may include revocation or suspension of the Respondent's license to practice medicine. The Board may also order, in addition to or instead of revocation or suspension, one or more of the following: admonishment, censure, reprimand, fine, the performance of uncompensated public service, a course of education or training or other restrictions upon the Respondent's practice of medicine.

Order

Wherefore, it is hereby **ORDERED** that the Respondent show cause why the Board should not discipline the Respondent for the conduct described herein.

By the Board of Registration in Medicine,

*Candace Lapidus Sloane, MD*

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Candace Lapidus Sloane, M.D.  
Board Chair

Date: May 2, 2019



**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

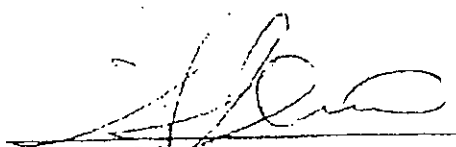
  
Kenneth L. Serra, M.D.  
Respondent

ken.serra@  
vrad.com

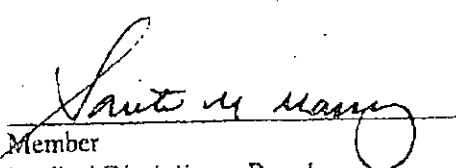
Digitally signed by Kenneth L. Serra, M.D.  
DN: cn=Kenneth L. Serra, M.D., o=Illinois  
Department of Financial and Professional  
Regulation, email=ken.serra@vrad.com, c=US  
Date: 2017.11.06 15:43:19



11-9-17  
DATE

  
Anthony J. Salerno  
Counsel for Respondent

11/15/17  
DATE

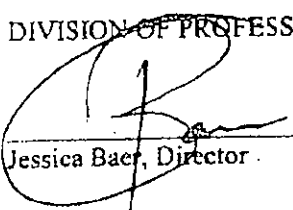
  
Member  
Medical Disciplinary Board

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