

WILLIAM HEISEL'S ANTIDOTE: INVESTIGATING UNTOLD HEALTH STORIES

Doctors Behaving Badly: Rhode Island anesthesiologist put patients under his deviant spell, med board says

Rhode Island, Doctors Behaving Badly, Russel J. Aubin

By **William Heisel**

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When a patient is under anesthesia, they are truly at a doctor's mercy.

This makes the case of Dr. Russel J. Aubin, an osteopath and anesthesiologist, especially troubling.

Antidote has written in the past about doctors who overprescribed medications, made the wrong diagnoses or started illicit affairs with their patients. At least these patients had control over their bodies and minds.

Aubin was accused of fondling a 21-year-old college student while she was undergoing knee surgery to repair a soccer injury at Kent Hospital in Warwick, Rhode Island. [Medical board records](#) show that she was immobilized but awake during the procedure and that Aubin talked to her while he was touching her. The medical board records describe how Aubin started massaging the student's neck and shoulders during the procedure:

The patient stated that she was not in any pain and had not requested the "massage." In fact, she was confused by [Aubin's] actions, wasn't sure if the massage was part of the procedure [Aubin] next began to touch her breast He bent down close to her face and told her not to tell anyone or he could lose his job. The patient asked [Aubin] if he did this all the time, to which responded "No, I just couldn't control myself."

He allegedly also asked her repeatedly if she had a boyfriend.

Aubin has denied all the allegations and said that the anesthesia drugs made the woman hallucinate. Because the patient had a drape separating her from the surgeon working on her knee – with Aubin positioned near her head – Aubin's lawyer tried to make the case during a medical board hearing that, had Aubin truly molested the patient, she would have screamed. Underscoring the vulnerability of patients when they are placed under anesthesia, the patient had this response:

The patient testified that she was afraid any movement or sound she made would distract the surgeon, thus exposing her to injury.

Even though the drape prevented the surgeon and two nurses from seeing what was going on, one nurse did report that Aubin was "hovering close to the patient in an 'intimate' manner with his arms on the bed." Aubin also had this enlightening response. He told hospital officials that he always gave patients massages, especially women who were undergoing C-sections. Check with the American Society of Anesthesiologists and the American Association of Nurse Anesthetists and you will not find any recommendation that doctors give their patients massages. Health care organizations generally frown on the idea of touching patients excessively.

The dosages of anesthesia that Aubin administered are also suspect. A medical board expert in anesthesiology said that Aubin had given the college student an unnecessary dose of Benadryl for one purpose: "to make the patient sleep and forget what happened to her."

Kent County Hospital took these allegations seriously when the patient first raised her concerns the day of the surgery. The hospital's vice president for medical affairs interviewed the patient and "concluded that the patient's story was credible." Then the hospital immediately put Aubin on voluntary leave. This was a crucial distinction from a suspension. As a hospital official later testified before the medical board, "placing [Aubin] on administrative leave would not require reporting the circumstances to the Department of Health and would give the hospital an opportunity to 'sort things out' without continuing [to have Aubin] on the premises."

The ploy did not work.

The Rhode Island Board of Medical Licensure and Discipline did find out, perhaps because the patient or a hospital staff member complained. In response, the board took swift action. The board suspended Aubin's license in January 2005, less than three weeks after the incident.

Then the wheels of justice started to grind, churning up more details about Aubin's past. Following another anesthesia procedure, he allegedly took a patient's chart, jotted down her phone number and called her to ask for a date. One can only imagine that conversation: "Hello! You may not remember me because you were out of commission, but I've seen you without your clothes on and would love a sequel."

On another occasion, he asked a female hospital employee to look at pornography with him on a hospital computer. The board called these violations of "professional boundaries."

Had these been the only incidents in Aubin's past, he might have kept his license. But during a hearing with the medical board, a fairly large bomb dropped.

The medical board called a witness who had also been a patient of Aubin's. At the age of 24, she had undergone anesthesia in 2000 at Wing Memorial Hospital in Massachusetts for a procedure to remove a cyst from her left wrist. As with the college student, a drape was placed between the surgeon and the patient's head. Aubin remained close to the patient's head, fondling her breasts and talking to her, according to her testimony. Here's what he told her, according to the medical board:

"Don't tell anyone. I could get in a lot of trouble."

That patient reported the incident to the police and to the hospital. The investigations went nowhere. But she remained unsettled by what happened that day. When she read about Aubin having his license suspended, she contacted the medical board. Her testimony five years later helped push the case against Aubin over the top. In December 2005, the medical board [revoked Aubin's license](#).

Aubin appealed in 2006, but his appeal was denied in [Rhode Island Superior Court](#) in 2007.

This reminded me of [my recent conversation with Carol Cronin](#) of the Informed Patient Institute. She said that patients should not be discouraged if their complaints to medical boards appear to fall on deaf ears. One complaint may not be enough to provoke action, but two or three or four could be enough of a trend to persuade a board to do something.

In Aubin's case, the complaints of both women now are on the record for everyone to see. A thorough record of the allegations and the actions against Aubin is available at the Rhode Island

medical board's website, although it is too difficult to find. The board features a "[Licensee Lookup](#)" a link to the Administrators in Medicine's "Docfinder" site and then a completely separate link for "[Disciplinary Actions](#)," meaning patients may end up going to three different places before finding Aubin's disciplinary record.

Final question: Did Massachusetts, which ignored the first patient's complaints, take action this time around? Yes. Based on Rhode Island's action against Aubin, [Massachusetts revoked license](#) in March 2007. Aubin also has been licensed in Virginia and Tennessee, but neither of those states provides any record about Aubin.

Jenn Harris contributed to this report.

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hello he is appealing now ??

Posted by Anonymous (not verified) | Wed, 2011-04-20

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