



THIS STORY HAS BEEN FORMATTED FOR EASY PRINTING

Judge upholds revocation of doctor's medical license



January 16, 2007

PROVIDENCE, R.I. --A judge upheld the decision to revoke the medical license of a doctor accused of fondling a patient during surgery despite the doctor's recent acquittal on sexual assault charges.

The state Board of Medical Licensure and Discipline concluded in December 2005 that anesthesiologist Russel J. Aubin fondled a woman's breasts while she was sedated but awake during knee surgery at Kent Hospital. Aubin appealed that decision.

Superior Court Judge Gilbert V. Indeglia rejected Aubin's assertions that the board's decision violated his right to due process and improperly relied on evidence from a Massachusetts woman who testified that she had a similar experience with Aubin years earlier.

"After thoroughly reviewing the entire record this Court holds that the board based its decisions on reliable, probative, and substantial evidence in the record and that its findings were not affected by error," Indeglia wrote in a Jan. 9 decision.

Aubin argued sedation caused the woman to fantasize the incident and that a doctor couldn't molest a patient in a busy operating room without being noticed.

In April, a jury acquitted Aubin of second-degree sexual assault in connection with the same incident after just 10 minutes of deliberations.

Criminal trials requires that guilt be proven beyond a reasonable doubt while licensure proceedings require a "preponderance of evidence."

The board rarely revokes doctors' licenses -- in part because most doctors surrender them when there's strong evidence of unprofessional conduct.

Information from: The Providence Journal: <http://www.projo.com> ■