

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: ERNESTO RAFAEL GONZALEZ, M.D.
License Number: 0101-051054
Case Number: 178923

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

The Virginia Board of Medicine ("Board") and Ernesto Rafael Gonzalez, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Gonzalez's license to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Ernesto Rafael Gonzalez, M.D., was issued License Number 0101-051054 to practice medicine and surgery on July 1, 1994, which is scheduled to expire on January 31, 2020.
2. Dr. Gonzalez violated Virginia Code § 54.1-2915(A)(3), (13), and (16) in his care and treatment of Patient A, a 77-year-old female, between 2007-2014. Specifically:
 - a. In 2007, Patient A presented to Dr. Gonzalez with obesity, diabetes, coronary artery disease, and obstructive sleep apnea. Dr. Gonzalez also noted a history of coronary artery bypass graft surgery (2003), percutaneous coronary intervention (2014), and a myocardial infarction. Sometime before 2012 Patient A developed oxygen-requiring hypoxic respiratory failure, which was worsening by that time as her oxygen requirements were increasing per Dr. Gonzalez's documentation.
 - b. While under Dr. Gonzalez's care between July 2012 and October 2014, Patient A underwent a work-up for chronic hypoxemic respiratory failure, ongoing shortness of breath, ongoing chest pain, and edema. By 2014, she was also complaining of feeling lightheaded. Dr. Gonzalez's

working diagnosis throughout her course was obesity hypoventilation syndrome as the cause of her chronic hypoxic respiratory failure and shortness of breath.

c. In 2012 Dr. Gonzalez documented that Patient A had a “restrictive pattern” on her PFT’s, room air oxygen saturations of 70%, and a “negative CT angiogram.” Despite Patient A’s ongoing hypoxemia, he failed to order a diffusion capacity (“DLCO”), a key measure of lung disease severity, as part of Patient A’s complete PFT work-up. In the face of ongoing hypoxemia, Dr. Gonzalez failed to complete a thorough evaluation for pulmonary vascular disease.

d. In January 2014 Dr. Gonzalez performed a complete PFT. He noted a severely reduced diffusion capacity for Patient A. The differential diagnosis for severely reduced diffusion capacity includes pulmonary vascular disease and pulmonary arterial hypertension (“PAH”), once parenchymal diseases were ruled out, as they were twice by CT scans in 2009 and 2012. Despite the reduced diffusion capacity in combination with Patient A’s symptoms and normal CT angiograms, Dr. Gonzalez failed to order an echocardiogram in order to determine whether pulmonary arterial hypertension was the cause of Patient A’s chronic hypoxia, as the CT scan alone was insufficient to make this determination.

e. Dr. Gonzalez failed to order an echocardiogram to diagnose secondary or Class III PAH based on Patient A’s obesity and her history of Obstructive Sleep Apnea (“OSA”).

f. Dr. Gonzalez maintained his original diagnosis of obesity hypoventilation syndrome throughout Patient A’s course of treatment, despite her complaints of chest pain, lower extremity edema, and dizziness. Treatment notes reflect that her chest pain did not subside, despite undergoing left heart catheterizations and the placement of a stent. When the following additional symptoms developed, Dr. Gonzalez failed to recognize or diagnose something more than simply obesity hypoventilation syndrome:

- severe hypoxia
- requirement of oxygen supplementation up to 4-5 liters to maintain saturation above 90%
- inability to benefit from pulmonary rehabilitation because her oxygen saturation level dropped with the most minimal activity
- lack of improvement overall despite a 65-pound weight loss and despite which she remained oxygen-dependent

g. Patient A's husband stated to the Department of Health Profession's investigator during an interview on March 21, 2017, that at one point Dr. Gonzalez stated that, "There was nothing else he could do for his wife and told them she would just have to live with her problems."

h. Patient A left Dr. Gonzalez's practice and began treatment at VCU Medical Center, where she was diagnosed on her first visit on February 10, 2015, with profound pulmonary hypertension and began treatment.

CONSENT

Ernesto Rafael Gonzalez, M.D., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document and I am represented by Jerry Canaan, Esquire.
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; the right to representation by counsel; and the right to cross-examine witnesses against me;
4. I waive my right to an informal conference;

5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;


6. I consent to the entry of the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS that Ernesto Rafael Gonzalez, M.D., is issued a REPRIMAND.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

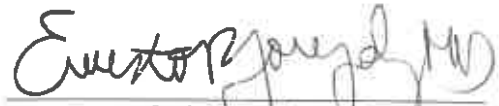
FOR THE BOARD



Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

ENTERED: 7/13/2020

SEEN AND AGREED TO:


Ernesto Rafael Gonzalez, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Hanover TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Virginia at large,
on this 30 day of June, 2020.


Notary Public

My commission expires: December 31, 2023

Registration No.: 7565572

