

# STATE OF VERMONT BOARD OF MEDICAL PRACTICE

In re: Santiago Cancio-Bello, M.D.

)  
) MPN 98-0809  
)

## STIPULATION & CONSENT ORDER

NOW COME Santiago Cancio-Bello, M.D. (Respondent), and the State of Vermont, by and through Attorney General William H. Sorrell and the undersigned Assistant Attorney General, Terry Lovelace, and agree and stipulate as follows:

1. Santiago Cancio-Bello, M.D., holds Vermont Medical License Number 042-0005243, issued by the Vermont Board of Medical Practice. Respondent practiced in Obstetrics & Gynecology, with privileges at Rutland Regional Medical Center.

2. On June 2, 2010, Respondent's license was suspended for non-payment of Vermont taxes<sup>1</sup>. That suspension remains in full force and effect on the date this Stipulation & Consent Order is entered.

3. Jurisdiction vests in the Vermont Board of Medical Practice (Board) by virtue of 26 V.S.A. §§ 1353-55 & 1398 and 3 V.S.A. §§ 809 & 814(c).

### I. Background.

4. A patient, age 19 years, presented to Rutland Regional Medical Center (RRMC) with an acute appendicitis on July 1, 2009. It was determined that in addition to the appendicitis, the patient also required the surgical removal of her left ovary. The general

---

<sup>1</sup> A Specification of Charges was filed on March 15, 2010 alleging Dr. Cancio-Bello was no longer in good standing as to his Vermont taxes. Vermont law, 32 V.S.A. Section 3113(f)(g) requires suspension of his medical license until he can demonstrate to the satisfaction of the Department of Taxes that he is back in good standing.

surgeon performed the appendectomy first, using a scope. Next, Respondent performed what is described in the operative consent form as a "laparotomy, removal of the left ovary and tube." A wrong-side surgery resulted in the unintended surgical removal of the right ovary, followed by the surgical removal of diseased left ovary.

5. RRMCM's Medical Executive Committee summarily suspended Respondent's clinical privileges and revoked his Medical Staff Privileges effective August 24, 2009.

6. Respondent appealed the decision of the Medical Executive Committee to the Judicial Review Committee. A hearing was held on October 22, 2009, and on October 26, 2009, the Judicial Review Committee issued a written decision affirming the action of the Medical Executive Committee.

7. Respondent appealed the decision of the Judicial Review Committee to the Rutland Regional Medical Center Appeal Board.

8. On December 3, 2009, a hearing was held by Rutland Regional Medical Center's Appeal Board, reviewing the record created by the Judicial Review Committee's October 22, 2009 hearing. The Appeal Board affirmed the decision of the Judicial Review Committee.

9. No charges have been filed in this matter. Consistent with Respondent's continued cooperation with the Board of Medical Practice, he acknowledges and agrees that if the State of Vermont had filed charges in the presently open case and satisfied its burden at an evidentiary hearing, a finding adverse to him could have been entered by the Board, pursuant to 26 V.S.A. § 1354.

10. Therefore, in light of his full and complete retirement from medicine and in

the interest of resolving expeditiously the matter presently open before the Board of Medical practice, Respondent has determined that he shall enter into this agreement with the Board of Medical Practice. Respondent enters no further admission here, but to resolve this matter without further time, expense, and uncertainty, Respondent has concluded that this agreement is acceptable and in the best interest of the parties.

11. Respondent acknowledges that he is knowingly and voluntarily entering into this agreement with the Vermont Board of Medical Practice. Respondent acknowledges and agrees that at all times and in all communications and proceedings related to the presently open matter before the Vermont Board of Medical Practice, he has had the right to be and has been represented by and advised by counsel. Respondent has carefully reviewed and considered this Stipulation and Consent with the assistance of counsel. Respondent is well satisfied with all counsel and representation he has received.

12. Respondent agrees and understands that by executing this document he is waiving any right to challenge the jurisdiction and continuing jurisdiction of the Board in this matter, to be presented with a specification of charges and evidence, to cross-examine witnesses, and to offer evidence of his own to contest any allegations by the State. Therefore, Respondent has determined with advice of counsel that he shall enter into the terms and conditions of this Stipulation and Consent Order, as set forth below.

13. Respondent wishes to resolve with finality the matter now pending before the Vermont Board of Medical Practice. In lieu of any possibility of future Board action, Respondent has determined that he wishes to formalize his retirement from medicine by this stipulation and consent order, to assure the Board that he will not seek to renew his license to practice medicine in the State of Vermont, allowing that license to lapse without

renewal.

14. Respondent understands and agrees that by not renewing his license in November 2010, his license to practice medicine in this State shall lapse and be void and without effect.

15. In light of his full and final retirement from the practice of medicine, Respondent no longer requires medical licensure and, therefore, agrees and warrants that at no future date shall he seek by any means or application, licensure, reinstatement, or re-licensure as a physician in the State of Vermont or elsewhere, regardless of circumstances or the passage of time. Respondent expressly agrees that hereafter the Board may and shall refuse and return to him, without action or obligation of due process of any kind, any application, motion, petition, or other writing from him with regard to licensure, reinstatement, or re-licensure. Respondent expressly and voluntarily waives any right to confidentiality that he may possess as to the Board's investigative file in this matter should he, nonetheless, seek to apply for professional licensure or privileges in another jurisdiction at a later date.

16. The parties to this Stipulation and Consent Order agree that appropriate further disciplinary action in this matter also shall include entry of a public REPRIMAND of Respondent by the Vermont Board of Medical Practice for the matters set forth in Paragraphs 4-8.

17. The Vermont Board of Medical Practice agrees that upon Respondent's execution of this Stipulation and Consent Order and pursuant to the terms herein, the matter currently open before the Board shall be administratively closed by the Board. Thereafter, the Board will take no further action as to this matter, absent non-compliance

with the terms and conditions of this document by Respondent.

18. This Stipulation and Consent Order is conditioned upon its acceptance by the Vermont Board of Medical Practice. If the Board rejects any part of this document, the entire agreement shall be considered void. Respondent agrees that if the Board does not accept this agreement in its current form, he shall not assert in any subsequent proceeding, any claim of prejudice from any such prior consideration. Respondent acknowledges and understands that this Stipulation and Consent Order shall be a matter of public record, shall be entered in his permanent Board file, shall constitute an enforceable legal agreement, and may and shall be reported to other licensing authorities. In exchange for the actions by the Board, Respondent expressly agrees to be bound by all terms and conditions of this Stipulation and Consent Order.

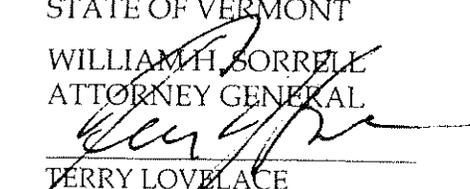
19. The parties therefore jointly agree that should the terms and conditions of this Stipulation and Consent Order be deemed acceptable by the Vermont Board of Medical Practice, the Board may enter an order implementing the terms and conditions herein, accepting the final LAPSE of the Vermont license to practice medicine of Respondent, and entering a public REPRIMAND of Respondent as set forth above.

Dated at Montpelier, Vermont, this March 14 day of 2011.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

by:

  
TERRY LOVELACE  
Assistant Attorney General

Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

Dated at (28 Feb 2011) Vermont, this 28 day of February 2011.

Santiago Cancio-Bello  
SANTIAGO CANCIO-BELLO, M.D.  
Respondent

Dated at MONTPELIER, Vermont, this 9<sup>th</sup> day of MARCH 2011.

Peter B. Joslin  
PETER B. JOSLIN, ESQ.  
Attorney for Respondent

FOREGOING, AS TO SANTIAGO CANCIO-BELLO, M.D.  
APPROVED AND ORDERED  
VERMONT BOARD OF MEDICAL PRACTICE

<u>W. H. [Signature]</u>	<u>[Signature]</u>
<u>Margaret Funk Martin</u>	<u>Don Webster</u>
<u>[Signature]</u>	<u>Robert [Signature] MD</u>
<u>Flora [Signature]</u>	
<u>David A. Jenkins</u>	
<u>Janice Gallant</u>	
<u>Peter [Signature] M.D.</u>	

DATED: April 6, 2011

ENTERED AND EFFECTIVE: April 6, 2011

Office of the  
ATTORNEY  
GENERAL  
109 State Street  
Montpelier, VT  
05609

Cowder Cession Agreement: JSA/2/06; Not Effective Until Approved by BMP