

**IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA**

STATE OF OKLAHOMA, *ex rel.*)
OKLAHOMA STATE BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
SHMUEL SHAPIRA, M.D.)
LICENSE NO. MD 30917,)
)
Defendant.)

FILED
MAY 13 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 19-07-5783

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Shmuel Shapira, M.D. (“Defendant”), Oklahoma medical license No. MD 30917, who appears in person, and through counsel Douglas A. Rice, of Derryberry & Naifeh, LLP (collectively, the “Parties”), hereby offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, Shmuel Shapira, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate

that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

This action arises out of disciplinary action taken by the Virginia Board of Medicine against Defendant. The Plaintiff, Defendant, and the Board staff each stipulate and agree as follows:

On July 23, 2020, Defendant entered into a *Consent Order* at the Virginia Board of Medicine, wherein he admitted within the "Findings of Fact and Conclusions of Law" to violations of Virginia Code § 54.1-2915(A)(30, (4), (13) and (16) arising out of his care and treatment of Patients A-E and waived his right to contest the same in any future proceeding. A copy of the *Consent Order* is attached hereto as Exhibit "1". The Findings of Fact and Conclusion of Law contained in the *Consent Order* are adopted and incorporated by reference as if fully set forth herein.

Conclusions of Law

1. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma. 59 O.S. § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.* The Board has specific authority to oversee and discipline Physicians pursuant to 59 O.S. 503 and Okla. Admin. Code § 435:10-7-4.
2. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
3. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any Physician holding a license to practice in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503. The Board's action is authorized by 59 O.S. § 509.1, 513.
4. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
5. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine and surgery based upon acts of conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section, in violation of Okla. Admin. Code. § 435:10-7-4(31).



Orders

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board hereby adopts the Agreement of the Parties in this *Order Accepting Voluntary Submittal to Jurisdiction*, including the findings of fact and conclusions of law set forth in the *Consent Order*, as well as those stated herein.
2. **SHMUEL SHAPIRA, M.D.**, license no. 30917, is hereby **REPRIMANDED**.
3. Dr. Shapira is **PERMANENTLY RESTRICTED** from performing any invasive cardiac procedures. His practice shall be limited to medical cardiology.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 13th day of May, 2021.



Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF
MEDICAL
LICENSURE AND SUPERVISION



James M. Brinkworth, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION



Shmuel Shapira, M.D.
Oklahoma License No. 30917
Defendant



Amanda R. Everett, OBA No. 30107
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision



Douglas A. Rice, OBA No. 16297
DERRYBERRY & NAIFEH, LLP
4800 N. Lincoln Boulevard Oklahoma
City, Oklahoma 73105
(T) (405) 528-6569; (F) (405) 528-6462
drice@derryberrylaw.com
ATTORNEY FOR DEFENDANT

ACKNOWLEDGMENT

STATE OF ~~OKLAHOMA~~ NEW YORK)
)
COUNTY OF Dutchess)

ss.

This instrument was acknowledged before me on the 19th day of April,
2021, by **Shmuel Shapira, M.D.**

Patricia Porcaro

Notary Public

Commission Expiration: 4/1/2023

Patricia Porcaro
Notary Public, State of New York
Registration No. 4979565
Qualified in Dutchess County
Commission Expires April 1, 2023

Certificate of Service

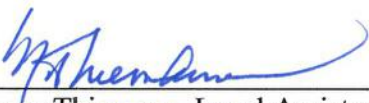
This is to certify that on the 14th day of May, 2021, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail, and E-Mail

Douglas A. Rice
Derryberry & Naifeh, LLP
DERRYBERRY & NAIFEH, LLP
4800 N. Lincoln Boulevard Oklahoma City,
Oklahoma 73105
drice@derryberrylaw.com
ATTORNEY FOR DEFENDANT

E-Mail

Amanda R. Everett
Assistant Attorney General
STATE OF OK, OFFICE OF ATTORNEY GENERAL
313 N.E. 21st Street
Oklahoma City, Oklahoma 73105
amanda.everett@oag.ok.gov
ATTORNEY FOR PLAINTIFF



Nancy Thiemann, Legal Assistant

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: SHMUEL SHAPIRA, M.D.
License Number: 0101-257023
Case Numbers: 185768, 194263, 201186

CONSENT ORDER

JURISDICTION AND PROCEDURAL HISTORY

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Shmuel Shapira, M.D., was issued License Number 0101-257023 to practice medicine and surgery on August 22, 2014, which is scheduled to expire on July 31, 2020.
2. Dr. Shapira violated Virginia Code § 54.1-2915(A)(3), (4), (13), and (16) in his care and treatment of Patients A – E from approximately August 2017 through May 2019. Specifically:
 - a. In the one-year period from approximately September 2017 to September 2018, Patients A, B, and C, in whom Dr. Shapira surgically implanted pacemaker/AICD (automated implantable cardioverter defibrillator) devices, developed pacemaker/AICD site infections, each within approximately three to seven weeks of the pacemaker/AICD insertion surgeries. Due to the resultant infections, Patients A, B, and C required subsequent hospitalization and medical care including, but not limited to, surgical removal of the devices and antibiotic treatment.
 - b. On or about October 15, 2018, to address concerns relating to these pacemaker/AICD site infections, Dr. Shapira entered into a performance improvement plan ("PIP") with the Virginia hospital ("hospital") where he performed said surgeries on Patients A, B, and C. This PIP required a plastic surgeon to proctor Dr. Shapira and observe his technique during the performance of



three or more pacemaker/AICD surgeries. During/after said proctorship, this plastic surgeon recommended changes in Dr. Shapira's surgical techniques/procedures, including but not limited to, requiring patients to undergo pre-surgical skin antiseptic preparation, and that Dr. Shapira use a different suture material for wound closure, perform a sharper dissection with less pulling apart of the tissue with his hands, and use glue in addition to stitches to close incisions, to create a tighter seal to keep germs out after closure.

c. On or about October 19, 2018, during the course of the PIP, Dr. Shapira performed pacemaker/AICD insertion surgery on Patient E. During this surgery, Dr. Shapira experienced difficulty inserting the pacemaker wires. On his first attempt to insert the wires, Dr. Shapira recognized pulsatile red blood, causing him to note that he had erroneously entered Patient E's subclavian artery, and he withdrew the wires. On his second attempt, Dr. Shapira asserted that he did not observe the same arterial indications, and continued advancing the wires. Despite this assertion, Dr. Shapira erroneously advanced the device's three wires, sheaths and leads into Patient D's left subclavian artery (instead of through the left subclavian vein), advanced the right ventricular defibrillator lead into the aortic valve, and screwed the lead into the wall of the left ventricle. After the device was implanted as such, Dr. Shapira performed angiography, which showed that all of the leads had been erroneously placed in the left system of the heart. Now recognizing that he improperly placed the pacemaker/AICD, Dr. Shapira removed the device, wires, sheaths and leads, causing three puncture holes in Patient E's left subclavian artery. Dr. Shapira called in an interventional radiologist and a vascular surgeon, who inserted a left subclavian covered stent in an attempt to seal the three puncture holes. Post-surgery, Patient E remained unresponsive, and head and neck CT scans showed that she suffered an acute, intra-arterial thrombus, resulting in a stroke. Later that day, Patient E was transferred to another Virginia hospital where she underwent, unsuccessfully, neurointerventional surgery to remove the thrombus. The following day, Patient E expired.

d. Subsequently, Dr. Shapira voluntarily refrained for more than thirty days from performing pacemaker/AIC insertions, as well as from performing any procedure requiring subclavian access.

e. On November 19, 2018, Dr. Shapira agreed to an addendum to the PIP that required another practitioner to proctor five or more regular pacemaker/AICD insertions. Subsequently, this pacemaker/AICD proctorship was suspended to allow Dr. Shapira to obtain additional training. During the suspension of this additional proctorship requirement, a "serious patient care concern" arose, as detailed below.

f. On or about May 27, 2019, while performing a cardiac catheterization on Patient D during a cardiac stent procedure, Dr. Shapira erroneously injected 20cc of air into the 6 French arterial sheath of the right radial artery (i.e., into the wrong port), causing the patient to lose voluntary movement of his left upper extremity and became unresponsive. A stroke alert was initiated; a nurse called a hospital Code, and Patient D was placed on a ventilator. Subsequently, Patient D was transferred to a North Carolina hospital where he was diagnosed with hypoxic respiratory failure, pulmonary edema, and a cerebral air embolism, for which he underwent hyperbaric therapy.

g. The following day, on May 28, 2019, the hospital suspended all of Dr. Shapira's clinical privileges. On July 3, 2019, while under investigation by the hospital's Medical Executive Committee, Dr. Shapira agreed to relinquish voluntarily his cardiac catheterization lab clinical privileges. On said date, the hospital lifted the precautionary suspension of Dr. Shapira's medical clinical privileges, allowing him to resume exercising his medical cardiology (non-invasive) privileges, effective July 9, 2019.

CONSENT

Shmuel Shapira, 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;
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; and the right to representation by counsel;
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.

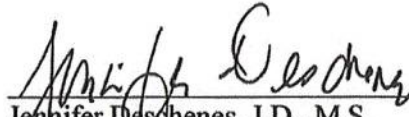
ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS:

1. Shmuel Shapira, M.D., is REPRIMANDED.
2. Dr. Shapira is PERMANENTLY RESTRICTED from performing any invasive cardiac procedures. His practice shall be limited to medical cardiology.
3. Violation of this Order may constitute grounds for suspension or revocation of Dr. Shapira's license to practice medicine and surgery. In the event that Dr. Shapira violates this Order, an administrative proceeding may be convened to determine whether such action is warranted.

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.

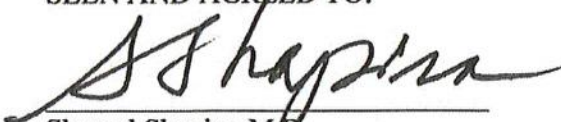
FOR THE BOARD



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

ENTERED: 7/23/2020

SEEN AND AGREED TO:



Shmuel Shapira, M.D.

STATE OF NEW YORK
COUNTY/CITY OF Orange, TO WIT:

Subscribed and sworn to before me, a notary public in and for the State of New York at large, on this
15th day of July, 2020.



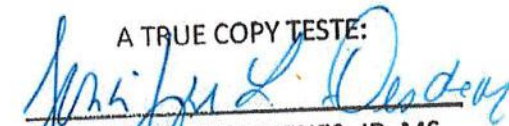
Notary Public

JESSICA T. MARINA
Notary Public, State of New York
No. 01MA5016819
Qualified in Orange County
Commission Expires August 18, 2021

My commission expires: _____

Registration No.: _____

A TRUE COPY TESTE:



JENNIFER L. DESCHENES, JD, MS
DEPUTY EXECUTIVE DIRECTOR
VIRGINIA BOARD OF MEDICINE