

State of Rhode Island
Department of Health
Board of Medical Licensure & Discipline



IN THE MATTER OF:
Robert Fox M.D.
License Number MD 09837
Case # C170848

CONSENT ORDER

The Rhode Island Board of Medical Licensure and Discipline (hereinafter "Board") has reviewed and investigated the above referenced complaint pertaining to Dr. Robert Fox (hereinafter "Respondent") through its Investigative Committee. Respondent is a licensed physician in Rhode Island and was issued his license July 3, 1998. Respondent's specialty is Internal Medicine. Respondent is a graduate of Ross University School of Medicine.

FINDINGS OF FACT

1. Respondent was the attending physician for Patient A.
2. The Board received a notice of settlement of litigation for care from Respondent regarding Patient A on 8/10/2011. Patient A at the time of her outpatient visit to Respondent was 65 years old with a history of sinus issues and respiratory issues. She presented to Respondent for an unscheduled sick visit. The office had received a call around lunchtime wherein Patient A was complaining of fatigue and possibly shortness of breath.
3. Patient A had complained or similar symptoms many times on prior occasions Respondent prescribed Montelukast and albuterol. Patient A returned to Respondent 5 days later with continuing shortness of breath. Respondent conducted spirometry at this second visit and made a diagnosis of COPD, ordered a CT scan of the chest, and referred Patient A to a pulmonologist.
4. Patient A presented to an Emergency Department 3 days later where an ECG revealed

cardiac disease. Patient A was subsequently diagnosed with a myocardial infarction.

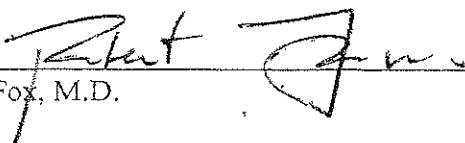
5. Respondent avers he saw Patient A on both visits, yet did not maintain a medical record for those visits. Respondent admits there was a time in his office of change as he was transitioning to an electronic medical record. Respondent is not clear why these visits were not documented nor why vital signs were not documented, yet he does have specific recollection of the events. Respondent admits he did not perform an ECG at either visit.
6. Respondent subsequently changed practice locations in 2013 and is now an employed physician as part of a larger health system. Respondent has successfully adapted to the electronic medical record, his records are regularly audited quarterly and found to be excellent.
7. Respondent's conduct, as reflected above, constitutes a violation of R.I.G.L. § 5.37.5.1(19).

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent has agreed to enter into this Consent Order and understands that it is subject to final approval of the Board, and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;

- f. Any and all rights of appeal of this Consent Order; and
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
 - h. Any objection that this Consent Order will be reported to the National Practitioner Data Bank, Federation of State Medical Boards as well as posted on the department's public web site.
4. Respondent agrees to pay within (60) days of the ratification of this Consent Order an administrative fee to the Board with a check for \$850 dollars made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint. Respondent will send notice of compliance with this condition to DOH.PRCCompliance@health.ri.gov within 30 days of mailing the above referenced payment.
 5. Respondent hereby agrees to this reprimand on his physician license.
 6. If any term of this Consent Order is violated, after it is signed and accepted, the Director of the Department of Health shall have the discretion to impose further disciplinary action. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request a hearing within twenty (20) days of the suspension and/or further discipline. The Director of the Department of Health shall also have the discretion to request a hearing after notice to Respondent of a violation of any term of this Consent Order. After hearing thereon, the Board may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if any alleged violation is proven by a preponderance of evidence.

Signed this 9 day of JAN., ~~2017~~ 2018


Robert Fox, M.D.

Ratified this 14 day of February ²⁰¹⁸ ~~2017~~ by the Board of Medical Licensure and Discipline.

Nicole Alexander-Scott M.D., M.P.H.

Nicole Alexander-Scott, M.D., M.P.H.

Director

Rhode Island Department of Health

3 Capitol Hill, Room 401

Providence, Rhode Island 02908

Delegated Authority