

STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH

BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

In the matter of:
DAVID A. VANDYKE, D.O.
License Number DO00342
Complaint Number C13-566

CONSENT ORDER

David A. VanDyke, D.O. (hereinafter "Respondent") is licensed as a physician in Rhode Island. After a review of the complaint, records, and separate interviews by the complainant and Respondent by the Board of Medical Licensure and Discipline's (hereinafter "Board") investigative committee, the Director of the Department of Health makes the following:

FINDINGS OF FACT

1. David A. VanDyke, D.O. (hereinafter "Respondent") has been a licensed physician since September 17, 1985. His practice is located at 1991 Victory Highway, Glendale, Rhode Island. He is a graduate of the Chicago College of Osteopathic Medicine at Midwestern University.
2. On July 1, 2013, Respondent had a regularly scheduled appointment to see Patient A, *alias*. Patient A, a 60-year-old female, claims Respondent did not forewarn her that he would perform a clinical breast exam. Patient avers that **this portion of the exam was unwelcome**, unlike prior exams, and it is her perception that the exam **was inappropriate**. The parties agree that a chaperone was not present in the room.

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent has reviewed 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;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
4. Respondent shall comply with "The Physician's Guidelines for Chaperoned Examinations" approved in advance by the Board, and shall attend an educational program approved in advance by the Board.

5. Respondent agrees to pay an administrative fee to the Board for costs associated with investigating this complaint. Respondent shall submit to the Board within sixty (60) days a check made payable to the Rhode Island General Treasury for the amount of \$800.00.
6. Respondent hereby agrees to a reprimand in the above-referenced complaint.
7. In the event that any conditions of this Consent Order are violated after it is ratified, the Director of the Department of Health shall have the discretion to impose disciplinary action, including summarily suspending the Respondent's license to practice medicine in the State of Rhode Island. If the Director suspends such license, Respondent shall be given notice and shall have the right to request an administrative hearing within ten (10) days of the suspension. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of any violation of this Consent Order.
7. This Consent Order shall expire sixty (60) months from the date of ratification of this Consent Order. Notwithstanding the expiration, the Board strongly advises that Respondent shall continue to adhere to the guidelines prescribed in paragraph four herein.

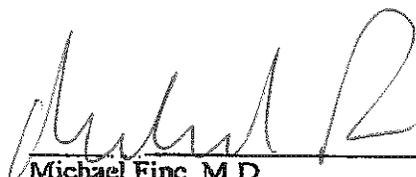
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Signed this 0th day of DECEMBER, 2013.



David VanDyke, D.O.

Ratified by the Board of Medical Licensure and Discipline on the 11 day of
December, 2013.



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