

**STATE OF RHODE ISLAND
BOARD OF MEDICAL LICENSURE AND DISCIPLINE
IN THE MATTER OF STEVE TU, D.O.**

C08-023

CONSENT ORDER

The Board of Medical Licensure and Discipline (hereinafter referred to as the "Board") received a Motion for Reconsideration with Supporting Memorandum and Affidavits on behalf of Steven Tu, D.O. who lost his license to practice medicine in the State of Rhode Island after failing to respond to a complaint and failing to attend an administrative hearing that was scheduled relative to the complaint.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. Steve Tu, D.O., hereafter the "Respondent," is a 1997 graduate of the University of Health Sciences College of Osteopathic Medicine, Kansas City, MO. He was licensed to practice medicine in Rhode Island in 2002. He is thirty-nine years old.
2. Respondent was an ophthalmologist at Clear Choice Laser Eye Centers located at Warwick Medical Suite 525 400 Bald Hill Rd., Warwick, RI 02886.
3. Numerous patients complained to the Board that they had paid for laser eye care services that the Respondent has not performed. The patients applied and were approved for a Capital One credit card to pay for the laser surgery in various substantial amounts. Capitol One is seeking payment from the patients for the surgery that has not been performed because the Respondent does not do the surgery and must rely on outside contractors to do the surgery.

4. The resolution of these complaints was by a Consent Order in which Dr. Tu promised to make the patient's financially whole by providing the ophthalmologic service or provide financial restitution to them.
5. Subsequently, the Board received another complaint from a patient and referred the complaint to the Respondent for a response. When the Respondent failed to reply to the Board, an Administrative Hearing was initiated and conducted without the presence or reply from the Respondent. His license to practice medicine in Rhode Island was revoked by administrative order on January 14th, 2009.
6. The Board reported the revocation to the National Practitioner Data Bank and all other entities to which it is required to report including the State of Connecticut where the Respondent had relocated and where he was practicing.
7. Counsel for the Respondent submitted evidence meeting a preponderance of the evidence standard that indicated that the Respondent had not received the required notice of the hearing and therefore had not received an opportunity to be heard.
8. The Respondent has indicated that he understands that it is his responsibility to keep the licensing agency informed of his address so that he may be apprised of complaints filed by members of the public. He recognizes also that the state licensing agencies have a responsibility to protect the public. Additionally, he acknowledges that each licensee has a concurrent and primary responsibility to care for his patients in a manner that provides them

with a mechanism to follow-up with him relative to complications, which may occur after surgical procedures.

9. The Respondent agrees that his actions amounted to abandonment of his and patient in violation of RIGL § 5-37-5.1(4).

The parties agree as follows:

- (a) Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, osteopathic license number, DO 00602;
- (b) Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board;
- (c) Respondent has read this Consent Order and understands that it is a proposal of an Investigating Committee of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent until final ratification by the Board.
- (d) Respondent hereby acknowledges and waives:
 - (1) The right to appear personally or by counsel or both before the Board;
 - (2) The right to produce witnesses and evidence in his behalf at a hearing;
 - (3) The right to cross-examine witnesses;
 - (4) The right to have subpoenas issued by the Board;

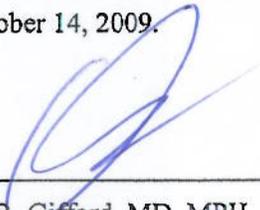
- (5) The right to further procedural steps except for those specifically contained herein;
- (6) Any and all rights of appeal of this Consent Order;
 - (7) Any objection to the fact that this Consent Order will be presented to the Board for consideration and review;
 - (8) Any objection to the fact that it will be necessary for the Board to become acquainted with all evidence pertaining to this matter in order to review adequately this Consent Order;
 - (9) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order. The signing of this Consent Order is for settlement purposes only.
- (a) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (b) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.
- (c) Respondent is hereby ordered to provide restitution to each and every complainant with a valid claim for payment for services that were paid for but which were not rendered including enhancements that were promised. The Respondent may offer the service at his current practice only if the patient agrees.

- (d) The Respondent agrees to a probation period of one year during which time the Respondent agrees to seek counseling in collaboration with Connecticut Medical Examining Board.
- (e) The Revocation of the license to practice medicine in Rhode Island is hereby rescinded.



Steve Tu, D.O.
Respondent

Ratified by the Board of Medical Licensure and Discipline at a meeting held on October 14, 2009.



David R. Gifford, MD, MPH
Director of Health