

**BOARD OF MEDICAL LICENSURE AND
DISCIPLINE**

**IN THE MATTER OF
J. FREDERICK HARRINGTON, JR., M.D.**

Interim Consent Order

The Board of Medical Licensure and Discipline (hereinafter referred to as the "Board") received notice from the Rhode Island Hospital that the Respondent operated on the wrong side of a patient's cranium during an emergency evacuation of a hematoma. The findings of fact and conclusions of law are set forth below.

FINDINGS OF FACTS AND CONCLUSIONS OF LAW

1. The Respondent is a 1983 graduate of Tufts University School of Medicine who has been licensed in Rhode Island since 1995. He is a Board Certified neurosurgeon with hospital privileges at Rhode Island Hospital, Miriam Hospital, Roger Williams Medical Center, Kent Hospital, Newport Hospital and Landmark Medical Center.
2. On July 30, 2007, the Respondent was asked to treat an 86 year-old patient with an identified left-sided subdural hematoma who was beginning to do poorly in the emergency department. At that time the Respondent was concluding a lumbar laminectomy. The patient was emergently transferred to the operating room and thereafter the Respondent reported to the operating room.

3. The Respondent and others failed to make an accurate assessment of the correct location of the hematoma prior to performing the surgical evacuation. Respondent operated on the wrong side. When the error was discovered the correct side was immediately evacuated successfully by the Respondent and patient's family was notified.
4. The hospital has restricted the Respondent's surgical privileges temporarily prohibiting him from performing any surgical interventions in the operating room and patient care areas. The Respondent cooperated fully with the Board's investigation to date.
5. The notification of a restriction of a hospital privileges as well as the facts known at this time that underlie this restriction call for Board action in accordance with the provisions of R.I.G.L. § 5-37-5.1 and § 5-37-5.2

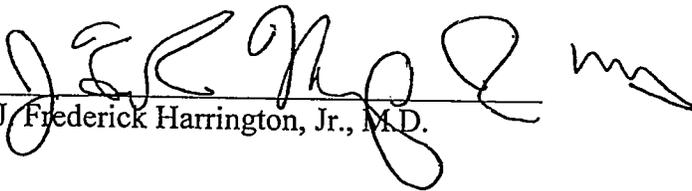
The parties agree as follows:

- (a) Respondent is a physician licensed and doing business under and by virtue of the Laws of the State of Rhode Island, allopathic license number, MD 09027;
- (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 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.
- (10) This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and by the Board.
- (11) Failure to comply with this Consent Order, when signed and accepted, shall subject the Respondent to further disciplinary action.

(12) Respondent voluntarily agrees to cease all neurosurgical cases in all hospitals until the Board of Medical Licensure and Discipline completes the investigations of the Respondent that it will seek to expedite.

(13) Respondent agrees to undergo an evaluation that may be necessary under the circumstances. This order shall be subject to review by either party upon completion of the medical evaluation of the Respondent.



J. Frederick Harrington, Jr., M.D.

Accepted as an Interim Order for the Board of Medical Licensure and Discipline on this 2nd day of August 2007.



David R. Gifford, M.D., MPH
Director of Health