

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

RHODE ISLAND DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE & DISCIPLINE

IN THE MATTER OF:
King To, M.D.
License Number MD 07985

CONSENT ORDER

King To, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") makes the following:

FINDINGS OF FACT

1. Respondent is a licensed physician in Rhode Island and was issued his license on June 5th, 1991. His primary specialty is ophthalmology. His Practice is located at 78 Baker Street, Providence, Rhode Island.
2. The Board received a report C16-472 regarding Patient A (alias) regarding care she received while under the care of the Respondent.
3. Patient A presented to Respondent for cataracts. Respondent is the attending physician for Patient A.
4. Patient A had a cataract removed from the right eye in June of 2015 at Rhode Island Hospital. There were no complications during or after the planned procedure.
5. Patient A was symptomatic with a cataract from the left eye, symptoms so significant it affected her ability to drive safely. Patient A was scheduled for the cataract in the left eye to be removed in October 2015. Appropriate consent was obtained by Respondent for

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this planned procedure.

6. Rhode Island Hospital has a policy for Universal Protocol: Verification of Patients Identity, Surgical Procedure and Surgical Site.
7. Respondent physician was the attending physician for Patient A in October 2015 when the left cataract was scheduled to be removed. In achieving anesthesia for this procedure Respondent performs a peri-bulbar injection with lidocaine (that is an injection of local anesthetic into the area below the globe of the eye). Respondent notes he performed a peri-bulbar injection below the right eye, which was the incorrect side. He was operating on the left eye and should have done the peri-bulbar injection on the left side.
8. Respondent subsequently performed a peri-bulbar injection below Patient A's left eye and successfully completed the surgery on her left eye.
9. Respondent states he did a Time Out and marked the left side, which was the correct side, yet the surgical head covering on Patient A's forehead obscured the pre-marked surgical site, so he could not see the previous mark.
10. Although Patient A was not harmed by the wrong site injection, Respondent admits that he performed a "wrong site procedure". Respondent has violated Rhode Island General Laws §5-37-5.1(19) for failure to meet the minimum standard of care by performing a "wrong site procedure".

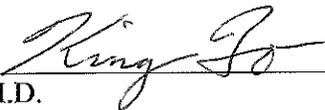
Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.

2. Respondent has agreed to 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.
5. Respondent hereby agrees to this reprimand on his physician license.

6. Respondent agrees to take within six (6) months of the ratification of this order a Board approved CME of at least 8 hours duration in topics related to; patient safety, universal protocol or risk management.
7. In the event that 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 an administrative 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 an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.

Signed this 14 day of September, 2016.



King To, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 12 day of October 2016.



Nicole Alexander-Scott, M.D., M.P.H.
Director
Rhode Island Department of Health
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Providence, Rhode Island 02908