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STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS,
DEPARTMENT OF HEALTH,
BOARD OF MEDICAL LICENSURE
AND DISCIPLINE

Vs. No. C88-069

ROBERT E. BAUTE, M.D.

CONSENT ORDER

Pursuant to Section 5-37-5.2 of the General Laws, a complaint was filed with the Board of Medical Licensure and Discipline [hereinafter referred to as "Board"] charging Robert E. Baute, M.D., Respondent, with violation of Section 5-37-5.1 of the General Laws. An investigation was conducted by Investigating Committee II of the Board.

After consideration by Investigating Committee II of the Board, the following constitutes the findings of fact with respect to the professional performance of the Respondent:

1. A seventy two year old patient was hospitalized for fifteen months because of pneumonia, stroke, seizures, dehydration, chronic obstructive lung disease, hypertension, cardiac arrhythmias, respiratory failure requiring continuous artificial ventilation, tracheostomy, tube feedings, anemia, decubitus ulcer, urinary and pulmonary infections.

2. The patient was initially fed through a gastric tube and subsequently fed by way of gastrostomy tube.

3. Respondent ordered Theophylline, a broncho-dilator, to be administered through the gastric tube.

4. Because of evidence of intestinal obstruction, Respondent cancelled the order for medication through the gastric tube and ordered the administration of Theophylline intravenously.

5. As a result of subsequent relief of intestinal obstruction, Respondent issued an order that Theophylline be given once again through the gastric tube.

6. Respondent failed to cancel the intravenous order for Theophylline when he reordered administration of Theophylline by way of the gastric tube.

7. The patient, therefore, received Theophylline both

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through the gastric tube and intravenously.

8. The patient developed seizures and was found to have an elevated blood concentration of Theophylline which may have contributed to her seizures.

9. The patient ultimately died.

The parties agree as follows:

1. Respondent is a physician licensed and doing business under and by virtue of the laws of the State of Rhode Island, allopathic license number 4165. Respondent's mailing address is, 390 Tollgate Road, Warwick, Rhode Island.

2. Respondent admits to the jurisdiction of the Board and hereby agrees to remain under the jurisdiction of the Board.

3. Respondent has read this Consent Order and understands that it is a proposal of Investigating Committee II of the Board and is subject to the final approval of the Board. This Consent Order is not binding on Respondent if it is not approved by the Board.

4. 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 in 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;

h) 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 adequately review this Consent Order;

i) Any objection to the fact that the Board reviewing this Consent Order may be the same as the Hearing Committee presiding over this matter should it later be brought to an administrative proceeding;

j) Any objection to the fact that potential bias

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against the Respondent may occur as a result of the presentation of this Consent Order to the Board.

5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Board. It shall be published as the Board, in the exercise of its discretion, deems appropriate.

6. Acceptance of this Consent Order constitutes an admission of the facts contained herein.

7. Respondent voluntarily accepts the Board's sanction of a reprimand, as provided in Section 5-37-6.3 of the General Laws of the State of Rhode Island.

8. Respondent shall notify the Board, in writing, of any change in his address.

Signed this 19th day of April 1989

Robert E. Baute, MD

Robert E. Baute, M.D.

Ratified by the Board of Medical Licensure and Discipline at a meeting held on April 19, 1989.

H. Denman Scott

H. Denman Scott, M.D., M.P.H.
Chairman
Board of Medical Licensure and Discipline

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