

Rhode Island Department of Health, Center for Health Facilities Regulation and  
Nicole Alexander-Scott, MD, MPH, In Her Capacity as Director of Health



**In the Matter of:**

**RHODE ISLAND HOSPITAL  
LICENSE # HOS00121  
593 EDDY STREET  
PROVIDENCE, RI 02903**

**AMENDED NOTICE OF VIOLATION AND COMPLIANCE ORDER**

Now comes the Director of the Rhode Island Department of Health ("Director") and, pursuant to Rhode Island General Laws § 23-1-20, determines there are reasonable grounds to believe Rhode Island Hospital ("Respondent") is in violation of law and or rule or regulation administered by her, and provides notice thereof.

**ALLEGED VIOLATION AND REASONABLE  
GROUNDS FOR DETERMINATION OF VIOLATION**

1. As a condition of its license, Respondent is required to comply with all rules and regulations regarding the provision of care and services provided to all patients in accordance with the prevailing community standard of care in a manner that maintains the health and safety of individuals.
2. The prevailing community standards include, but are not limited to, the provision of care and services in accordance with written policies and procedures pertaining to patient identification and verification, verification of procedure site/ side, and provider orders for diagnostic imaging services.
3. The Rhode Island Department of Health ("RIDOH") investigated multiple facility-reported incidents by Respondent during an unannounced combined Federal Centers for Medicare and Medicaid Services ("CMS") and State licensure survey and discovered immediate jeopardy and subsequently issued Federal and State deficiency statements dated March 29, 2018.

4. Following said investigations, RIDOH determined that Respondent failed to implement and sustain processes and systems to provide care and services in accordance with its written policies and procedures pertaining to patient identification and verification, verification of procedure site/side, and provider orders for diagnostic services, including a violation on February 21, 2018 in which a patient underwent a computed tomography angiography of the brain and neck intended for another patient. The provider who ordered the test had more than one patient medical record open in the same screen which was determined to have contributed to the error.
5. As a result of the failings discovered in processes and systems, RIDOH and Respondent entered into a Consent Agreement on June 4, 2018 ("Consent Agreement"). The Consent Agreement intended to expand the actions of Respondent's Plans of Corrections to system-wide improvements throughout Respondent's processes and services.
6. On June 10, 2018 a patient underwent a computed tomography of the brain and face intended for another patient. This test was ordered on the wrong patient. The provider who ordered the test had more than one patient medical record open in the same screen which was determined to have contributed to the error.
7. The June 10, 2018 violation evidences a systemic issue, beyond the incident itself, that presents a patient safety threat and requires further intervention by RIDOH to ensure patient safety across the entire hospital system.

### **ORDER**

Upon determinations and findings as set forth above, Respondent shall:

1. Immediately ensure full compliance with a systemwide practice of having no more than one patient medical record open at any one time, or present an alternative practice to RIDOH that provides an equivalent outcome to that of having no more than one patient medical record open at any one time that satisfactorily addresses the issue raised herein and minimizes the risk of any further patient errors like those that have occurred related to EMR misidentification.
2. Ensure attendance by its leadership team, including the CEO of Lifespan Corporation as well as the Board of Directors of Respondent, at an in-person meeting with RIDOH's leadership team on a date to be determined by RIDOH.
3. Submit an administrative fee on or before July 2, 2018 by check made payable to RIDOH in the amount of \$500,000.00 to support:
  - a. RIDOH oversight and monitoring to ensure compliance with this Order as well as the Consent Agreement. Monitoring shall remain in place for a minimum of one year or until all terms and conditions referenced herein are completed, whichever date is later; and
  - b. Respondent's initial engagement with an organization endorsed by the Agency for Healthcare Research and Quality to initiate, and follow through on, the process of becoming a High Reliability Organization.
4. Come into compliance herewith on or before ten days of service of this Order.

**THIS COMPLIANCE ORDER IS SEPARATE AND APART FROM THE CONSENT AGREEMENT NOTED ABOVE, AND DOES NOT INTEND TO MODIFY, AMEND OR VITIATE ANY OF THE TERMS SET FORTH THEREIN.**

Entered this 18<sup>th</sup> day of June 2018 (as amended July 30, 2018)

A handwritten signature in black ink, appearing to read "Nicole Alexander-Scott", written over a horizontal line.

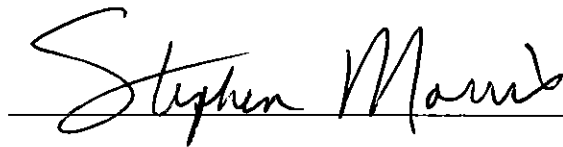
Nicole Alexander-Scott, M.D., M.P.H.  
Director of Health  
Rhode Island Department of Health  
Cannon Building, Room 401  
Three Capitol Hill  
Providence, RI 02908

A written request for a hearing may be filed with the Director within ten (10) days of this Notice.

#### **CERTIFICATION OF SERVICE**

A copy of the within Compliance Order was e-mailed to Respondent by the undersigned on this 30<sup>th</sup> day of July 2018 to the following:

Jodi Bourque, Esq.  
Dr. Timothy Babineau, President and CEO of Lifespan  
Dr. Margaret Van Bree, President of RI Hospital

A handwritten signature in black ink, appearing to read "Stephen Morris", written over a horizontal line.