

State of Rhode Island
Department of Health
Board of Medical Licensure and Discipline



IN THE MATTER OF:
Daniel Salmeron, MD
License #: MD 16224
Case #: C191288

CONSENT ORDER

Daniel Salmeron, MD ("Respondent") is licensed as a physician in Rhode Island. The Rhode Island Board of Medical Licensure and Discipline ("Board") makes the following

FINDINGS OF FACT

1. Respondent graduated from Universidad Autonoma De Guadalajara on June 30, 2002.
2. Respondent was the attending physician for several patients as a telehealth provider for a medical group that provides care, via telemedicine, using synchronous audiovisual technology.
3. The Board received notice from Respondent's former employer ("Employer") to the effect that Respondent's credentials had been revoked and employment terminated because Respondent failed to complete more than 300 patient medical records. Employer stated that Respondent was given multiple opportunities to complete the medical records, including a July 1, 2019 formal performance improvement plan. Respondent, nevertheless, failed to complete the medical records. Following termination, Respondent asked for and was granted a ten-day period to complete the outstanding medical records. Respondent, nevertheless, failed to complete the records to the satisfaction of Employer. Employer's credentialing committee met on August 22, 2019, at which time it concluded that there was "*inconvertible evidence that [Respondent] failed to comply with*

policies, counseling from Medical Directors and repeated requests to complete all records in a timely manner. After thorough review, [Employer's] credentialing committee determined this behavior could adversely affect the health and welfare of its patients and voted to revoke credentials effective August 22, 2019."

4. Respondent appeared before the Investigative Committee on March 25, 2020, at which time he admitted that he did not complete the medical records as required. Respondent reported that during the period in which he failed to complete the medical records, leading up to his termination, he had experienced personal health issues affecting his vision and had endured certain family issues, as well. Respondent, however, did not request leave from work and was unable to explain why he failed to do so, though he did acknowledge, in retrospect, that he should have. Respondent represented to the Investigative Committee that, although he still has issues with his vision, he is not presently impaired and is fit to practice medicine. Indeed, Respondent did not claim to have been impaired during the period leading up to his termination. Rather, Respondent stated that he is a perfectionist and, seeing and treating three patients an hour, he was simply unable to complete the medical records during patient visits, and the incomplete medical records mounted.

5. The Investigative Committee concluded that, notwithstanding significant life issues, Respondent continued to see patients and, as such, was obligated to meet the standard of care and to complete all medical records in a timely manner. Respondent failed to complete more than 300 medical records in a timely manner, in violation of Section 1.5.12(E) of the Rules and Regulations Pertaining to the Licensure and Discipline of Physicians (216-RICR-40-05-1) ("Regulations"), which provides, *"A medical record in paper or electronic format must be available in a completed format available for review by another health care provider for purposes of continuity of care in a timely manner. Failure to have the medical record in a completed format will be deemed grounds*

for unprofessional conduct.” Therefore, Respondent violated R.I. Gen. Laws §§ 5-37-5.1(19) and (24), which define “unprofessional conduct,” as including, respectively, “[i]ncompetent, negligent, or willful misconduct in the practice of medicine, which includes the rendering of medically unnecessary services, and any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing medical practice in his or her area of expertise as is determined by the board;” and “[v]iolating any provision or provisions of [Chapter 5-37 of the R.I. Gen. Rules] or the rules and regulations of the board or any rules or regulations promulgated by the director or of an action, stipulation, or agreement of the board.”

Based on the foregoing, the parties agree as follows:

1. Respondent admits to agrees to remain under 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 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;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review; and

h. Any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the Rhode Island Department of Health (“RIDOH”) public website.

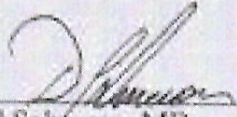
4. Respondent agrees to pay, within 5 days of the ratification of this Consent Order, an administrative fee of \$1090.00 for costs associated with investigating the above-referenced complaint. Such payment shall be made by certified check, made payable to “**Rhode Island General Treasurer**,” and sent to Rhode Island Department of Health, 3 Capitol Hill, Room 205, Providence, RI 02908, Attn: Lauren Lasso. Respondent will send notice of compliance with this condition to DOH.PRCCompliance@health.ri.gov within 30 days of submitting the above-referenced payment.

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

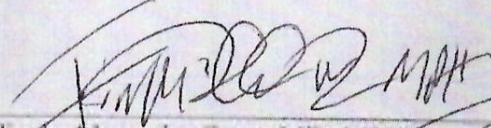
6. If Respondent violates any term of this Consent Order after it is signed and accepted, the Director of RIDOH (“Director”) shall have the discretion to impose further disciplinary action, including immediate suspension of Respondent’s medical license. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request an administrative hearing within 20 days of the suspension and/or further discipline. The Director 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.

[SIGNATURE PAGE FOLLOWS]

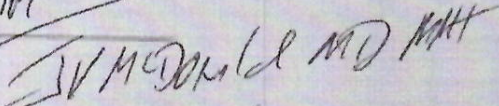
Signed this 28 day of April, 2020.


Daniel Salmeron, MD

Ratified by the Board of Medical Licensure and Discipline on the 13th day of May, 2020.


Nicole Alexander-Scott, MD, MPH
Director

Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, RI 02908


J. McDonald, MD MPH
Act. Director