

**STATE OF RHODE ISLAND
DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

IN THE MATTER OF:

Keith Perry, M.D.

License Number MD 07817

BMLD Case Number C14-561A

CONSENT ORDER

Keith Perry, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") through its investigating committee voted to find Respondent had committed unprofessional conduct and made the following:

FINDINGS OF FACT

1. Respondent has been a licensed physician in the State of Rhode Island since July 3, 1990. Respondent's office is located at 14 Cedar Swamp Road, Smithfield, Rhode Island, and his primary specialty is Anesthesia, in which he has been board certified since 2005.
2. Respondent was the attending anesthesiologist for patient who was undergoing an elective pain management procedure at Fatima Hospital.
3. Respondent intended to perform a therapeutic injection on the right side of the patient's spine. Respondent performed the procedure on the left side. Respondent recognized his error after the procedure was completed and informed the patient. The patient returned two (2) days later to have the correct procedure done on the right side without subsequent complication.

4. Respondent noted that this procedure occurred at the end of a long and very busy day. Respondent also noted that the hospital had a briefing/time-out Universal Protocol and that, if the procedure had been followed completely, the error would not have occurred.
5. Respondent is in violation of Rhode Island General Laws § 5-37-5.1(19) for failure to conform to the minimal standards of acceptable and prevailing medical practice.

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board;
2. Respondent has reviewed 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;
 - 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 will be reported to the National Practitioner Data Bank, Federation of State Medical Board
4. Respondent agrees to this Reprimand by the Board based on the above findings.
 5. Respondent shall submit to the Board a check payable to the Rhode Island General Treasury in the amount of \$650.00 within twelve (12) months of ratification of this order, as an administrative fee in resolving the above-referenced complaint.
 6. Respondent will obtain eight (8) hours of Board approved CME relating to Universal Protocol and avoiding wrong site procedures.
 7. In the event that any conditions of this Consent Order are violated after it is signed and accepted, the Director of the Department of Health shall have the discretion to impose further disciplinary action, including lifting the stay of the six months suspension of the Respondent's license to practice medicine in the State of Rhode Island. If the Director suspends such license, Respondent shall be given notice and shall have the right to request an administrative hearing within twenty (20) days of the suspension. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of any violation of this Consent Order. The Administrative Hearing

Officer may suspend Respondent's license for the remainder of Respondent's probationary period if the alleged violation is proven by a preponderance of evidence.

Signed this 29 ^{December} day of ~~November~~, 2015.



Keith Perry, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 13 day of January, 2015.



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