

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



IN THE MATTER OF:
Robert E. Eden M.D.
License Number MD 08724
Case # C180248, C180320, C180454

CONSENT ORDER

The Rhode Island Board of Medical Licensure and Discipline (hereinafter "Board") has reviewed and investigated the above referenced complaints pertaining to Dr. Robert Eden (hereinafter "Respondent") through its Investigative Committee.

FINDINGS OF FACT

1. Respondent has been a licensed physician in the State of Rhode Island since August 3rd, 1994. He graduated from Boston University School of Medicine on June 1, 1989. His primary specialty is Pediatrics. His practice is located at Children's Medical Group, Suite 302, 100 Highland Avenue Providence, Rhode Island.
2. Between 2010 and 2016 respondent used a vendor, Allscripts, to provide his electronic medical record software. Allscripts was also responsible for storage of those medical records. Respondent changed to a different electronic medical record vendor in 2016. Respondent retained access to Allscripts, the legacy system.
3. Without warning, Respondent's practice no longer had access to medical records in the legacy system, Allscripts.
4. Respondent made multiple attempts to contact Allscripts to recover the records in question and retained legal counsel to assist him in this process.
5. Despite respondent's efforts to recover records from Allscripts, he was unable to do so.
6. After failing to respond meaningfully to both Respondent and Respondent's counsel for many months, in June 2018, Allscripts finally indicated that they deleted/destroyed

Respondent's patient's medical records.

7. After being made aware of the Investigative Committees concerns, Respondent engaged consultative assistance and was able to recover approximately 1600 patients' records from a locally maintained hard-drive. However, Respondent estimates that the records of approximately 1000-1500 patients of varying ages from birth to 23 years were permanently deleted by Allscripts.
8. Respondent admits that some medical records for some patients who were seen between 2010 and 2016 are no longer available.
9. Although Respondent has been informing patients of the lost medical records as they come for appointments, he has not notified all affected patients or their representatives that their medical records from 2010 to 2016 were destroyed by Allscripts and are, therefore, not available.
10. Respondent is willing to provide a summary of what medical information he does have by accessing Kidsnet, a database maintained by RIDOH, as well as his memory and other extant medical records, such as consultant reports, lab reports and radiology reports.
11. The Board received three complaints from three separate patients (or their representatives) indicating they were not able to have a complete copy of their medical records forwarded for succeeding care or other purposes. These three patients shall be referred to as Patient A, Patient B, and Patient C (alias').
12. Two of these individuals have since received copies of their medical records.
13. Respondent did not comply with the *Rules and Regulations for Licensure and Discipline of Physicians* [216-RICR-40-05-01] sections 1.5.12 and 1.5.12C, which state that "Requested records must be provided within 30 days of receipt of the written request or signed authorization for records, and that "Medical Records shall be stored by physicians or their authorized agents for a period of (7) years unless otherwise required by law or regulation".

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.

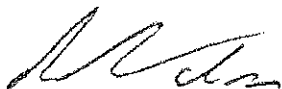
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board, and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear 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 one hundred and eighty (180) days of the ratification of this Consent Order an administrative fee to the Board with a check for \$1500 dollars made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint.
5. Respondent will be the subject of a reprimand on his physician license.
6. Respondent will send a Board approved notification to all patients affected by this loss of medical records within 30 days of ratification of this order.
7. Respondent shall remedy future requests of medical records from patients or their authorized representatives within 30 days. This remedy shall be based on extant records, as well as health care summaries that can be recreated from memory or medical records from consultants as applicable. Immunization data is available

from Kidsnet, a database maintained by RIDOH. Respondent shall not charge a fee to patients or their representatives to have any summaries of their health care recreated. To the extent respondent receives multiple requests for records from patients whose records were deleted by Allscripts such that he cannot reasonably reconstruct the records within 30 days, respondent shall be provided with additional time, at the discretion of the Board, to complete the reconstruction of the records in question as long as respondent provides the individuals in question with the records he does have within 30 days.

8. Respondent shall post conspicuously for the next 3 years in his waiting room, or other suitable location where visible to patients, a notice that indicates that some medical records from 2010 to 2016 were deleted by Allscripts and what can be done to minimize loss or inconvenience to the patients.
9. Respondent will send to DOH.PRCCompliance@health.ri.gov evidence of compliance with this order as applicable to the appropriate condition.
10. Respondent acknowledges that this Consent Order is an agreement of the board as specified in Rhode Island General Law § 5-37-5.1(24), a violation of which constitutes unprofessional conduct.
11. This Consent Order constitutes a final resolution of all issues arising as a result of the loss of Respondent's patient's medical records stored with Allscripts.
12. 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 immediately suspend Respondent's license, and/or impose further disciplinary action. If the Director suspends Respondent's license and/or imposes further disciplinary action, Respondent shall be given notice and shall have the right to request a hearing within twenty (20) days of the immediate 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 Board 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 8 day of November, 2018.



Robert Eden M.D.

Ratified by the Board of Medical Licensure and Discipline on the 14th day of November 2018.



Nicole Alexander-Scott, M.D., M.P.H.

Director

Rhode Island Department of Health

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Providence, Rhode Island 02908