

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
DIVISION OF EMERGENCY
MEDICAL SERVICES**

**In the Matter of:
ANTHONY F. TORO, EMT-C
License Number EMT05331**

CONSENT ORDER

This matter came before the Department of Health, Division of Emergency Medical Services (hereinafter "Department"), upon allegations that, EMT (hereinafter "Respondent") employed by the City of Providence Fire Department, did engage in conduct that constituted grounds for civil disciplinary action against his EMT license pursuant to Rhode Island General Laws § 23-4.1-9 and the *Rules and Regulations Relating to Emergency Medical Services* Rule 14.1. After careful consideration by the Department, the following constitute the Findings of Fact with respect to the actions of the Respondent relative to this incident:

1. Anthony F. Toro (hereinafter "Respondent") is licensed as an Emergency Medical Technician - Cardiac pursuant to R.I. Gen. Laws chapter 23-4.1 and holds license number EMT05331.
2. On February 20, 2013, a 35 year old male patient was transported to Rhode Island Hospital by police after he stepped in front of a moving police cruiser. Respondent appeared on the scene, but it was determined that the patient should be brought to the hospital by police cruiser instead of by rescue due to the patient's aggressive behavior. On the way to the hospital, the patient was banging his head around the cruiser and was kicking out at police while exiting the cruiser, according to a police report filed on that date. The patient stated that the next

time, he would come out of his residence with an axe so police would have to shoot him. At Rhode Island Hospital, the patient assaulted Respondent and three police officers. Respondent had a large bruise on his left leg. Patient admitted to hospital staff that he had been using alcohol and other substances.

3. While in the hospital, the patient was brought to a critical care room surrounded by Providence Police and Fire Department personnel, and by hospital emergency department and security staff. The patient was described as “extremely combative” and was lying on his stomach on a stretcher with his hands in police handcuffs behind his back. At Rhode Island Hospital, as the patient was entering the Trauma Room, the Respondent requested of physicians that the patient be sedated prior to the removal of the patient’s handcuffs. This request was made by Respondent because of the patient’s violent and confrontational state.
4. After a physician ordered four-point restraints, staff asked that the cuffs be removed so that the restraints could be placed on the patient, so staff began to rotate him on to his back while he was still on the stretcher. The Respondent, based upon his years of experience and training, believed that the patient was under the influence of a controlled substance, possibly “bath salts” or “synthetic marijuana.” The respondent, along with five (5) other persons, including Providence police officers and Rhode Island Hospital Security Officers, were having great difficulty in restraining the patient.

5. During this rotation, the patient allegedly pushed Respondent backward. At this time, the patient's wrists had been cuffed in hospital restraints, however, the hospital restraints had not yet been fastened to the gurney, leaving the patient's hands free. Respondent was attempting to assist in restraining the patient and had placed his arm on the patient's chest. As the respondent placed his arm on the patient's chest, the patient moved his head toward the Respondent. The Respondent believed that the patient was attempting to bite him. Three persons stated that they saw Respondent at that point begin to punch the patient in the face and head with a closed fist, and Respondent admits that he struck the patient three (3) times in the face. The witnesses who saw Respondent punch the patient had different counts of the punches, but they ranged from three to five times or "several times." Upon reflection, the Respondent acknowledges that, while he struck the patient in a difficult situation, he should have used another method of restraining the patient. Respondent's conduct as described herein is inconsistent with his responsibilities as defined in the *Rules & Regulations Related to Emergency Medical Services [R23-4.1-EMS]* and with minimum accepted and prevailing standards of EMS.
6. During the time that the Respondent has held an Emergency Medical Technician license, he has had no other complaints against him other than the instant complaint.

Based on the foregoing, the parties agree as follows:

1. The July 5, 2013, summary suspension of Respondent's EMT license is hereby vacated.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.
3. Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Department;
 - 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 Department;
 - 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 Department for consideration and review;
 - h. Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order; and

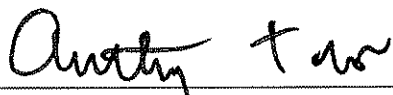
- i. Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.
5. This Consent Order shall become a part of the public record of this proceeding once accepted by all parties. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
6. Respondent hereby agrees to accept a reprimand for the conduct described herein.
7. Failure to comply with the Consent Order, once signed and accepted, shall subject the Respondent to further disciplinary action against his EMT license.
8. Respondent shall serve a one year period of probation upon execution of this Consent Order, retroactive to July 5, 2013 (the date of summary suspension), subject to the terms and conditions set forth in this Consent Order:
 - a. Respondent shall immediately apply for and, in no case shall he delay longer than thirty (30) days in beginning a program of re-training in the restraint of intoxicated persons through a provider agreed upon by the Providence Fire Department. Respondent shall complete said program and provide proof of attendance to the Department, the continuing education relating to EMS, conducted by a qualified EMS educator, in provision of emergency medical services to intoxicated patients, and proper restraint techniques. The Providence Commissioner of Public Safety and the Department will collaborate to monitor the Respondent's on-going performance in the area of patient restraints.

- b. This probationary period shall commence after the above stated period of probation and will abate for the duration of any period in which Respondent ceases to provide emergency medical services in Rhode Island.
 - c. During the period of probation, if Respondent fails to comply with the provisions of Chapter 23-4.1 and/or the *Rules and Regulations Relating to Emergency Medical Services*, or any of the terms of this Consent Order, the Department shall initiate further action with respect to Respondent's licensure status.
 - d. During the period of probation, Respondent's employers, including the Chief of the licensed Ambulance Service(s) for which he is employed and/or serves as a volunteer, shall submit to the Department reports every three (3) months relating to the Respondent's conduct and performance. It shall be the responsibility of Respondent to ensure said reports are submitted.
 - e. Respondent shall attend an evaluation with a provider who treats anger management, and if the provider recommends any course of corrective activity, Respondent shall comply with such recommendation during the period of probation.
11. During the period of probation, if Respondent changes employment and/or volunteer service, Respondent shall notify the Department forthwith of said change including the name and address of the new employer(s) and/or licensed

ambulance service, as well as the reason for change in ambulance service affiliation.

12. A copy of this Consent Order shall be forwarded by the Department to Respondent's current employer(s) and/or volunteer service and all future employer(s) and/or volunteer service during the period of suspension and probation.
13. If Respondent complies with the laws and regulations governing the practice of Emergency Medical Services during the one year month period of probation and complies with the requirements of this Consent Order, he may apply to the Department for relief from the probation.
14. Prior to applying for relief from probation, the Respondent shall submit to the Department, or cause to be submitted to the Department, documentation that the above measures have been completed.

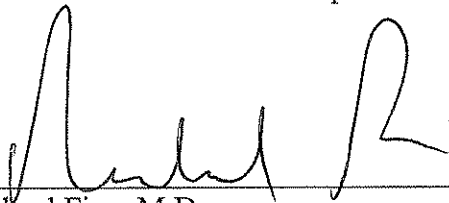
Signed this 16 day of August, 2013.



Anthony F. Toro, EMT05331

ANTHONY F. TORO, EMT-C
Page 8 of 8

Ratified as an order of the Department on this 16 day of August, 2013.

A handwritten signature in black ink, appearing to read 'Michael Fine', written over a horizontal line.

Michael Fine, M.D.
Director
Department of Health