

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



IN THE MATTER OF:
Playkil J. Joseph M.D.
License Number MD 08116
Case # C170601

CONSENT ORDER

Playkil Joseph M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. The Board of Medical Licensure and Discipline (hereinafter the "Board") makes the following:

FINDINGS OF FACT

1. Respondent is a licensed physician in Rhode Island and was issued his license on January 8th, 1992. Respondent's specialty is Hematology/Oncology. His Practice is located at 1220 Pontiac Avenue, Cranston, Rhode Island.
2. The Board received a notice of settlement of malpractice action involving Patient A (alias).
3. Respondent was the attending physician for Patient A who was initially treated for incompletely excised squamous cell carcinoma. As part of follow up care for Patient A, a CAT-Scan (CT) was ordered of his chest to assess a concern about a potential malignancy. Patient A was informed of the importance of follow up after the CT.
4. Respondent scheduled a follow up appointment for Patient A to specifically discuss the

CT findings.

5. Following the performance of the CT study Patient A telephoned Respondent's office in advance of the follow up appointment.
6. Patient A did not ask to speak to Respondent but spoke with colleague's secretary.
7. Patient A canceled the follow up appointment with Respondent based on his conversation with the secretary.
8. Respondent was never informed that Patient A canceled the follow up appointment.
9. Respondent's practice did not have a system in place where a physician would be notified of a cancellation.
10. Respondent's practice did not have a system in place to ensure that staff did not file studies and/or reports under the circumstances where a patient unilaterally cancels a follow up appointment.
11. Respondent was unaware Patient A canceled his appointment and the CT report was filed without Respondent becoming aware of a suspicious lesion and recommendation for a PET scan.
12. Patient A returned to his office 1 year later with a palpable lump in his axilla and subsequent biopsy revealed it was metastatic cancer.
13. Respondent notified Patient A of the communication failure and apologized for the error.
14. Patient A received subsequent treatment for the cancer from Respondent that was not successful and Patient A passed away secondary to the cancer.

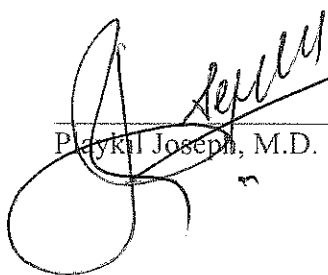
15. Respondent has violated RIGL 5.37.5.1 section (19) for ... *and any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing medical practice in his or her area of expertise as is determined by the board....*;

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 (60) days of the ratification of this Consent Order an administrative fee to the Board with a check for \$850 dollars made payable to the Rhode Island General Treasurer for costs associated with investigating the above-referenced complaint.
5. Respondent hereby agrees to this reprimand on his physician license.
6. Respondent agrees to successfully complete within six (6) months of the ratification of this order 8 hours of board approved CME regarding risk management focusing on strategies to prevent a similar occurrence in the future.
7. 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 impose further disciplinary action. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request a hearing within twenty (20) days of the suspension and/or further discipline. The Director of the Department of Health shall also have the discretion to request a 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 15th day of Nov, 2017.



Playkil Joseph, M.D.

Ratified this 13th day of November, 2017 by the Board of Medical Licensure and Discipline.



Nicole Alexander-Scott, M.D., M.P.H.
Director
Rhode Island Department of Health
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Providence, Rhode Island 02908