

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF THE DISCIPLINARY	:	
PROCEEDINGS AGAINST	:	
	:	FINAL DECISION AND ORDER
PHILLIP R. TOLENTINO, M.D.,	:	
RESPONDENT.	:	ORDER 0001279

Division of Enforcement Case No. 10MED349

The parties to this action for the purposes of Wis. Stat. § 227.53 are:

Phillip R. Tolentino, M.D.
605 N. Britton Road
Union Grove, WI 53182-9666

Division of Enforcement
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

Wisconsin Medical Examining Board
Department of Safety and Professional Services
1400 East Washington Avenue
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final decision of this matter, subject to the approval of the Medical Examining Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Phillip R. Tolentino, M.D. (Respondent), date of birth May 22, 1962, is licensed and currently registered by the Wisconsin Medical Examining Board to practice medicine and surgery in the state of Wisconsin pursuant to license number 46282-20, which was first granted November 20, 2003.

2. Respondent's last address reported to the Department of Safety and Professional Services is 605 N. Britton Road, Union Grove, Wisconsin, 53182.

3. On May 10, 2006, a five-year-old girl and her parents presented to the Respondent at the Aurora Health Care walk-in facility in Kenosha, Wisconsin. The child had a hematoma under her fingernail and was in moderate discomfort. Respondent recommended using "conservative care" (i.e. soaks, ice elevation, etc.) for pain relief, because her parents had already given her an over-the-counter pain medication and the walk-in facility was unable to provide anything other than Tylenol or Motrin. When the parents became increasingly concerned about the child's pain and discomfort, it was decided that Respondent would attempt to relieve the pain by releasing the pressure of the hematoma.

4. After prepping the child for the procedure, Respondent sprayed the ethyl chloride anesthetic on her injured finger. Respondent then activated the cautery tool, at which time the chux pad, where the child's hand was resting, caught fire. As a result, the child sustained first-degree burns to her left arm and hand, as well as a blister on her left pinky finger.

5. Since this investigation was commenced, Respondent has taken the following two-credit (2), online education course, which he will not use to fulfill his biennial education requirements:

a. "Surgical fires: Keys to awareness and prevention."

6. Respondent's conduct fell below the minimum standards of competency for the medical profession by failing to follow proper laser treatment safety measures when ethyl chloride spray was applied to the child's hand, which caused the chux pad to catch fire when the electrocautery was turned on.

CONCLUSIONS OF LAW

1. The Wisconsin Medical Examining Board has jurisdiction over this matter pursuant to Wis. Stat. § 448.02(3) and authority to enter into this stipulated resolution of this matter pursuant to Wis. Stat. § 227.44(5).

2. Respondent, by engaging in any practice or conduct that tends to constitute a danger to the health, welfare, or safety of the patient or public, has committed unprofessional conduct as defined by Wis. Admin. Code § Med 10.02(2)(h), and is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

IT IS HEREBY ORDERED that:

1. The attached Stipulation of the parties is accepted.

2. Phillip R. Tolentino, M.D., is hereby REPRIMANDED for the above conduct.

3. The Board recognizes the aforementioned continuing medical education course as the equivalent of the education the Board would have otherwise required.

IT IS FURTHER ORDERED that:

4. Respondent shall, within 90 days of this Order, pay costs of this proceeding in the amount of THREE HUNDRED (\$300.00) dollars. Payment shall be made to the Wisconsin Department of Safety and Professional Services, and mailed to:

Department Monitor
Department of Safety and Professional Services
Division of Enforcement
1400 East Washington Ave.
P.O. Box 8935
Madison, WI 53708-8935
Telephone: (608) 267-3817
Fax: (608) 266-2264

5. Violation of any terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order. In the event Respondent fails to timely submit payment of the costs as ordered, the Respondent's license (No. 46282-20) may, in the discretion of the board or its designee, be SUSPENDED, without further notice or hearing, until Respondent has complied with payment of the costs.

6. This Order is effective on the date of its signing.

Wisconsin Medical Examining Board

By:

8/Keilor Momba
A Member of the Board

12/14/11
Date

10MED349/Tolentino/Kluck/AH/10-20-11