

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: MEDICINE
CASE NUMBER: 0100585
COMPLAINT MADE BY: Department of Insurance
DATE COMPLAINT RECEIVED: February 1, 1989
COMPLAINT MADE AGAINST: Bernard Zumpano, M.D.
8718 S. Quebec Avenue
Tulsa, OK 74137
REVIEWED BY: Carlos J. Ramos/tv
STAFF RECOMMENDATION: CLOSED (PL-06)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation failed to practice medicine with an acceptable level of care in that he severed the right median nerve of the patient W. H., while performing right median nerve decompression surgery.

THE FACTS On or about July 22, 1981 the Subject performed right hand Carpal Tunnel Release surgery on the patient W. H. postoperatively, the patient was afebrile and his right hand felt good with improved sensation. On or about July 29, 1981 at an office visit with the Subject the patient complained of severe pain in his right wrist, proximal to the operative site, and pain and numbness of the medial thumb, 2nd and 3rd fingers of the right hand. The patient had sustained an injury to the right wrist subsequent to surgery when the point of a car door struck his hand. The Subject's diagnosis of the patient's pain was nerve damage due to the injury, however, the patient alleges his pain was due to injury from the surgery.

A Department expert opined that the Subject did not injure the median nerve surgically and that the patient developed a neuroma in the median nerve due to the car door injury. The expert further opined that the Subject met an acceptable standard of care in his examination, diagnosis and treatment.

The expert did remark, however, that the Subject delayed writing the patient's discharge summary until on or about six months later. The discharge summary was labeled with respect to the hospitalization of on or about July 21, 1988 to on or about July 23, 1988. The expert opined that said discharge summary was

actually intended to refer to the hospitalization of on or about September 14, 1988.

THE LAW: Based on the foregoing, there is sufficient evidence to support a finding of probable cause to believe that Subject violated the provisions of Sections 458.331(1)(m), Florida Statutes. However, under the aforesaid circumstances, this case should be closed with a Letter of Guidance.

It is, therefore, ORDERED that this case should be and the same is hereby closed with a Letter of Guidance.

DONE and ORDERED this 20 day of Nov, 1989.

Robert Katims M.D.
CHAIRMAN, Probable Cause Panel
Board of Medicine

CJR/tv/AL
9/5/89