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FILED

Department of Professional Regulation  
AGENCY CLERK

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

*[Signature]*

CLERK \_\_\_\_\_

DATE 10-12-92

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

DPR CASE NO. 89-07230  
91-04110  
91-04108

CHARLES E. CURTIS, D.O.

Respondent.

\_\_\_\_\_

FINAL ORDER

THIS MATTER came before the Board of Osteopathic Medical Examiners pursuant to Section 120.57(3), Florida Statutes, on September 12, 1992, in Tampa, Florida, for determination of whether to accept to the proposed consent agreement. A copy of said consent agreement is attached as an exhibit to this final order. The Petitioner was represented by Francesca Plendl, Senior Attorney. The Respondent was present, and represented by counsel.

Upon consideration of the investigative file, the proposed consent agreement, the argument of the parties, and being otherwise fully advised in the premises, it is hereby ORDERED and ADJUDGED:


(1) The proposed consent agreement is hereby approved and adopted in toto and incorporated herein by reference.

(2) Respondent will adhere to and abide by all the terms and conditions of the settlement stipulation.

(3) The Final Order and its attachments, as well as a copy of the Department's investigative report, shall be placed in and become a part of Respondent's official records and shall become effective upon filing with the Clerk of the Department of Professional Regulation.

(4) Pursuant to Section 120.68, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the Clerk of the Department of Professional Regulation and by filing the filing fee and a copy of a Notice of Appeal with the District Court of Appeal within thirty (30) days of the date when this Final Order is filed.

DONE AND ORDERED this 12<sup>th</sup> day of OCTOBER<sup>12</sup>, 1992 by the Florida State Board of Osteopathic Medical Examiners.

  
\_\_\_\_\_  
SANDRA L. SCHWEMMER, D.O.  
CHAIR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that true and correct copy of the foregoing  
has been furnished by U.S. Mail to Charles, E. Curtis, D.O.,  
12388 Ridge Road, North Palm Beach, Florida 33408, and Francesca  
Plendl, Esquire, Department of Professional Regulation, 1940  
North Monroe Street, Tallahassee, Florida 32399-0750, this 12<sup>th</sup>  
day of OCTOBER, 1992.



wp/OsteoI

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

v.

DPR CASE NO. 89-07230  
91-04110  
91-04108

CHARLES E. CURTIS, D.O.,

Respondent.

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CONSENT AGREEMENT

Charles E. Curtis, D.O., referred to as the "Respondent", and the Department of Professional Regulation, referred to as "Department", stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Osteopathic Medicine, referred to as "Board", incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed osteopathic physician in the State of Florida having been issued license number OS 0003592.

2. Respondent was charged by Administrative Complaints filed by the Department and properly served upon Respondent with violations of Chapter 459, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaints are attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaints.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed osteopathic physician, he is subject to the provisions of Chapters 455 and 459, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaints, if proven, would constitute violations of Chapter 459, Florida Statutes, as alleged in the Administrative Complaints.

STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violate Chapters 455, 459 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. ~~REPRIMAND.~~ ~~The Respondent shall receive a reprimand from the Board of Osteopathic Medicine.~~ CEC FR

3. The Respondent shall comply with the terms of the Final Order in DPR Case Numbers 89-003867 and 0110625.

4. It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regarding the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order is entered incorporating the terms of this Agreement, by the Board.

5. Respondent shall appear before the Board at the meeting of the Board where this Agreement is considered. Respondent, in conjunction with the consideration of this Agreement by the Board,

shall respond to questions under oath from the Board, Board Staff or Department Staff.

6. Should this Agreement be rejected, no statement made in furtherance of this Agreement by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment purposes.

7. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaints attached as Exhibit "A" herein.

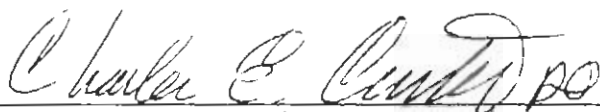
8. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

9. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.

10. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning

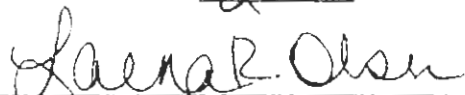
Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

SIGNED this 20 day of Aug, 1992.

  
Charles E. Curtis, D.O.

Before me, personally appeared \_\_\_\_\_, whose identity is known to me by \_\_\_\_\_ (type of identification) and who, under oath, acknowledges that his/her signature appears above.

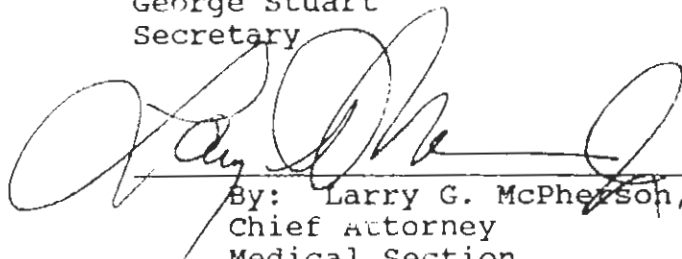
Sworn to and subscribed before me this 20<sup>th</sup> day of August, 1992.

  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

APPROVED this 25 day of August, 1992.

George Stuart  
Secretary

  
By: Larry G. McPherson, Jr.  
Chief Attorney  
Medical Section

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

CASE NO. 9104108

vs.

CHARLES E. CURTIS, D.O.

Respondent.

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ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Osteopathic Medical Examiners against Charles E. Curtis, D.O., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of osteopathic medicine pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 459, Florida Statutes.

2. Respondent is and has been at all times material hereto licensed to practice osteopathic medicine in the State of Florida, having been issued license number OS 0003592. Respondent's last known address is 310 U.S. Highway #1, Lake Park, Florida 33403.

3. Petitioner on or about 4-9-85, and on or about 5-24-85, Respondent was the treating physician for Patient R.Y.

4. On or about 4-9-85, Patient R.Y. presented with complaints of headache, nausea, vomiting, and neck pain. Respondent's records



do not document a physical examination or temperature of Patient R.Y.

5. On or about 5-10-85, Patient R.Y. presented with persistent neck stiffness. No physical examination or temperature of Patient R.Y. was documented. Patient R.Y. was given medication for a diagnosis of tension cephalgia.

6. On or about 5-17-85, Patient R.Y. presented with complaints of neck stiffness and headaches. No physical examination or temperature of Patient R.Y. was documented.

7. Patient R.Y. expired on 7-14-85 as a result of a large brain tumor.

COUNT ONE

8. Petitioner realleges paragraphs one (1) through seven (7) above, as if fully set forth in this Count One.

9. Respondent failed to practice osteopathic medicine with that level of care, skill, and treatment which a reasonably prudent similar osteopathic physician recognizes as acceptable under similar conditions and circumstances, in one, some, or all of the following respects:

a. Respondent failed to diagnose Patient R.Y.'s brain tumor which resulted in R.Y.'s death.

b. Respondent failed to perform appropriate diagnostic testing to determine the cause of Patient R.Y.'s complaints.

10. Based on the foregoing, Respondent violated Section 459.015(1)(y), Florida Statutes, in that Respondent is guilty of gross or repeated malpractice or the failure to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT TWO

11. Petitioner realleges and incorporates paragraphs one (1) through seven (7) and nine (9) above, as if fully set forth in this Count Two.

12. Respondent failed to maintain adequate medical records to justify the course of treatment of Patient R.Y., in that Respondent's records do not justify the failure to perform a physical examination and temperature check of Patient R.Y.


13. Based on the foregoing, Respondent violated Section 459.015(1)(p), Florida Statutes, by failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultants and hospitalizations.

WHEREFORE, Petitioner respectfully requests the Board of Osteopathic Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of

an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 20 day of July, 1992.

George Stuart, Jr., Secretary

  
By: Larry G. McPherson, Jr.  
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Francesca Plendl  
Senior Attorney  
Florida Bar No. 765996  
Department of Professional Regulation  
1940 N. Monroe Street, Ste. 60  
Tallahassee, Florida 32399-0792  
(904) 488-0062

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3/4/92

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Department of Professional Regulation  
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DATE 7-20-92

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

CASE NO. 9104110

vs.

CHARLES E. CURTIS, D.O.

Respondent.  
\_\_\_\_\_ /

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Osteopathic Medical Examiners against Charles E. Curtis, D.O., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of osteopathic medicine pursuant to Section 20.30, Florida Statutes, Chapter 455, Florida Statutes, and Chapter 459, Florida Statutes.

2. Respondent is and has been at all times material hereto licensed to practice osteopathic medicine in the State of Florida, having been issued license number OS 0003592. Respondent's last known address is 310 U.S. Highway #1, Lake Park, Florida 33403.

3. From on or about 7-21-87 to on or about 9-9-87, Respondent provided medical care and treatment for Patient H.R.

4. On or about 8-3-87, Patient H.R. presented to Respondent with a lump on her right wrist which she said had been present for

several months. Respondent diagnosed the lump on Patient H.R.'s wrist as a ganglionic cyst. It was agreed that Patient H.R. would be scheduled for surgery of the wrist.

5. Respondent did not refer Patient H.R. to a physician specializing in hand and wrist surgery.

6. On or about 8-5-87, using two (2) cc's of Xylocain administered to the site, Respondent removed a ganglion cyst from the right wrist of Patient H. This surgery was performed in the Respondent's office.

7. On or about 8-11-87, Patient H.R. presented with complaints of her right thumb being numb. Patient H.R. said that when she moved her thumb "the wrong way", it felt like something was ripping in her wrist. Respondent's records do not document any post-operative complications.

8. On or about 8-11-87, Respondent removed the sutures from Patient H.R.'s right wrist and prescribed medication for inflammation.

9. On or about 8-17-87, Patient H.R. presented with complaints of her right wrist itching and containing pus and blisters. Respondent prescribed medication for inflammation.

10. On or about 8-21-87, Patient H.R. presented feeling somewhat better; however, her right thumb was still painful.

11. On or about 9-9-87, Patient H.R. presented with complaints of blisters on the right wrist with a burning feeling within. Respondent's records do not document any treatment.

12. On or about 9-17-87, Patient H.R. sought treatment by another physician who, upon examination, detected evidence of thrombosis of the radial artery.

13. On or about 10-21-87, the subsequent treating physician performed resection of the thrombosed end of Patient H.R.'s right wrist radial artery, neurolysis of a superficial sensory branch of the radian nerve, and tenolysis.

COUNT ONE

14. Petitioner realleges paragraphs one (1) through thirteen (13) above, as if fully set forth in this Count One.

15. Respondent failed to practice osteopathic medicine with that level of care, skill, and treatment which a reasonably prudent similar osteopathic physician recognizes as acceptable under similar conditions and circumstances, in one, some, or all of the following respects:

a. Respondent failed to refer Patient H.R. to a physician specializing in hand and wrist surgery.

b. Respondent performed surgery in an improper setting, placing Patient H.R. at unnecessary risk for complications.

c. Respondent failed to recognize in Patient H.R.'s immediate post-operative period complications from surgery; namely, injured radial artery, nerve, and vein.

16. Based on the foregoing, the Respondent violated Section 459.015(1)(y), Florida Statutes, in that Respondent failed to practice osteopathic medicine with that level of care, skill, and

treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT TWO

17. Petitioner realleges and incorporates paragraphs one (1) through thirteen (13) and paragraph fifteen (15) above, as if fully set forth in this Count Two.

18. Respondent failed to maintain adequate medical records to justify the course of treatment of Patient H.R., in that Respondent's operative report fails to mention any difficulty or involvement of the radial artery, nerve or vein in his procedure; and the informed consent form lacks signature by a witness and does not list specific possible complications of the surgery.

19. Based on the foregoing, Respondent violated Section 459.015(1)(p), Florida Statutes, by failing to keep written medical records justifying the course of treatment of the Patient, including, but not limited to patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultants and hospitalizations.

COUNT THREE

20. Petitioner realleges and incorporates paragraphs one (1) through thirteen (13), paragraph fifteen (15), and paragraph eighteen (18) above, as if fully set forth in this Count Three.

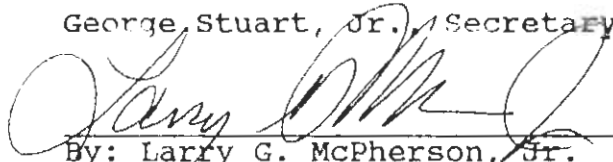
21. Respondent practiced beyond the scope permitted by law by performing surgery that should have been performed by a physician specializing in hand and wrist surgery.

22. Based on the foregoing, the Respondent violated Section 459.015(1)(aa), Florida Statutes, by practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he is not competent to perform.

WHEREFORE, Petitioner respectfully requests the Board of Osteopathic Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 20 day of July, 1992.

George Stuart, Jr., Secretary

  
By: Larry G. McPherson, Jr.  
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Francesca Plendl  
Senior Attorney  
Florida Bar No. 765996  
Department of Professional Regulation  
1940 N. Monroe Street, Ste. 60  
Tallahassee, Florida 32399-0792  
(904) 488-0062

FP/PH/ph  
2/14/92

**FILED**

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DATE 7-20-92



STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF OSTEOPATHIC MEDICINE

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

vs.

CASE NO. 89007230

CHARLES E. CURTIS, D.O.,

Respondent.

---

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Osteopathic Medical Examiners against Charles E. Curtis, D.O., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of osteopathic medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 459, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed osteopathic physician in the State of Florida, having been issued license number OS 0003592. Respondent's last known address is 310 U.S. Highway #1, Lake Park, Florida 33403.

3. On or about July 24, 1989, Respondent treated patient L.K. for insomnia depression, anxiety and stress.

4. Respondent's records reflect that patient L.K. felt as if she was suffering a "nervous breakdown".

5. In addition, patient L.K. previously attempted suicide on or about November 4, 1987.

6. Despite patient L.K.'s history of mental problems, Respondent prescribed Dalmane, Prozac, and Valium to patient L.K.

7. Dalmane is the brand name for a drug containing flurazepam hydrochloride, a Schedule IV Controlled Substance pursuant to Chapter 893, Florida Statutes.

8. Prozac is the brand name for a "legend" drug containing fluoxetine hydrochloride, pursuant to Chapter 499, Florida Statutes.

9. Valium is the brand name for a drug containing diazepam, a Schedule IV Controlled Substance pursuant to Chapter 893, Florida Statutes.

10. Dalmane, Prozac and Valium are included in the benyodiazepine drug group.

11. On the above mentioned date, patient L.K. was admitted to Doctor's Hospital of Lake Worth for a suicide attempt by drug overdose.

12. Subsequent to admission, patient L.K.'s drug screen was positive for benyodiazapines, barbiturates and alcohol.

13. Respondent failed to keep written medical records of patient L.K., justifying benyodiazepine therapy.

14. Respondent prescribed controlled substances and legend drugs to patient L.K. which were not in her best interest due to her mental state and history.

COUNT ONE

15. Petitioner realleges and incorporates paragraphs one (1) through fourteen (14) as if fully stated herein.

16. By prescribing Dalmane, Prozac, and Valium to patient L.K. with apparent mental problems and with a history of a suicide attempt, Respondent is in violation of Section 459.015(1)(u), Florida Statutes, by prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing a legend drug, including all controlled substances, other than in the course of the osteopathic physician's professional practice. For the the purpose of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, supplying, selling, giving, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the osteopathic physician's professional practice, without regard to this intent.

COUNT TWO

17. Petitioner realleges and incorporates paragraphs one (1) through fourteen (14) as if fully stated herein.

18. By prescribing Dalmane, Prozac, and Valium to patient L.K. with apparent mental problems and with a history of a suicide attempt, Respondent is in violating of Section 459.105(1)(y), Florida Statutes, by failing to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar

osteopathic physician as being acceptable under similar conditions and circumstances.

COUNT THREE

19. Petitioner realleges and incorporates paragraphs one (1) through fourteen (14) as if fully stated herein.

20. By failing to keep written medical records justifying benzodiazapine treatment for patient L.K., Respondent is in violation of Section 459.015(1)(p), Florida Statutes, for failing to keep written records justifying the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

WHEREFORE, Petitioner respectfully requests the Board of Osteopathic Medicine to enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 18th day of September, 1990.

LARRY GONZALEZ  
Secretary



BY: Stephanie A. Daniel  
Chief Medical Attorney

**FILED**  
Department of Professional Regulation  
AGENCY CLERK

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DATE 9-19-90