

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine
CASE NUMBER: 9015863
COMPLAINT MADE BY: S.V.
DATE COMPLAINT RECEIVED: November 28, 1990
COMPLAINT MADE AGAINST: Oscar Klein, M.D.
401 Manatee Avenue
Holmes Beach, Florida 34217
REVIEWED BY: Carlos J. Ramos/DB
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

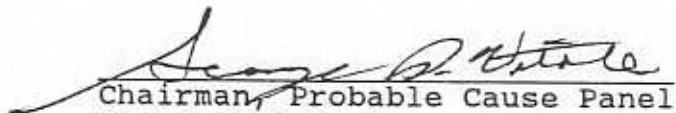
THE COMPLAINT: Complainant alleges that the Subject of the investigation failed to prescribe appropriately, failed to supervise nursing personnel, and practiced medicine below the acceptable level of care, skill, and treatment.

THE FACTS: Investigation substantiated the allegations. Dodds, an Advanced Registered Nurse Practitioner, under Subject's supervision, prescribed Pyridium without appropriately specifying the proper number of tablets to dispense on the prescription. S.V. experienced loss of appetite and headaches from the medication. S.V. went to another physician for treatment and alternative medication. Subject never saw S.V. during the course of treatment.

THE LAW: Based on the foregoing, there is sufficient evidence to support a finding or probable cause to believe that Subject violated the provisions of Section 458.331(1)(g)(t)(dd), 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 4 day of May, 1991.


Chairman, Probable Cause Panel
Board of Medicine

CJR/db/tc



MAY 21 1991

PERSONAL AND CONFIDENTIAL

Oscar Klein, M.D.
401 Manatee Avenue
Holmes Beach, Florida 34217

Re: Case Number 9015863

Dear Dr. Klein:

Please be advised on May 4, 1991, the Probable Cause Panel for the Board of Medicine met to consider the complaint which had been filed against you in the above-referenced case. After careful consideration of the complaint and the investigative report, the Panel determined that probable cause exists in this case. However, the Panel recommended that this case be closed with a Letter of Guidance, instead of further prosecution.

The Panel requested that you be advised of the following provisions of the "Medical Practice Act," contained in Chapter 458, Florida Statutes:

1. Section 458.331(1)(g), failing to perform any statutory or legal obligation placed upon a licensed physician.
2. Section 458.331(1)(t), gross or repeated malpractice or the failure to practice 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.
3. Section 458.331(1)(dd), failing to supervise adequately the activities of those physician's assistants, paramedics, emergency medical technicians, or advanced registered nurse practitioners acting under the supervision of the physician.

The Panel found that probable cause existed to believe that you violated the above-mentioned statutes by failing to prescribe appropriately, failing to supervise nursing personnel, and practicing medicine below the acceptable level of care, skill, and treatment.

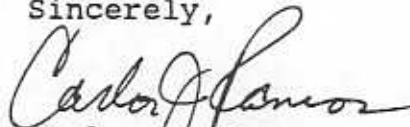
Please be advised that a Letter of Guidance is not considered to be disciplinary action; instead, it is an alternative to disciplinary action provided for by the legislature. Furthermore, this Letter of Guidance is not considered to be a finding of guilt. The Probable Cause Panel is only empowered to make a finding of probable cause.

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This letter is sent to aid, assist and advise you in the conduct of your future medical practice. I trust that you will, in the future, conduct your practice in full compliance with the law.

Thank you for your cooperation in this matter. If you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,



Carlos J. Ramos
Staff Attorney

CJR/db/tc