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Agency for Health Care Administration

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STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

BOARD: Medicine
CASE NUMBER: 93-08503
COMPLAINT MADE BY: Presuit notice
DATE COMPLAINT RECEIVED: May 6, 1993
COMPLAINT MADE AGAINST: Vincenzo Di Carlo, M.D.
5006 West San Miguel St.
Tampa, Florida 33629-5429
REVIEWED BY: Steven A. Rothenburg,
Senior Attorney
STAFF RECOMMENDATION: Close (PL-82)

CLOSING ORDER

THE COMPLAINT : The complaint alleges that the Subject practiced medicine below the standard of care.

THE FACTS : The circumstances of the case are that in July 1990, the patient received a head injury. In November 1990, the patient presented to the Respondent complaining of severe neck pain, double vision, rhinitis, paresthesia, ataxia and insomnia. The patient was diagnosed with migraines and cervical thoracic radicular problems. The Respondent did not order an MRI, but referred the patient to a chiropractor.

The patient again presented to the Respondent with complaints of dizziness, headaches, blackouts, and insomnia. The patient then presented to the hospital with severe headaches. The patient was diagnosed with a migraine, told to take medication and sent home. The patient presented to the hospital two days later, and was examined by the Respondent, who ordered a CT scan and a neurological consult. The test and consult revealed the patient was suffering from a left cerebellar infarct with mass effect, and displacement of the fourth ventricle and obstructive hydrocephalus. The patient's final diagnosis was cerebellar infarct and dissection and thrombosis of the left vertebral artery.

The Agency's original expert, Harold Friend M.D., stated that the Respondent practiced below the standard of care.

The Respondent's expert witness, Kenneth Fraser, M.D., was deposed as part of the discovery process. A second Agency expert was retained to facilitate trial preparation. The Agency's second expert witness, Richard I. Basch M.D. reviewed the case, and found that the Respondent did not practice below the standard of care.

The Law: There is sufficient evidence for the Panel to have found probable cause in the case. However, based on the above facts, the Agency has determined that there is insufficient evidence to support the prosecution of allegations contained in the Administrative Complaint. Therefore, pursuant to Section 455.225(2), Florida Statutes, this case is hereby DISMISSED.

It is therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE AND ORDERED this 27 day of February, 1996.

Douglas M. Cook, Director


Larry G. McPherson, Jr.
Chief Medical Attorney

SAR
PCP: February 26, 1996