

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NUMBER: 2018-17604**

**WOMESH CHAND SAHADEO, MD,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Department of Health, by and through its undersigned counsel, files this Administrative Complaint before the Board of Medicine against Respondent, Womesh Chand Sahadeo, MD, and alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.
2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number 50472.

3. Respondent's address of record is 1115 45th Street, Suite #1, West Palm Beach, FL 33407.

4. Respondent started seeing Patient SC on or about January 25, 2017 and continued to treat him until January 2019. SC is a 38-year-old male with a history of substance abuse.

5. Respondent diagnosed SC with Panic Disorder, Attention Deficit Disorder, Bipolar Disorder, and Opioid Use Disorder.

6. There is no indication in SC's medical records that Respondent conducted a thorough initial evaluation of SC, or engaged in any substantive discussion of SC's medical history or history of substance abuse.

7. During the treatment period, Respondent prescribed Subutex<sup>1</sup>, Adderall<sup>2</sup>, and Xanax<sup>3</sup> to SC.

8. Respondent appropriately conducted urine screenings, but the records do not contain any discussion regarding the results of the screenings.

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<sup>1</sup> Subutex (buprenorphine) is a schedule III controlled substance used in the treatment of substance abuse disorders.

<sup>2</sup> Adderall (amphetamine and dextroamphetamine) is a schedule II controlled substance used to treat attention deficit hyperactivity disorder and narcolepsy.

<sup>3</sup> Xanax (alprazolam) is a schedule IV controlled substance used to treat anxiety disorders, panic disorders, and anxiety caused by depression.

9. The records do not contain an explanation of why Respondent prescribed Subutex when SC should have been started on Suboxone<sup>4</sup>. Unlike Subutex, Suboxone prevents intravenous use and lessens the risk of diversion. The indications for Subutex are either a known allergy to Suboxone or pregnancy, neither of which apply to SC.

10. There is no indication in the records that SC suffered from any symptoms of ADHD to such a degree that it would justify the prescription of Adderall.

11. Respondent diagnosed SC with bipolar disorder, however, the medical records do not adequately describe symptoms consistent with a bipolar disorder diagnosis.

12. Despite knowledge of his history of substance abuse, Respondent prescribed an inappropriate amount of controlled substances to SC, without providing any accompanying efforts at rehabilitation or treatment of SC's substance abuse disorders.

13. Respondent's medical records for SC are largely illegible, and do not provide the information necessary for a subsequent physician to continue SC's care.

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<sup>4</sup> Suboxone (buprenorphine and naloxone) is a schedule III controlled substance used in the treatment of substance abuse disorders.

14. At all times relevant to this Administrative Complaint, the prevailing professional standard of care required Respondent to:

- (a) Conduct an adequate initial assessment, including a discussion of the nature, extent, and specifics of SC's substance abuse, an analysis of ADHD symptoms dating back to childhood, and an adequate description of symptoms consistent with a Bipolar Disorder Diagnosis.
- (b) Use Suboxone rather than Subutex in treating SC;
- (c) Not prescribe Adderall or Xanax to SC because of his history of substance abuse; and
- (d) Not prescribe inappropriate drugs to SC.

#### **COUNT I**

15. Petitioner re-alleges and incorporates paragraphs one (1) through fourteen (14) as if fully set forth herein.

16. Section 458.331(1)(t), Florida Statutes (2016), provides that committing medical malpractice as defined in Section 456.50, Florida Statutes, is grounds for discipline.

17. Section 456.50(1)(g), Florida Statutes (2016), defines medical malpractice as the failure to practice medicine in accordance with the level

of care, skill, and treatment recognized in general law related to health care licensure.

18. Section 766.102, Florida Statutes (2016), provides that the prevailing standard of care for a given healthcare provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

19. Between January 2017 and January 2018, Respondent failed to meet the prevailing professional standard of care in his treatment of SC when he:

- (a) Failed to conduct an adequate initial assessment, including a discussion of the nature, extent, and specifics of SC's substance use, an analysis of ADHD symptoms dating back to childhood, and an adequate description of symptoms consistent with a Bipolar Disorder diagnosis;
- (b) Treated SC with Subutex rather than Suboxone; and
- (c) Prescribed Adderall and Xanax despite knowledge of SC's history of substance abuse.

20. Based on the foregoing, Respondent has violated Section 458.331(1)(t), Florida Statutes (2016-2018), by committing medical malpractice as defined in Section 456.50, Florida Statutes (2016-2018).

## **COUNT II**

21. Petitioner re-alleges and incorporates paragraphs one (1) through fourteen (14) as if fully set forth herein.

22. Section 458.331(1)(m), Florida Statutes (2018), subjects a licensee to discipline for failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify 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.

23. Section 458.331(1)(nn), Florida Statutes (2016), provides that violating any provision of Chapter 458 or 456, or any rules adopted

pursuant thereto constitutes grounds for disciplinary action by the Board of Medicine.

24. Chapter 64B8-9.003(d)(3), Florida Administrative Code (2018), provides that medical records shall contain sufficient information to identify the patient, support the diagnosis, justify the treatment and document the course and results of treatment accurately, by including, at a minimum, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; reports of consultations and hospitalizations; and copies of records or reports or other documentation obtained from other health care practitioners at the request of the physician and relied upon by the physician in determining the appropriate treatment of the patient.

25. Respondent failed to maintain records that justify the course of treatment of SC and/or satisfy the requirements of Chapter 64B8-9.003(d)(3), Florida Administrative Code in one or more of the following ways:

- a. By failing to create or keep legible medical records that document an appropriate and complete patient history of SC;
- b. By failing to create or keep legible medical records

that document a complete and comprehensive initial evaluation of SC;

- c. By failing to create or keep legible medical records that document discussion of the risks and benefits of the use of controlled substances with SC;
- d. By failing to create or keep legible medical records that document adequate justification for the quantities and/or combinations of controlled substances prescribed to SC;
- e. By failing to create or keep legible medical records that document creating or implementing a proper treatment plan for SC;
- f. By failing to create or keep legible medical records that document performing periodic re-evaluations of SC;
- g. By failing to create or keep legible medical records that document ordering urine drug screens for SC;
- h. By failing to create or keep legible medical records that document referring SC to a substance abuse clinic;
- i. By failing to create or keep legible medical records that document referring SC to outpatient rehabilitation;



- j. By failing to create or keep legible medical records that document an adequate justification for diagnosing SC with ADHD;
- k. By failing to create or keep legible medical records that document an adequate justification for diagnosing SC with Bipolar Disorder; and/or
- l. By failing to create or keep legible medical records that document an adequate justification for treating SC with Subutex rather than Suboxone.

26. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2016), and/or Section 458.331(1)(nn), Florida Statutes (2016) by failing to keep adequate medical records as outlined above.

### **COUNT III**

27. Petitioner re-alleges and incorporates paragraphs one (1) through fourteen (14) as if fully set forth herein.

28. Section 458.331(1)(q), Florida Statutes (2016), subjects a licensee to discipline for prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the

purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, 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 physician's professional practice, without regard to his or her intent.

29. Respondent prescribed legend drugs other than in the course of his professional practice by inappropriately prescribing Subutex, Adderall, and Xanax to SC.

30. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes (2016)

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 2nd day of March, 2020



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**FILED**

DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: 

DATE: MAR 02 2020

PCP Date: February 28, 2020

PCP Members: Georges El-Bahri, MD, David Diamond, MD, Don Mullins

## **NOTICE OF RIGHTS**

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

## **NOTICE REGARDING ASSESSMENT OF COSTS**

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.