

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2020-12983

GOLD SMITH DORVAL, M.D.,

Respondent.

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ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Gold Smith Dorval, M.D., and alleges:

1. Petitioner is the state agency 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 medical doctor within the state of Florida, having been issued license number ME 56209.

3. Respondent's address of record is 8465 Phoenician Ct., Davie, FL 33328.

4. On or about June 7, 2019, Respondent began treating Patient K.M., a 75-year-old female, for her pre-existing psychiatric conditions after she was admitted to an assisted living facility.

5. On or about October 18, 2019, Patient K.M. presented to Respondent for medication review.

6. Patient K.M. was being prescribed lithium to treat her bipolar disorder.

7. At the October 18, 2019 appointment, Patient K.M.'s lithium level was 1.23.

8. On or about November 25, 2019, Patient K.M. presented to Respondent for a medication review. The patient's daughter reported an escalation in Patient K.M.'s mood.

9. Respondent increased Patient K.M.'s daily lithium regimen to 1,050 mg per day from 750 mg per day.

10. On or about January 10, 2020, Patient K.M.'s lithium blood level was obtained and revealed to be 1.8.

11. The therapeutic range for lithium levels is 0.6 to 1.2 according to the laboratory.

12. On or about February 3, 2020, Respondent decreased Patient K.M.'s daily lithium dosage to 450 mg.

13. On or about April 13, 2020, Respondent ordered an injection of Haldol decanoate without having administered the medication orally to ensure Patient K.M. could tolerate the side effects.

14. Respondent failed to properly monitor Patient K.M.'s lithium levels to ensure she did not experience lithium toxicity.

15. The prevailing professional standard of care required Respondent to:
- a. Refrain from increasing the patient's lithium dosage when their lithium levels were already in the upper limit of the normal range;
 - b. Discontinue lithium until the patient's lithium levels return to a normal range;
 - c. Properly monitor the patient's lithium levels; and/or
 - d. Refrain from administering a Haldol injection without ensuring the patient can tolerate the side effects via oral administration.

16. Section 458.331(1)(t)(1), Florida Statutes (2019), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2019), states medical malpractice means the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. Section 766.102, Florida Statutes (2019), 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.

17. Respondent fell below the minimum standard of care in his treatment of Patient K.M. in one or more of the following ways:

- a. By increasing the patient's lithium dosage when their lithium levels were already in the upper limit of the normal range;
- b. By failing to discontinue lithium until the patient's lithium levels return to a normal range;
- c. By failing to properly monitor the patient's lithium levels; and/or
- d. By administering a Haldol injection without ensuring the patient can tolerate the side effects via oral administration.

18. Based on the foregoing, Respondent violated section 458.331(1)(t)(1), Florida Statutes (2019).

WHEREFORE, 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 31st day of October, 2022.

Joseph A. Ladapo, MD, PhD
State Surgeon General

Sarah Corrigan

Sarah Corrigan
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Florida Bar Number 0085797
(850) 558 - 9828 Telephone
(850) 245 - 4683 Facsimile

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *Elizabeth Eubanks*
DATE: November 01, 2022

SEC/dm

PCP: October 28, 2022

PCP Members: Georges El-Bahri, M.D.; Eleonor Pimentel

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.

Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.

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 any other discipline imposed.