

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**CASE NO.: 2021-41130**

**ANA MARIETTA CASTELLANOS, M.D.,**

**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Ana Marietta Castellanos, 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 80335.

3. Respondent's address of record is 7895 SW 52<sup>nd</sup> Court, Miami, Florida 33143.

4. On or about January 26, 2018, Respondent met Patient P.M. through an online dating service and began a romantic relationship.

5. On or about December 31, 2018, Patient P.M. suffered a traumatic brain injury.

6. From on or about March 29, 2018, through February 2, 2022, Respondent prescribed controlled substances for psychiatric treatment to Patient P.M., including D-amphetamine salt combo,<sup>1</sup> Adzenys XR-ODT,<sup>2</sup> Tramadol,<sup>3</sup> and Diazepam.<sup>4</sup>

7. During the treatment period, Respondent did not refer Patient P.M. to another provider for psychiatric treatment.

8. Respondent failed to create medical records that justified the course of treatment for Patient P.M.

9. The prevailing professional standard of care required Respondent to:

- a. refrain from prescribing controlled substances for psychiatric treatment to a romantic partner on an ongoing basis; and

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<sup>1</sup> D-Amphetamine Salt Combos is a combination of dextroamphetamine and amphetamine. It is also referred to as "Generic Adderall" and is a Schedule II controlled substance.

<sup>2</sup> Adzenys XR-ODT is a prescription medicine used for treatment of ADHD in patients 6 years and above. It is a Schedule II controlled substance.

<sup>3</sup> Tramadol is a narcotic used to treat moderate and severe pain. It is a Schedule IV controlled substance.

<sup>4</sup> Diazepam is a benzodiazepine medication that is used for management of anxiety disorders. It is a Schedule IV controlled substance.

b. refer Patient P.M. to another provider for psychiatric treatment.

**COUNT I**

10. Petitioner incorporates paragraphs one (1) through nine (9) as if fully set forth herein.

11. Section 458.331(1)(t)(1), Florida Statutes (2017-2021), subjects a licensee to discipline for committing medical malpractice as defined in section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2017-2021), 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 (2017-2021), 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.

12. Respondent fell below the minimum standard of care in her treatment of Patient P.M. in one or more of the following ways:

- a. by prescribing controlled substances for psychiatric treatment to a romantic partner on an ongoing basis; and
- b. by failing to refer Patient P.M. to another provider for psychiatric treatment.

13. Based on the foregoing, Respondent violated section 458.331(1)(t), Florida Statutes (2017-2021), by committing medical malpractice.

### **COUNT II**

14. Petitioner incorporates paragraphs one (1) through nine (9) as if fully set forth herein.

15. Section 458.331(1)(nn), Florida Statutes (2017-2021), authorizes discipline for violating any provision of chapters 456, 458, or the rules adopted thereto.

16. Section 458.331(1)(m), Florida Statutes (2017-2021), authorized 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.

17. Rule 64B8-9.003, Florida Administrative Code, states that medical records are maintained for the following purposes:

(2) A licensed physician shall maintain patient medical records in English, in a legible manner and with sufficient detail to clearly demonstrate why the course of treatment was undertaken.

(3) The medical record 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.

18. Respondent failed to maintain records in accordance with section 458.331(1)(m), and/or Rule 64B8-9.003 by failing to create medical records that justified the course of treatment for Patient P.M.

19. Based on the foregoing, Respondent has violated section 458.331(1)(m) and /or section 458.331(1)(nn) by violating rule 64b8-9.003.

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 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 24<sup>TH</sup> day of May, 2024.

/s/ Jonathan Golden

Jonathan Golden  
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**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: *Amy Larraway*

DATE MAY 28 2024

PCP: May 24, 2024

PCP Members: Georges El-Bahri, M.D.; Amy Derick, M.D.; Nicole Justice

### **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.**