

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2022-26176

SARWAT MORSHED GAD, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health (Department) files this Administrative Complaint before the Board of Medicine (Board) against Respondent Sarwat Morshed Gad, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to section 20.43, Florida Statutes, and chapters 456 and 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 ME65720.

3. Respondent's address of record is 102 Asma Blvd, Suite 112, Lafayette, LA 70508.

4. Patient B.S. was a 52-year-old male with a history of schizophrenia.

5. On or about February 27, 2022, Patient B.S. was admitted to JFK Medical Center North ("Hospital") due, in part, to suicidal ideation and anxiety.

6. Respondent provided treatment to Patient B.S. on several occasions between February 28, 2022, and March 8, 2022.

7. At the time of Patient B.S.'s admission, Patient B.S. had been taking clozapine for at least ten years.

8. At the time of Patient B.S.'s admission, Patient B.S. had been taking Prozac.

9. During Patient B.S.'s hospitalization, he was taken off both Prozac and clozapine.

10. On or about March 6, 2022, staff documented that Patient B.S. failed to attend group sessions. Staff noted Patient B.S. was having difficulty falling asleep, was anxious, was paranoid, and had to be coerced to take his medication.

11. On or about March 2, 2022, staff documented that Patient B.S. was paranoid, acting bizarre, and was not redirectable. Staff documented

that Patient B.S. was paranoid that everyone is after him to kill him.

12. On or about March 7, 2022, staff documented that Patient B.S. was disorganized, preoccupied, anxious and indifferent.

13. On or about March 7, 2022, staff documented that Patient B.S. made inappropriate sexual comments to staff.

14. On or about March 8, 2022, staff described Patient B.S. as anxious and agitated.

15. Patient B.S. was discharged by the Respondent on or about March 8, 2022.

16. Patient B.S. was given a full thirty (30) day supply of Elavil, otherwise known as Amitriptyline, at the time of his discharge.

17. On or about March 9, 2022, Patient B.S. passed away. An autopsy later determined the cause of death to be acute amitriptyline intoxication.

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

- a. Verify Patient B.S.'s history of medication, including the fact that he had been prescribed clozapine for at least ten (10) years;

- b. Verify that Patient B.S. was safe to be discharged and/or consider alternatives to discharge such as a Baker Act; and
 - c. Refrain from giving a thirty-day supply of Elavil to a patient who was paranoid, anxious, and expressed suicidal ideation.
19. Respondent deviated from the professional standard of care by failing to:
- a. Verify Patient B.S.'s history of medication, including the fact that he had been prescribed clozapine for at least ten (10) years;
 - b. Verify that Patient B.S. was safe to be discharged and/or consider alternatives to discharge such as a Baker Act; and
 - c. Refrain from prescribing a thirty-day supply of Elavil to a patient who was paranoid, anxious, and expressed suicidal ideation.

20. Section 458.331(1)(t)1., Florida Statutes (2021), subjects a licensed physician to discipline for committing medical malpractice as defined in section 456.50, Florida Statutes. Sections 456.50(1)(e) and (g), Florida Statutes (2021), define 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 per the standard of care specified in section 766.102, Florida Statutes. Section 766.102(1), Florida Statutes (2021), specifies that the prevailing professional standard of care for a physician shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by a reasonably prudent similar physician.

21. Based on the forgoing, Respondent violated section 458.331(1)(t)1, Florida Statutes.

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WHEREFORE, Petitioner respectfully requests that the Board 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 26th day of February, 2024.

Joseph A. Ladapo, MD, PhD
State Surgeon General



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Elizabeth Eubanks*
DATE: FEB 26 2024

PCP Date: February 23, 2024

PCP Members: Georges El-Bahri, M.D.; Nicholas Romanello; 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.

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 any other discipline imposed.