

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2022-37428

DENNIS MICHAEL LISTON, M.D.,

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, Dennis Michael Liston, 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 physician within the state of Florida, having been issued license number ME 59446.

3. Respondent's address of record is 4800 20th Terrace, Suite 202, Fort Lauderdale, Florida 33308.

4. On or about November 7, 2021, Patient B.C., a 37-year-old male, was admitted to Holy Cross Hospital Emergency Room following a car accident due to an overdose and suicide attempt.

5. Respondent was the psychiatrist responsible for assessing and treating Patient B.C. during his admission from on or about November 7 to November 10, 2021.

6. The prevailing standard of care for a patient with a history of suicide attempts, psychiatric disorders, and presenting symptoms, requires a thorough and accurate suicide risk assessment, including the consideration of all relevant risk factors, even when the patient denies suicidal ideation.

7. Patient B.C. had multiple risk factors that required thorough evaluation, including his history of schizophrenia, substance abuse, previous suicidality, and the circumstances leading to his hospital admission.

8. Respondent did not perform an adequate suicide risk assessment for Patient B.C.

9. Respondent relied primarily on Patient B.C.'s self-reported denial of suicidal ideation when assessing Patient B.C.'s mental state.

10. Despite this denial, significant contradictory evidence pointed to a high risk of suicide, including Patient B.C.'s psychiatric history, the method

of the attempted suicide, and/or M.C.'s (Patient B.C.'s mother) insistence that her son was suicidal and needed a higher level of care.

11. The prevailing standard of care when a risk for suicide is present requires a psychiatrist to initiate the Baker Act, refer the patient for inpatient psychiatric treatment, and/or transfer the patient to a psychiatric facility for further evaluation.

12. Respondent did not initiate the Baker Act on Patient B.C.

13. Respondent did not refer Patient B.C. for inpatient psychiatric treatment.

14. Respondent did not transfer Patient B.C. to a psychiatric facility for further evaluation.

15. On or about November 10, 2021, Respondent discharged Patient B.C. from Holy Cross Hospital.

16. Two days later, on or about November 12, 2021, Patient B.C. died by suicide.

17. 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), provides 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.

18. Respondent practiced below the prevailing professional standard of care in one or more of the following ways:

- (a) By failing to consider and address the multiple risk factors for suicide present in Patient B.C.;
- (b) By failing to adequately consider factors beyond Patient B.C.'s self-report of not being suicidal; and/or
- (c) By failing to initiate the Baker Act, refer Patient B.C. for inpatient psychiatric treatment, or transfer Patient B.C. to a psychiatric facility for further evaluation.

19. Based on the foregoing, Respondent has violated section 458.331(1)(t)1, Florida Statutes (2021).

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 22nd day of November 2024.

JOSEPH A. LADAPO, MD, PhD
State Surgeon General

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DATE **NOV 25 2024**

PCP Date: November 22, 2024

PCP Members: Georges El-Bahari, MD, David Diamond, MD, Brigette Goersch

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.