

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**DOH Case No. 2022-46480**

**JUSTIN KUHNS SPOONER, M.D.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, Department of Health, hereby files this Administrative Complaint before the Board of Medicine against Respondent Justin Kuhns Spooner, 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 115625.

3. Respondent's address of record is 268 Clearwater Drive, Ponte Vedra Beach, Florida, 32082.

4. On November 11, 2022, Patient C.V. ("CV"), an 81-year-old male, presented to Respondent at Surgcenter of Jacksonville for minimally invasive lumbar decompression (MILD).

5. During the procedure, anesthesia records indicated CV received 600 mg of Propofol and 50g of Ketamine for mild sedation.

6. Under this sedation, CV could not respond to painful stimuli during the procedure.

7. During the procedure, Respondent did not adequately and correctly visualize the spinal anatomy.

8. During the procedure, Respondent injured and/or severed the dura and nerve roots attached to the spinal cord.

9. Postoperatively, CV suffered from numbness and weakness in his right leg.

10. On or about November 12, 2022, CV presented to the emergency department with back pain with weakness and right foot drop.

11. CV had a computerized tomography ("CT") of the brain and a magnetic resonance imaging ("MRI") of the lumbar spine.

12. The CT revealed CV had pneumocephalus<sup>1</sup>.

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<sup>1</sup> Pneumocephalus is the presence of air or gas within the cranial cavity. It is the result of a fracture of the posterior table in association with a dural tear.

13. The MRI revealed, CV had spinal stenosis with epidural hematoma<sup>2</sup>, likely presenting right leg weakness.

14. CV underwent emergency L1-4 laminectomy, showing a punctured dura with a Cerebrospinal fluid leak (CSF leak) at L1-L2, a shredded dura with 3 severed nerve roots attached to the spinal cord, epidural hemotoma and CSF leak.

15. CV had an epidural hematoma at L3-L4.

16. At all times material to this Complaint, the standard of care required that Respondent do one or more of the following:

- a. To ensure the appropriate mild sedation was administered so the patient could respond to painful stimuli; and/or
- b. To adequately and correctly visualize the spinal anatomy, so as not to cause injury.

17. Section 458.331(1)(t), Florida Statutes (2022), subjects a licensee to discipline for committing medical malpractice as defined in section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2022), states medical malpractice means the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in

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<sup>2</sup> An epidural hematoma occurs when blood accumulates between the skull and the dura mater or outer covering of the brain.

general law related to health care licensure. Section 766.102, Florida Statutes (2022), provides that the prevailing standard of care for a given health care 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.

18. Respondent fell below the minimum standard of care in his treatment of CV in one or more of the following ways:

- a. By failing to ensure the appropriate mild sedation was administered so the patient could respond to painful stimuli;  
and/or
- b. By failing to adequately and correctly visualize the spinal anatomy therefore causing injury.

19. Based on the foregoing Respondent has violated section 458.331(1)(t), Florida Statutes (2022).

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enters 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 6th day of September 2024.

Joseph Ladapo, MD, PhD  
State Surgeon General

*Kathryn Ball*

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FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Amy L Carraway*  
DATE: SEP 09 2024

PCP Date: September 6, 2024  
PCP Members: Michael Wasyluk, M.D., Panel Member  
Nicholas Romanello, Panel Member

### **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.