

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: MEDICINE
CASE NUMBER: 0070827
COMPLAINT MADE BY: Department of Professional
Regulation
DATE COMPLAINT RECEIVED: April 30, 1986
COMPLAINT MADE BY: Stephen F. Scholie, M.D.
1394 Burgandy Drive, S.W.
Fort Myers, Florida 33907
REVIEWED BY: LESLIE BROOKMEYER/jh
STAFF RECOMMENDATION: DISMISS (PL-06)

CLOSING ORDER

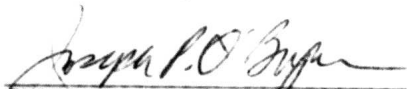
THE COMPLAINT: Complainant alleges that the Subject of the investigation inappropriately and/or excessively administered a controlled substance to a patient and failed to practice medicine with an acceptable level of care, skill and treatment by checking out an amount of cocaine to anesthetize a patient for surgery in excess of the amount normally administered.

THE FACTS: Investigation substantiated the allegations, in that Subject did procure two containers of 10% cocaine to anesthetize a patient. However no containers for 10% cocaine were discovered following the operative procedures, there was no listing of the drug on the anesthesia record and no physiological evidence that the drug had been administered to the patient. There is sufficient evidence to support a finding of probable cause but not enough for prosecution.

THE LAW: Based on the foregoing, there is sufficient evidence to support a finding of probable cause that Subject violated the provisions of Section 458.331(1)(l), Florida Statutes (1985), now Section 458.331(1)(k), Florida Statutes (Supp. 1986), Section 458.331(1)(n), Florida Statutes (1985) now Section 458.331(1)(m), Florida Statutes (Supp. 1986) and Section 458.331(1)(q) Florida Statutes, or the rules promulgated thereunder. However, under the circumstances, the Subject will be issued a Letter of Guidance.

It is, therefore, ORDERED that this matter should be and the same is hereby CLOSED with a Letter of Guidance.

DONE and ORDERED this 21 day of AUGUST, 1987.



CHAIRMAN, Probable Cause Panel
Board of Medicine

LB/JH/aw
08/03/87



Department of Professional Regulation

Governor
Bob Martinez
Secretary
Van B. Poole

130 North Monroe Street
Tallahassee, Florida 32399-0750

August 26, 1987

PERSONAL AND CONFIDENTIAL

Stephen F. Scholle, M.D.
1394 Burgandy Drive, S.W.
Fort Myers, Florida 33907

Re: Case No. 0070827

Dear Dr. Scholle:

Please be advised that the complaint referenced above, regarding allegations that you inappropriately or excessively administered cocaine to a patient and failed to practice medicine acceptably by checking out an excessive amount of said cocaine with which to anesthetize the patient for surgery, has been investigated and the findings reviewed by the Probable Cause Panel of the Board of Medicine. Based upon this investigation, the Panel determined there was sufficient evidence to establish probable cause to believe that a violation of Chapter 458, Florida Statutes, has occurred. However, the Panel determined that this case should be closed by issuing you this Letter of Guidance in lieu of formal prosecution.

The Panel found probable cause to believe you had violated the following statutes:

458.331(1)(k) Making deceptive, untrue, or fraudulent representations in the practice of medicine or employing a trick or scheme in the practice of medicine when such scheme or trick fails to conform to the generally prevailing standards of treatment in the medical community.

458.331(1)(m) Failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination results, and test results.

458.331(1)(q) Prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of this paragraph, it shall be legally presumed it shall be legally presumed that prescribing,

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dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his intent.

Probable cause of a violation of these statutes was based on your having procured two containers of ten percent cocaine to anesthetize a patient without subsequent listing of the drug on the anesthesia record and without subsequent physiological evidence that the drug had actually been administered to the patient.

In the future, I am sure that you will conduct your medical practice in full compliance with the provisions of Chapter 458, Florida Statutes. If probable cause of a violation is found in the future, the Department will not hesitate to seek full prosecution.

If you have any questions about this letter, please feel free to contact me.

Sincerely,


Leslie Brookmeyer,
Senior Attorney

LB/tal



INVESTIGATIVE REPORT

Office: Ft. Myers - Satellite	Date of Complaint: 4/30/86	Case No. 0070827
Subject: STEPHEN F. SCHOLLE 1394 Burgandy Drive SW Ft. Myers, FL 33907 (813)332-5344	Complainant: DEPARTMENT OF PROFESSIONAL REGULATION Confidential Informant	
License No./ Profession: ME 0033695/Board of Medical Examiners	Date of Report: June 23, 1986 ed/vml	
Period of Investigation: 5/9/86 - 5/30/86	Type Report: Prelim. <input checked="" type="checkbox"/>) Final ()) Suppl. ())	
Violation: (List Statute/ Rule No. & Violation Description) F.S. 458.331(1)(g)(t) Allegedly, practicing medicine contrary to Chapter. Failure to practice medicine with level of care, skill and treatment.		
<p>Synopsis: This Investigative Report is predicated upon an anonymous report that the SUBJECT is alleged to have violated normal procedures for narcotic check out at the Lee Memorial Hospital operating room. Further, the amount of cocaine checked out is alleged to be excessive for being used to anesthetize a patient for surgery. Although not specifically indicated it is implied that there is a question if cocaine was administered to patient Lane by the SUBJECT or if the SUBJECT kept the cocaine for his own use or resale.</p> <p>Investigation reveals Dr. Scholle removed 2 containers of 10 percent (10%) Cocaine 4cc each container and 10cc of Fentanyl from narcotics cabinet, recovery room, Lee Memorial Hospital 3/23/86. The narcotics were to be used on multiple trauma patient Stephen Lane. Dr. Scholle states he administered 2 containers of 10 percent (10%) Cocaine to patient by soaking cotton in Cocaine and packing nose with Cocaine utilizing both containers. Of the 11 people in O.R. only Dr. Harold Odle substantiates Dr. Scholle's story. It is interesting that even Dr. Scholle's assistant RN Mary Ellen Miller, an anesthesiologist, could not substantiate Scholle. Scholle states Miller assisted him in packing patient's nose. Miller states she did not assist Scholle in packing the nose nor did she observe removal of cotton from nose prior to intubulation.</p> <p>INVESTIGATOR'S NOTE:</p> <p>Also, allegation that Dr. Scholle has checked out large amounts of Cocaine at Cape Coral Hospital has been denied by O.R. Supervisor James McDaniel.</p>		
Related Cases:		
Investigator/ Date: Richard C. Hartog Richard Hartog, Inv. Spec.	Approved by/ Date: Richard Cook Richard Cook, Inv. Supr.	Reviewed by:
Distribution: 28.5		