

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: MEDICINE
CASE NUMBER: 0089131
COMPLAINT MADE BY: J [REDACTED] R [REDACTED]
[REDACTED]
DATE COMPLAINT RECEIVED: September 21, 1987
COMPLAINT MADE AGAINST: Victor A. Pena Pena, M.D.
1600 Osceola Street
Jacksonville, Florida 32204
REVIEWED BY: Jonathan King/tal
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation failed to practice medicine acceptably, in that Subject failed to properly diagnose a patient's carcinoma of the vulva. The patient subsequently underwent a radical vulvectomy.


THE FACTS: Investigation substantiated the allegations, in that the patient saw Subject on several occasions between March 1986 and August 1987 with complaints of lower abdominal pain, irritation on urination, and bleeding. On all three occasions, the patient's urine was positive for blood. At no time did the Subject perform a vaginal examination. The patient subsequently consulted a urologist, who detected the patient's carcinoma and referred her for surgery.

The Department's expert is of the opinion that Subject did not adequately assess the patient's complaint of lower abdominal pain, that the carcinoma should have been visible at the time of the patient's last two visits and may even have been apparent at the time of her first visit to Subject. However, the expert further opined that earlier detection of the patient's carcinoma would not have changed the outcome.

THE LAW: Based on the foregoing, there is sufficient evidence to support a finding of probable cause to believe that Subject violated the provisions of Section 458.331(1)(t), Florida Statutes. However, under the aforesaid circumstances, this case should be closed with a Letter of Guidance.

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

DONE and ORDERED this 30 day of July, 1988.



CHAIRMAN, Probable Cause Panel
Board of Medicine

JK/tal/gs