



DEPARTMENT OF PROFESSIONAL REGULATION

RECEIVED

INVESTIGATIVE REPORT

JAN 17 1991

DPR

Office: Region V - Tampa		Date Of Complaint: 02-19-90		Case Number: INVESTIGATIVE SERVICES 90-002731	
Subject: Sayyed HUSSAIN *801 West Oak Street, Suite 205 Kissimmee, FL 34741 Tel: 407/847-6212			<input checked="" type="checkbox"/> Complainant: P.C.		<input type="checkbox"/> Source: —
Prefix ME	License Number 0036077	Profession Physician	Board Medicine	Date of Report: 01-15-91/ja	
Period of Investigation: 03-26-90 through 01-11-90, Intermittently			Type of Report: <input type="checkbox"/> Preliminary <input checked="" type="checkbox"/> Final <input type="checkbox"/> Supplemental <input type="checkbox"/> Other		
Alleged Violation: (List Statute / Rule Number & Violation Description) F.S. 458.331 (1)(Q) - Inappropriate/excessive prescribing; (1)(T) - Negligence, incompetence, malpractice, practicing below the standard level of skill Synopsis: CHANGED FROM: 106 South Oak Drive, Plant City, FL This investigation is predicated on P.C.'s allegation HUSSAIN committed malpractice by over prescribing medications for her back injury which resulted in a heart attack leaving her permanently disabled. A letter dated 02-27-90 notified HUSSAIN of the complaint and investigation. Investigation revealed on 07-28-86 patient P.C.'s physician referred her to HUSSAIN because she was experiencing chronic pain. HUSSAIN subsequently submitted a report which included a treatment plan to reduce her narcotic medications. P.C. subsequently experienced a cardiac infarction and contends the many medications HUSSAIN placed her on caused the heart attack. She also contends a subsequent treater told her she experienced a "chemical blowout." Subsequent treater denies having told her this. Referring physician and subsequent treater state there was no relation between her medications and heart attack. Witnesses indicate she was only taking a few narcotics but needed the medications because of her illness. HUSSAIN declined an interview but denied the allegations through his attorney who reiterated the above.					
Related Cases:					
Investigator / Date: <i>James Nunez</i> James Nunez 01/15/91		Hrs. 39.6		Approved By / Date: <i>L.E. Dodd, Jr.</i> L.E. Dodd, Jr., Inv. Supv. 1/15/91	
Distribution: HDQTRS/BIS					

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine
CASE NUMBER: 90-02731
COMPLAINT MADE BY: P.C.
DATE COMPLAINT RECEIVED: February 19, 1990
COMPLAINT MADE AGAINST: Sayyed Hussain
801 West Oak Street, Suite 205
Kissimmee, Florida 34741
REVIEWED BY: Lynne A. Quimby-Pennock
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

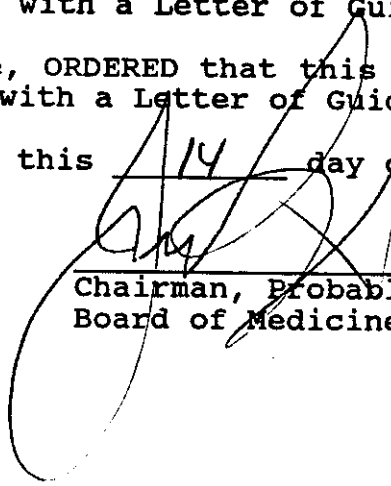
THE COMPLAINT: Complainant alleges that the Subject of the investigation failed to practice medicine with an acceptable level of care, skill and treatment, and inappropriately prescribed drugs for Patient P.C.'s chronic back pain.

THE FACTS: Investigation substantiated the allegations. Subject began treating P.C., a referral from another physician, in an attempt to teach her how to deal with pain she encounter from her back. Subject prescribed a number of different narcotics which appear to be excessive, without a concerted effort to reduce the drug intake. Although P.C. suffered a myocardial infarction, it was not related to her drug intake. A subsequent treating physician expressed the opinion that the drugs prescribed did not cause the attack.

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) and (g), Florida Statutes. However, under the aforestated 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 14 day of April, 1991.



Chairman, Probable Cause Panel
Board of Medicine

LAQP/tb



PERSONAL AND CONFIDENTIAL

APR 17 1991

Rodney W. Morgan, Esq.
Somers and Morgan
3333 Henderson Blvd.
Galloway Executive Center, Suite 110
Tampa, Florida 33609-2913

Re: Case No. 90-02731

Dear Mr. Morgan:

Please be advised on April 2, 1991, the Probable Cause Panel for the Board of Medicine met to consider the complaint which had been filed against your client in the above-referenced case. After careful consideration of the complaint and the investigative report, the Panel determined that probable cause exists in this case. However, the Panel recommended that this case be closed with a Letter of Guidance, instead of further prosecution.

The Panel requested that your client be advised of the following provision of the "Medical Practice Act", contained in Chapter 458, Florida Statutes:

Section 458.331(1)(t) by gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

Section 458.331(1)(g) by 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.

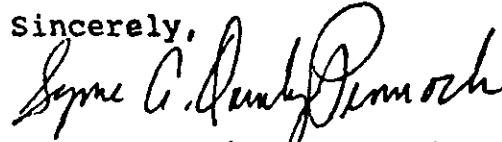
The Panel found that probable cause existed to believe that your client violated the above-mentioned statute by inappropriately prescribing medication to Patient #1 without a concerted effort to reduce her drug intake.

Please be advised that a Letter of Guidance is not considered to be disciplinary action; instead, is an alternative to disciplinary action provided for by the legislature. Furthermore, this Letter of Guidance is not considered to be a finding of guilt. The Probable Cause Panel is only empowered to make a finding of probable cause.

This letter is sent to aid, assist and advise your client in the conduct of his future medical practice. I trust that he will, in the future, conduct his practice in full compliance with the law.

Thank you for your cooperation in this matter. If you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,



Lynne A. Quimby-Pennock
Senior Attorney

LAQP/tb