

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: - Medicine
CASE NUMBER: 90-07672
COMPLAINT MADE BY: DPR
DATE COMPLAINT RECEIVED: June 14, 1990
COMPLAINT MADE AGAINST: Richard Morales, M.D.
655 Ulmerton Rd., Ste 9-B
Largo, Florida 34641
REVIEWED BY: Carlos J. Ramos/DB
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation prescribed medication excessively or inappropriately.

THE FACTS: Investigation substantiated the allegations, in that from on or about March 27, 1989 through March 31, 1990, Subject prescribed Fiorinal with codeine, Tegotal, Percocet/oxycodine, and Prozac for Patient #1 to treat chronic pain and emotional depression resulting from several automobile accidents. From on or about November 24, 1989 through on or about April 2, 1990, Subject prescribed Percocet/oxycodine, Tylox, and Clorazepate for Patient #2 for similar complaints. On or about April 11, 1990, Subject switched Patient #1 from Percocet to Tylox when she complained of nausea and constipation. Patient #1 presented to Subject twice a week for physical therapy and medication.

Subject advised that Patient #2 presented to Subject three times a week for medication, physical therapy for pain, and anxiety resulting from twenty operations due to massive injuries sustained in a car crash.

Several of the prescription dates did not coincide with dates of office visits. Subject failed to note on patient's chart when patient's called in and picked up medication. Subject's office manager is the wife of Patient #2.

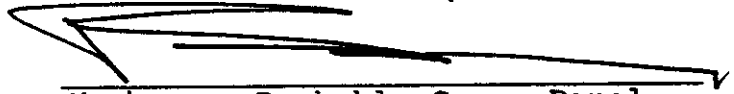
A Department expert opined that Subject's prescriptions of medication were appropriate, however, the expert opined that a single administration of a Minnesota Multiphasic Personality Inventory (MMPI) to Patient #2 on or about March 23, 1989, demonstrated the need for additional in-depth psychological testing

to obtain the necessary psychosocial data. Other laboratory examinations and consultations would have been appropriate in addition to the MMPI. If there was more psychological testing done but not recorded then the keeping of written documentation was as substandard as the lack of testing ordered by Subject.

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 (m), Florida Statutes. However, under the aforesated 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 19th day of November, 1991.


Chairman, Probable Cause Panel
Board of Medicine

CJR/DB/avs



DEPARTMENT OF PROFESSIONAL REGULATION

Lawton Chiles
Governor

George Stuart
Secretary

NOV 25 1991

PERSONAL AND CONFIDENTIAL

Richard Morales, M.D.
655 Ulmerton Road
Suite 9-B
Largo, Florida 34641

Re: Case No. 90-007672

Dear Dr. Morales:

Please be advised on November 19, 1991, the Probable Cause Panel for the Board of Medicine met to consider the complaint which had been filed against you 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 you be advised of the following provision of the "Medical Practice Act", contained in Chapter 458, Florida Statutes:

1. Section 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; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

2. Section 458.331(1)(t), 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.

The Panel found that probable cause existed to believe that you violated the above-mentioned statute by failing to perform in-depth psychological testing and/or keeping written records of such testing.

Please be advised that a Letter of Guidance is not considered to be disciplinary action; instead, it 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.

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This letter is sent to aid, assist and advise you in the conduct of your future medical practice. I trust that you will, in the future, conduct your 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,



Carlos J. Ramos
Senior Attorney

CJR/db/adb