

STATE OF FLORIDA  
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD: Medicine  
CASE NUMBER: 90-00555  
COMPLAINT MADE BY: Closed Claim  
DATE COMPLAINT RECEIVED: 12-21-89  
COMPLAINT MADE AGAINST: Rasik Patel, M.D.  
660 East 98th Street  
Apt. 8H  
Brooklyn, NY 11236  
INVESTIGATED BY: Chris Dietert  
REVIEWED BY: Albert Peacock/HH  
STAFF RECOMMENDATION: Dismiss (PL-82)

NOTICE OF DISMISSAL/CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation failed to keep adequate written medical records in that Subject's medical records for Patient #1 fail to contain any documentation justifying Subject's failure to order a chest x-ray to confirm the diagnosis of hypertension and arthritis in Patient #1. In addition, complainant alleges that the Subject of the investigation practiced medicine below the acceptable level of care in that Subject failed to perform or have performed a chest x-ray of Patient #1 in standard conjunction with the diagnosis and treatment of hypertension and/or arthritis.

THE FACTS: Investigation failed to substantiate the allegations. On September 11, 1985, Patient #1 presented to Gold Plus Plan with hypertension and was seen by M. Bonilla, M.D. A chest x-ray was ordered and the patient was instructed to return in four weeks. The patient returned in four weeks for a medication refill and was seen by H. Zeya, M.D. The x-ray was performed as requested by Bonilla but was inserted in the chart. No notation of any negative findings was placed in the chart. The patient continued to be seen by Zeya on a regular basis through April, 1986. On June 1, 1986, the patient was seen by Dr. Patel for the first time for medication refill. Dr. Patel continued to treat the patient for the remainder of the year. In 1987, the patient was seen by Dr. Rassabian who found the 9/85 x-ray and saw the mass which was subsequently treated. Probable Cause was found and Administrative Complaints were filed against both Dr. Patel and Dr. Zeya. The Department's expert during discovery deposition opined that while he believed that Dr. Patel should have searched for the earlier x-ray or ordered a new one, the most culpable physician in the scenario was the immediate subsequent treater, Dr. Zeya. Dr.

Jeffrey Ehlich opined that the Respondent practiced within the standard of care and could presume a negative result on the 9/85 x-ray by virtue of no positive findings having been entered into the chart by Zeya. The Administrative Complaint filed against Dr. Zeya was dismissed by the Probable Cause Panel on reconsideration based on insufficient evidence.

THE LAW: Pursuant to Section 455.225(2), Florida Statutes, and Rule 21-31.001, Florida Administrative Code, the Department finds that there is insufficient evidence to support the prosecution of the allegation that a violation of Chapter 458, Florida Statutes, or the rules promulgated thereunder has occurred.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE and ORDERED this \_\_\_\_\_ day of \_\_\_\_\_, 1994.

George Stuart, Secretary

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Larry G. McPherson, Jr.  
Chief Medical Attorney

AP/hh

PCP: Katims, Fenwick, and Diblan  
April 20, 1994