

Final Order No. DOH-01-0647-^{FD}-MQA
FILED DATE - 5/4/01
Department of Health
By: Vicki R. Karson
Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

BOARD: Medicine
CASE NUMBER: 1996-11184
COMPLAINT MADE BY: AHCA (Presuit)
COMPLAINT MADE AGAINST: Evan Zimmer, M.D.
12995 NE 7th Avenue
Miami, Florida 33161
DATE OF COMPLAINT: August 26, 1996
INVESTIGATED BY: Theodore Kowitt
REVIEWED BY: Linton Eason
RECOMMENDATION: Dismiss (PL-82)

DISMISSAL/CLOSING ORDER

THE COMPLAINT: Based upon an Agency expert's written opinion, the Administrative Complaint in this matter alleged that Subject practiced medicine below the standard of care by inappropriately placing Patient J.K. on a "withdrawal protocol" utilizing excessively high dosages of Dilaudid as an agent for such withdrawal without conducting an adequate physical examination or patient history and failing to document a justification for treatment rendered.

THE FACTS: Patient J.K. was admitted to the Retreat Hospital under the care of Respondent for psychiatric and drug abuse treatment from June 10-16, 1994; July 7-16, 1994; and, July 27-August 2, 1994. Upon the first admission, Patient J.K. admitted to

taking 8-10 Percocet tablets, Ativan at a rate of 8-10 mg. per day along with Clonidin and Dilantin. Prior to the first admission, Patient J.K. experienced a seizure thought to be due to a sudden discontinuation of the Ativan, thus a classification of benzodiazepine seizure. Respondent utilized a tapering schedule of Dilaudid and Valium and subsequently discharged. Patient J.K. failed to follow outpatient treatment, which included prescriptions for Darvocet N, Konopine and Clonidine. Patient J.K. relapsed on Percocet and requested re-hospitalization. Patient J.K. was placed on another tapering detoxification schedule also utilizing Dilaudid and Valium. The third relapse was reported as being due to alcohol and opiate abuse for the preceding seven days. The detoxification protocol in this instance was the same except that Klonopine was used instead of Valium.

A second expert opinion was requested (copy of which is attached hereto as Exhibit "A") and concluded:

After carefully reviewing all of the records provided to me by AHCA, I have concluded that Dr. Z's [Zimmer's] treatment of JK was within the standard of care. Initially it seemed unusual to use Dilaudid and high doses of benzodiazepines. However, the medical history revealed that JK had been using high doses of opiates and benzodiazepines, which would justify the use of medications prescribed by Dr. Z [Zimmer] to prevent withdrawal. Also, it is especially important to note that JK had experienced a benzodiazepine withdrawal seizure after he apparently failed to report his high dose use to his attending physician when hospitalized for pneumonia just a short time before his initial hospitalization at TR [The Retreat].

THE LAW: There is sufficient evidence for the Panel to have found probable cause in the case. However, based on the above facts, the Department of Health, by and through the Agency for Health Care Administration, pursuant to the provisions of Section 20.43(3), Florida Statutes, has determined that there is insufficient evidence to support the prosecution of allegations contained in the Administrative Complaint. Therefore, pursuant to Section 456.073(2), Florida Statutes, this case is hereby DISMISSED.

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

DONE AND ORDERED this 3rd day of May, 2001.

Robert G. Brooks, M.D., Secretary

A handwritten signature in black ink, appearing to read 'Nancy M. Snurkowski', written over a horizontal line.

Nancy M. Snurkowski
Chief Attorney, Practitioner Regulation
Agency for Health Care Administration

PCP: April 27, 2001