

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medical Examiners
CASE NUMBER: 0042208
COMPLAINT MADE BY: Halifax Hospital Medical Center
303 N. Clyde Morris Blvd.
Daytona Beach, Florida 32015
DATE COMPLAINT MADE: October 21, 1983
COMPLAINT MADE AGAINST: Eduardo Rueda-Vasquez, M.D.
116 Pongspur Court
Daytona Beach, Florida 32019
REVIEWED BY: William M. Furlow/CE
STAFF RECOMMENDATION: Dismiss (PL 06)

CLOSING ORDER

THE COMPLAINT: Complainant alleged that Subject failed 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, in violation of Section 458.331(1)(t), Florida Statutes.

THE FACTS: Complainant alleged that Halifax Hospital Medical Center, Daytona Beach, had denied Subject's application for renewal of staff privileges as a result of several incidents that had occurred at the hospital. One of the incidents involved a patient who had been admitted under the provisions of the Baker Act, after expressing suicidal tendencies while in jail. A nurse stated that the patient had told her that he had indicated he might commit suicide so that he would be released from jail. The nurse further stated that although the patient continued to request that he be released from the hospital and showed no suicidal or homicidal tendencies, Subject continued to refuse to dismiss the patient. Investigation of this case failed to reveal any evidence that Subject had acted inappropriately.

Another incident involved two patients whom Subject had discharged while covering for another physician. Although Subject failed to properly document the discharge plan for one of the patients, there is no evidence that Subject inappropriately discharged these patients.

However, there was one instance in which Subject dismissed a patient, while covering for another physician, and then readmitted the patient to Subject's service. Although the patient had been inappropriately discharged, the patient suffered no harm.


Another incident involved a patient who had been involuntarily admitted and had signed a Right to Release form. Subject asked a consulting physician to examine the patient at which time the consulting physician determined that the patient was not receiving the proper medication, changed the medication, and initiated the proceedings for an involuntary classification of the patient. However, there is no evidence that Subject had acted negligently in the care of this patient.

An incident which had caused some concern to the Hospital staff occurred when Subject went on vacation and notified his service that Dr. Bandle would cover his patients. However,

this referral by Subject was done without Handle's knowledge or consent.

THE LAW: Probable cause exists to believe that Subject has violated the provisions of the Medical Practice Act. In light of the circumstances presented, this case should be dismissed with a letter of guidance to Subject.

DONE and ORDERED this 10th day of May, 1984.



CHAIRMAN, Probable Cause Panel
BOARD OF MEDICAL EXAMINERS

WMF/CB/ecc
4/19/84