

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: MEDICINE  
CASE NUMBER: 0097046  
COMPLAINT MADE BY: K.S.1  
DATE OF COMPLAINT: March 17, 1988  
COMPLAINT MADE AGAINST: Lionel Bryan, M.D.  
2330 Park Street  
Jacksonville, Florida 32204  
REVIEWED BY: Ronald W. Packham/bg  
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation, after prescribing Nardil, failed to advise the patient against consuming caffeine, fermented drinks, salt and cheese.

THE FACTS: Investigation substantiated the allegations. The patient had been treated by the Subject since July 1985, with numerous medications. After suffering work-related injuries in September 1986, the patient was started on Nardil, Ativan and Loxitane. Nardil, an MAO inhibitor, requires dietary restrictions which usually involve sour cream, chocolate, caffeine, alcohol and cheese. There are no reported complaints, blackouts, vertigo, syncopal attacks or headaches attributable to Nardil prior to April 1987, when the patient suffered an automobile accident and subsequently underwent neurosurgical intervention, at which time the patient complained that the subject never told him of any dietary restrictions. The patient continued treatment with the subject until September 1987.

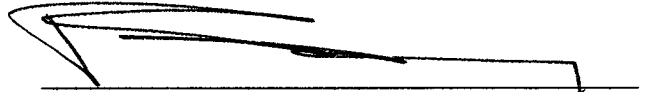
A Department expert, after reviewing the medical records, opined that the Subject did appropriately assess the patient's condition. The expert stated, however, that a blood pressure should have been performed at the time the Nardil was prescribed, and on each subsequent visit. The expert noted that the records were adequate except for the mention of blood pressure. The expert is of the opinion that, with the exception of taking and recording the patient's blood pressure, the subject did meet the requisite level of care, skill, and treatment.

THE LAW: Based on the foregoing, there is sufficient evidence to support a finding of probable cause of a violation of 458.331(1)(t), Florida Statutes, to the rules promulgated

thereunder has occurred. However, under the circumstances, the Subject will be issued a Letter of Guidance.

It is, therefore, ORDERED that this matter should be and the same is hereby CLOSED with a Letter of Guidance.

DONE and ORDERED this 28 day of October, 1988.



CHAIRMAN, Probable Cause Panel  
Board of Medicine

RMP/bg  
/db



November 1, 1988

**PERSONAL AND CONFIDENTIAL**

Lionel Bryan, M.D.  
2330 Park Street  
Jacksonville, Florida 32204

RE: Case No. 0097046

Dear Dr. Bryan:

Please be advised that the complaint referenced above, filed against you by K.S.-1 and regarding allegations that you failed to advise the patient against consuming caffeine, fermented drinks, salt and cheese, after prescribing Nardil, has been investigated and the findings reviewed by the Probable Cause Panel of the Board of Medicine. Based upon the investigation, the Panel determined there was sufficient evidence to establish probable cause to believe that a violation of Chapter 458, Florida Statutes, has occurred. The Panel determined, however, that this case should be closed by issuing you this Letter of Guidance in lieu of formal prosecution.

The Panel found probable cause to believe you had violated the following statute(s):

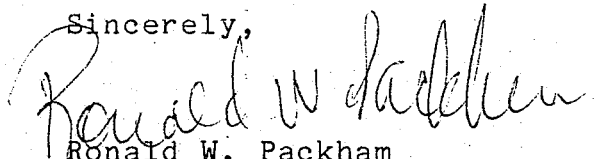
Section 458.331(1)(t), Florida Statutes, in that he is guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

Probable cause of a violation of this statute was based on a review of the medical records and testimony by a Department expert that you failed to take and record the patient's blood pressure prior to and after the prescribing of Nardil.

In the future, I am sure that you will conduct your medical practice in full compliance with the provisions of Chapter 458, Florida Statutes. If probable cause of a violation is found in the future, the Department will not hesitate to seek full prosecution.

If you have any questions about this letter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Ronald W. Packham". The signature is written in dark ink and is positioned above the typed name.

Ronald W. Packham  
Senior Attorney

RWP/bg  
/db

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION



RECEIVED

SEP 10 1988

DPR  
INVESTIGATIVE SERVICES

INVESTIGATIVE REPORT

Office: OIS, Region III, Jacksonville	Date of Complaint: 3/17/88	Case No. ME-0097046
Subject: LIONEL BRYAN 2330 Park Street Jacksonville, FL 32204 904/384-9403	Complainant: K.S.-1	
License No./ Profession: 0043243/Physician	Date of Report: 7/13/88	
Period of Investigation: 4/5/88 - 7/13/88	Type Report: Prelim. ( ) Final (XXX) Suppl. ( )	
Violation: (List Statute/ Rule No. & Violation Description) Alleged: F.S. 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.		
Synopsis:  This case concerns a complaint filed by K.S.-1 alleging that subject LIONEL BRYAN, M.D., prescribed Nardil for K.S.-1 and failed to advise K.S.-1 against consuming caffeine, fermented drinks, salt and cheese, Exhibit 1B and Exhibit 4.  LIONEL BRYAN was notified 4/15/88 of a complaint filed against his license to practice medicine in the State of Florida.  In interview, BRYAN denied failing to inform K.S.-1 against excessive use of caffeine, cheese or fermented drinks. BRYAN prescribed NARDIL approximately 11/86. K.S.-1 had an automobile accident 4/21/87 that K.S.-1 attributes to side effects from Nardil, and BRYAN'S alleged failure to warn K.S.-1 regarding the side effects of this medication.  Dr. E. Michael Gutman, DPR Expert states it is his conclusion that except for taking periodic blood pressures, BRYAN did treat patient K.S.-1 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.		
Related Cases:		
Investigator/ Date: Diane Rabideau-Wise 7/21/88	Approved by/ Date: John E. Danson 7-21-88	Reviewed by:
Distribution:		