

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine
CASE NUMBER: 9001560
COMPLAINT MADE BY: Patient C.S.
DATE COMPLAINT RECEIVED: October 31, 1989
COMPLAINT MADE AGAINST: Stephen Szabc, M.D.
1502 W. Busch Blvd. #H
Tampa, FL 33612-7600
REVIEWED BY: Mary B. Radkins
STAFF RECOMMENDATION: CLOSE (PL-82)

CLOSING ORDER

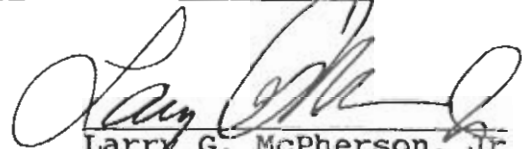
THE COMPLAINT: The complaint alleges that the Respondent failed to practice medicine with an acceptable standard of care when administering lithium and haldol without close monitoring thus allowing the patient to develop Neuroleptic Malignant Syndrome (NMS) and did not promptly respond with a physical evaluation when the patient was admitted to a psychiatric hospital. Respondent is also alleged to have prescribed excessive amounts of lithium and haldol.

THE FACTS: It cannot be shown that Respondent was specifically apprised of the patient's symptoms by admitting personnel at the psychiatric facility. In view of this patient's size haldol and lithium dosages and lithium level post mortem are well within normal range. Second expert disputes facts and opinions given by initial expert and does not believe this patient had Neuroleptic Malignant Syndrome in view of the physical records, and finds Respondent's records and treatment entirely appropriate. Because the post mortem was essentially normal there is no consensus as to cause of patient's death.

THE LAW: There is sufficient evidence for the Panel to have found probable cause in the case. However, based upon the above facts, the Department has determined that there is insufficient evidence to support the prosecution of allegations contained therein. Therefore, pursuant to Section 455.225(2), Florida Statutes and Rule 21-31.001, Florida Administrative Code, this case is DISMISSED.

It is, therefore, ORDERED that this case should be and the same is hereby CLOSED.

DONE AND ORDERED this 18 day of May, 1992.



Larry G. McPherson, Jr.
Chief Medical Attorney

MBR:pc
PCP:
5/11/92

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 9001560

STEPHEN SZABO, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against STEPHEN SZABO, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0024588. Respondent's last known address is 1502 West Busch Boulevard, #H, Tampa, Florida, 33612-7600.

3. On or about May 21, 1989, Respondent first examined Patient #1, a sixteen (16) year old male, at St. Joseph's Hospital in Tampa, Florida. Patient #1 was diagnosed with a psychiatric disorder and sent home with no medications. Patient #1 was then referred to Respondent's office for individual and family therapy.

4. On or about June 9, 1989, Patient #1 was admitted to Charter Hospital of Tampa Bay with a diagnosis of gross paranoid ideation, agitation, and a thought disorder.

5. On or about June 22, 1989, Patient #1 was discharged with a diagnosis at brief reactive psychosis, depression, and hypomania. Patient #1 was subsequently prescribed Stelazine 25 mg. per day and Cogentin 2 mg. per day.

6. Respondent subsequently had Patient #1 see John Mayo, a licensed mental health worker, for individual and family therapy at Respondent's office.

7. On or about July 4, 1989, Patient #1's mother called Respondent with complaints that Patient #1 was decompensating. Patient #1 was again admitted to Charter Hospital, where he was diagnosed with Bipolar Disorder.

8. Respondent subsequently prescribed chlorpromazine, lithium carbonate, and Thorazine. Respondent later changed Patient #1's medication to Haldol, thirty (30) mg. per day and Lithium Carbonate, one thousand two hundred (1,200) mg. per day.

9. Haldol (haloperidol) is a legend drug as defined by Section 465.003(7), Florida Statutes, and a tranquilizer used to manage manifestations of psychotic disorders.

10. Lithium carbonate is a legend drug as defined by Section 465.003(7), Florida Statutes, and is used in the treatment and maintenance of manic episodes of Bipolar Disorder.

11. The combination of lithium and Haldol may result in Neuroleptic Malignant Syndrome (NMS). NMS is characterized by

extrapyramidal and autonomic nerve dysfunction, muscle rigidity, tremendousness, diaphoresis, confusion, coma, and possibly death.

12. Patients receiving lithium and Haldol combined should be monitored closely for neurotoxic symptoms.

13. Patient #1 continued to meet with John Mayo at Respondent's office, but was never seen by Respondent outside the hospital.

14. On or about August 3, 1989, Patient #1's mother telephoned Respondent and reported that Patient #1 was suffering "flu-like" symptoms. Respondent instructed Patient #1's mother to reduce his Haldol dosage by five (5) mg. per day and reduce his lithium dosage by three hundred (300) mg. per day.

15. On or about August 4, 1989, Patient #1's family members telephoned Respondent and reported that Patient #1 was nauseated, vomiting, and was psychotic. Respondent instructed Patient #1's family to take him to the nearest emergency room, and to reduce his medication by five (5) mg. Haldol and three hundred (300) mg. lithium.

16. Patient #1 was subsequently admitted to Charter Hospital with symptoms including trembling, diaphoresis, drooling, muscle rigidity, and marked agitation. Respondent ordered a lithium level to be taken the following morning, and discontinued all medications.

17. Between the period of Patient #1's hospitalization of July 4, 1989, and his hospitalization of August 4, 1989, Respondent

did not order Lithium levels or closely monitor Patient #1's progress.

18. At approximately 9:00 p.m. on or about August 4, 1989, Patient #1 was given thirty (30) mg. Dalmane (flurazepam HCl) as a tranquilizer. Patient #1 was also placed on 1:1 observation, and under the care of mental health technician Charles Robinson.

19. At approximately 2:45 a.m. on or about August 5, 1989, Patient #1 was found by Charles Robinson lying face down and immobile in his bed. Patient #1's face was blue, and he was not breathing. CPR was initiated and continued until EMS personnel arrived.

20. Patient #1 was subsequently transported to St. Joseph's Hospital where he was pronounced dead.

21. A subsequent autopsy revealed that Patient #1 died of lithium intoxication.

22. Respondent should have ordered Lithium levels between Patient #1's hospitalizations.

23. Respondent should have prescribed a neutralizing drug when Patient #1 exhibited lithium overdose symptoms.

24. Respondent should have ordered or performed a physical examination of Patient #1 prior to prescribing potentially harmful legend drugs.

25. Respondent inappropriately prescribed amounts of Haldol and Lithium which were excessive for a sixteen (16) year old male.

COUNT ONE

26. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25), as if fully set forth herein this Count One.

27. Respondent 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, in that Respondent failed to order lithium levels to be taken between Patient #1's hospitalizations; failed to prescribe a neutralizing drug when Patient #1 exhibited lithium overdose symptoms; and Respondent failed to perform or order a physical examination; and order a psychological examination of Patient #1.

28. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by being 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.

COUNT TWO

29. Petitioner realleges and incorporates paragraphs one (1) through twenty-five (25), and twenty-seven (27), as if fully set forth herein this Count Two.

30. Respondent prescribed, dispensed, administered, mixed, or otherwise prepared a legend drug, including any controlled


substance, other than in the course of the physician's professional practice, in that Respondent prescribed amounts of Lithium and Haldol which were excessive for Patient #1.

31. Based on the foregoing, Respondent violated Section 458.331(1)(q), Florida Statutes, by prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 21 day of OCTOBER, 1991.

George Stuart, Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788643
CJR/hrb/tc
PCP: October 12, 1991
Ashkar, Skinner

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK _____

DATE 10-22-91

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

v.

DOAH Case #91-7751

DPR Case #9001560

STEPHEN SZABO, M.D.,

Respondent.


STATUS REPORT AND MOTION TO RELINQUISH JURISDICTION

The Department of Professional Regulation, Petitioner in the above-captioned case, files this Status Report as ordered by the Hearing Officer and states:

1. This case was reconsidered by the Probable Cause Panel on May 8, 1992.
2. The Panel dismissed the Administrative Complaint filed against Respondent.
3. There is no longer any need for the Division to retain jurisdiction over this matter.


WHEREFORE, Petitioner requests the Hearing Officer relinquish the Division's jurisdiction of the above-noted case. A copy of the Closing Order is enclosed.

Respectfully submitted,


Mary B. Radkins
Senior Attorney
Dept. of Professional Regulation
1940 North Monroe Street
Tallahassee, FL 32399-0792

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Status Report and Motion to Relinquish Jurisdiction has been forwarded to Grover Freeman, Esquire, 4600 W. Cypress Street, Suite 500, Tampa, Florida 33607, by U.S. Mail, this 14th day of May, 1992.


Mary B. Radkins
Senior Attorney

MBR:pc