

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine
CASE NUMBER: 9105210
COMPLAINT MADE BY: DPR/DOI
DATE COMPLAINT RECEIVED: April 24, 1991
COMPLAINT MADE AGAINST: Mark Duane Lenger
2327 Oak Street
Jacksonville, FL 32204-4603
REVIEWED BY: Carlos J. Ramos/HRB
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation practiced medicine below an acceptable level of care by failing to examine or timely order the necessary consult for Patient #1, thereby contributing to Patient #1's subsequent stroke.

THE FACTS: Investigation substantiated the allegations, in that Subject did fail to see Patient #1, and failed to timely arrange a neurological consult.

Patient #1 is a fifty-seven (57) year old male with a short history of Transient Ischemic Attacks (TIA's). On or about February 17, 1987, Patient #1 presented to St. Luke's Hospital Emergency Room (ER) with complaints of weakness and numbness in his right arm, confusion, and speech difficulty. Dr. Theodore Szymanski, the ER physician attempted to contact Dr. Manley W. Kilgore, neurologist. Subject was the physician "on call", and admitted Patient #1, but did not at any time see or examine the patient. Subject phoned in orders and also attempted to contact Dr. Kilgore.


As a result of poor communication, Patient #1 was not seen by Dr. Kilgore until eighteen (18) hours after admission, at which time he was found to have a "stroke in evolution" and subsequently suffered a cerebral infarction despite treatment.

A Department expert opined that Subject practiced medicine below an acceptable level of care by failing to evaluate Patient #1 on the night of admission, and by failing to make certain Patient #1 was timely evaluated by a neurologist.

THE LAW: Based on the foregoing, there is sufficient evidence to support a finding of probable cause to believe that Subject violated the provisions of Section 458.331(1)(t), Florida Statutes. However, under the aforestated circumstances, this case should be closed with a Letter of Guidance.

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

DONE AND ORDERED this 11th day of July, 1992.



Chairman, Probable Cause Panel
Board of Medicine

CJR/HRB/tb



DEPARTMENT OF PROFESSIONAL REGULATION

Lawton Chiles
Governor

George Stuart
Secretary

MAY 20 1992

PERSONAL AND CONFIDENTIAL

Mark Duane Lenger, M.D.
2327 Oak Street
Jacksonville, FL 32204-4603

Re: Case No. 9105210

Dear Dr. Lenger:

Please be advised on _____, the Probable Cause Panel for the Board of Medicine met to consider the complaint which had been filed against you in the above-referenced case. After careful consideration of the complaint and the investigative report, the Panel determined that probable cause exists in this case. However, the Panel recommended that this case be closed with a Letter of Guidance, instead of further prosecution.

The Panel requested that you be advised of the following provision of the "Medical Practice Act", contained in Chapter 458, Florida Statutes:

Section 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.

The Panel found that probable cause existed to believe that you violated the above-mentioned statute by failing to evaluate Patient #1 on the night of his admission, and failing to make certain Patient #1 was timely evaluated by a neurologist.

Please be advised that a Letter of Guidance is not considered to be disciplinary action; instead, it is an alternative to disciplinary action provided for by the legislature. Furthermore, this Letter of Guidance is not considered to be a finding of guilt. The Probable Cause Panel is only empowered to make a finding of probable cause.


This letter is sent to aid, assist and advise you in the conduct of your future medical practice. I trust that you will, in the future, conduct your practice in full compliance with the law.

DIVISION OF REGULATION - LEGAL
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Thank you for your cooperation in this matter. If you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely,



Carlos J. Ramos
Senior Attorney

CJR/HRB/tb