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Agency for Health Care Administration

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STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

BOARD: Medicine

CASE NUMBER: 92-13656

COMPLAINT MADE BY: C.M.M.

DATE COMPLAINT RECEIVED: October 2, 1992

COMPLAINT MADE AGAINST: Francisco J. Borges, M.D.
330 S.W. 27th Avenue, #107
Miami, Florida 33135

INVESTIGATED BY: Peter M. Scrocca
Miami

REVIEWED BY: Hugh R. Brown
Senior Attorney

STAFF RECOMMENDATION: CLOSE (PL-82)

CLOSING ORDER

THE COMPLAINT: Complainant alleges the Subject practiced medicine below the standard of care, inappropriately prescribed medications, and failed to keep adequate medical records justifying the course of treatment of the patient.

THE FACTS: In September 1992, Patient I.S., then an adolescent, mentally retarded male, presented to Memorial Hospital in Hollywood, Florida in an apparent psychotic state. Respondent examined Patient I.S. and diagnosed aggressive behavior, rule out psychotic episode, seizure disorder, and mental retardation. I.S. remained hospitalized under Subject's care for three weeks, during which I.S. was treated with antipsychotic and tranquilizing medication and kept in assaultive restraints. Subject ordered as much as (but not more than) 200mg of Thorazine daily, as well as low, inconsistent doses of Haldol, Restoril, Cogentin, Ativan and Dilantin. These drugs were given at various intervals with poor results.

The Complainant in this matter alleges the dosages of medication prescribed were excessive. In contrast, the expert opinion obtained by the Agency states that even stronger

medications should have been used, and that other medications should have been considered. The patient suffered no ill effects from Subject's treatment. The expert further opined that Subject did not properly document his diagnoses in DSM III-R format, which the recognized standardization of diagnoses and treatment plans in psychiatric patients.


The expert generally finds that Respondent appropriately diagnosed and treated the patient, although in incorrect quantities. The expert notes, however, that Subject's treatment of Patient I.S. was approved by a consulting psychiatrist, a fact the expert states clearly mitigates the charges against the Respondent.

THE LAW: There was sufficient evidence for the Panel to have found probable cause in this case. However, based on the above facts and the recent opinion of the Agency's expert, it has been determined that there is insufficient evidence to support the prosecution of the allegation contained in the Administrative Complaint. Therefore, pursuant to Section 455.225(2), Florida Statutes, this case is dismissed.

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

DONE AND ORDERED this 4 day of March, 1997.

Douglas M. Cook, Director



Larry G. McPherson, Jr.
Chief Medical Attorney

HRB

PCP: February 28, 1997