

Final Order No. DOH-06-1142- S -MOA  
FILED DATE - 6/21/06  
Department of Health  
By: Lilli Bailey  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF OSTEOPATHIC MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2003-08733  
License No. OS 3592

CHARLES E. CURTIS, D.O.,

Respondent.

/

**FINAL ORDER**

This cause came before the Board of Osteopathic Medicine at a duly-noticed public meeting on May 20, 2006, in Jacksonville, Florida for final agency pursuant to Sections 120.569 and 120.57(4), Florida Statutes, for the purpose of considering a voluntary relinquishment (attached hereto as Exhibit A). Upon consideration of the voluntary relinquishment, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED that the voluntary relinquishment is accepted as a resolution of this case investigative file.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 20 day of June

, 2006.

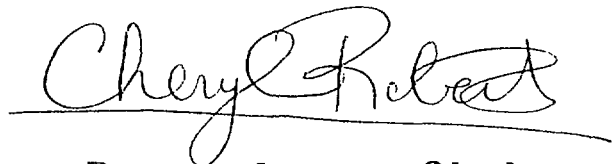
BOARD OF OSTEOPATHIC MEDICINE



Pam King, Executive Director *on behalf of*  
Robert Fedor, D.O., CHAIR

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to **CHARLES E. CURTIS, D.O.**, 7090 SE Bay Hill Drive, Stuart, FL 34997; by interoffice mail to **Michael T. Flury**, Assistant Attorney General, Office of the Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; **Blake Hunter**, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 27<sup>th</sup> day of June, 2006.



**Deputy Agency Clerk**

## Robinson, Christy

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**From:** King, Pamela E  
**Sent:** Friday, June 16, 2006 11:30 AM  
**To:** DL MQA HCPR Executive Directors; Bates, Betty J; Bryan, Ronda; Burney, Rose; Canfield, Shawn P; Clahar, Jacqueline; Coates, Bridget L; Kirkland, Chelisa; Milam, Erica; Palladino, Rina; Robinson, Christy; Welch, Jessica M; Williams, Constance  
**Subject:** Delegation of Authority

While I am out of the office the following individuals are delegated authority as Executive Director for the Osteopathic Unit.

June 16 - June 21, 2006 - Christy Robinson - x 4588  
June 22 - June 26, 2006 - Susie Love - x 4372

Thanks!

Pamela E. King, Board Director  
Division of Medical Quality Assurance  
(850) 245-4162 (direct)  
(850) 921-6184 (fax)  
Pamela\_King@doh.state.fl.us

*Department Of Health Mission: To promote and protect the health and safety of all people in Florida through the delivery of quality public health services and promotion of health care standards.*

*Medical Quality Assurance Mission: To protect and promote the health of all persons in Florida by diligently regulating health care practitioners and facilities.*

\*\*\*\*\*  
Please note : Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may therefore be subject to public disclosure.

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,  
Petitioner,**

**v.**

**DOH Case No. 2003-08733**

**CHARLES E. CURTIS, D.O.,**

**Respondent.**

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**VOLUNTARY RELINQUISHMENT OF LICENSE**

Respondent, Charles E. Curtis, D.O., license No. 3592, hereby voluntarily relinquishes Respondent's license to practice osteopathic medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Osteopathic Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.
2. Respondent agrees to never reapply for licensure as an osteopathic physician in the State of Florida.
3. Respondent agrees to voluntarily cease practicing osteopathic medicine immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of osteopathic medicine until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

**EXHIBIT #**   
21

4. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

5. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 17th day of April, 2006.

Charles E. Curtis D.O.  
CHARLES E. CURTIS, D.O.

STATE OF

COUNTY OF:

Before me, personally appeared CHARLES E. CURTIS, whose identity is known to me by Drivers License (type of identification) and who, under # C 632-145-38-338-0

oath, acknowledges that his signature appears above. Sworn to and subscribed before me  
this 17th day of April, 2006.

*Robert A. Yastrzemski*  
NOTARY PUBLIC

My Commission Expires:



Robert A. Yastrzemski  
MY COMMISSION # DD152026 EXPIRES  
November 9, 2006  
BONDED THRU TROY FAIR INSURANCE INC

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2003-08733**

**CHARLES E. CURTIS, D.O.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

COMES NOW the Petitioner, Department of Health, by and through undersigned counsel, and files this Administrative Complaint before the Board of Osteopathic Medicine against the Respondent, Charles E. Curtis, D.O, and alleges:

1. Petitioner is the state agency charged with regulating the practice of osteopathic medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 459, Florida Statutes.
2. Respondent is, and has been at all times material hereto, a licensed osteopathic physician in the state of Florida, having been issued license number OS 3592.

3. Respondent's address of record is 310 U.S. Highway 1, Lake Park, Florida 33403.

4. On or about January 31, 2002, Patient M.S. presented to the Respondent with complaints of lower back pain and right hip pain.

5. Respondent's medical records dated January 31, 2002, documented that Respondent diagnosed Patient M.S. with lumbosacral strain, ordered an MRI of Patient M.S.'s lumbar spine and right hip, and ordered blood tests.

6. On or about February 1, 2002, Patient M.S. reported to an outpatient MRI center to undergo the MRI of her lumbar spine and right hip.

7. The February 1, 2002 MRI of Patient M.S.'s right hip revealed abnormal bone involving the posterior aspect of the right iliac crest with edematous changes within the gluteal muscle insertion. The MRI report recommended radiographic correlation and provided that a CT scan may be useful in confirming this abnormality as well as a guide for biopsy.



8. The February 1, 2002 MRI of Patient M.S.'s lumbar spine revealed a dehydrated bulging disc at L3-4, L4-5 and L5-S1 levels; secondary degenerative changes involving the L4-5 vertebral disc; and bilateral L5 facet arthritis.

9. On or about February 5, 2002, Patient M.S. presented to the Respondent for a follow-up visit.

10. Respondent's notes from the February 5, 2002 office visit indicated that he discussed the test results with Patient M.S., prescribed Fossamax 5 mg, Vioxx, and instructed Patient M.S. to begin physical therapy for her lower back pain.

11. Respondent's notes from the February 5, 2002 office visit did not indicate that Respondent recommended a follow-up CT scan or biopsy as the February 1, 2002 MRI report recommended.

12. A reasonably prudent osteopathic physician would have explained the seriousness of the suspected lesion to Patient M.S.

13. A reasonably prudent osteopathic physician would have documented in his progress notes his attempt to explain the seriousness of the suspected lesion and his recommendation for a follow-up CT scan and biopsy.

14. A reasonably prudent osteopathic physician would have documented in his progress notes Patient M.S.'s refusal of the recommended treatment, if Patient M.S. had refused such recommended treatment.

15. There is no documentation in Respondent's medical records that Respondent properly informed Patient M.S. about the seriousness of the abnormal February 1, 2002 MRI results, nor is there any documentation that follow-up treatment was recommended by Respondent or refused by Patient M.S.

16. On or about February 6, 2002, Patient M.S. presented to the Respondent and Respondent's progress notes documented that Patient M.S. was to begin physical therapy.

17. On or about February 8, 2002, Respondent's medical records documented that Patient M.S. was to continue physical therapy for lower back pain.

18. On or about February 12, 2002, Respondent's medical records documented that Patient M.S. was to continue physical therapy.

19. On or about February 19, 2002, Respondent's medical records documented that Patient M.S. was still experiencing lower back pain.

20. On or about February 25, 2002, Respondent's medical records documented that Patient M.S. presented to the Respondent with lower back pain and muscle spasms. Respondent instructed Patient M.S. to continue taking Vioxx and to return in two weeks for a follow-up visit.

21. On or about March 14, 2002, Respondent's medical records documented that Respondent called in a refill for Vioxx for Patient M.S.

22. On or about March 25, 2002, Respondent's medical records documented that Respondent spoke with a doctor at the emergency room (ER) of Bethesda Medical Center concerning Patient M.S.

23. On or about March 26, 2002, Respondent's medical records documented that Patient M.S. had an office visit with Respondent following her ER visit on March 25, 2002. Respondent's office notes documented that he prescribed medications, and

referred Patient M.S. to another physician to undergo an IVP ( an x-ray of the urinary tract).

24. During Respondent's care of Patient M.S. he saw her on or about the following dates: March 26, 2002; February 5, 2002; May 6, 2002; May 13, 2002; June 21, 2002; July 25, 2002; August 2, 2002; and November 7, 2002.

25. Respondent's progress notes for Patient M.S. did not document that any follow-up was recommended for the suspected right hip lesion revealed on the February 1, 2002 MRI.

26. On or about October 11, 2002, Patient M.S. discovered an obvious palpable tumor in the area of her right hip.

27. Under the care of a second physician, on or about October 15, 2002, Patient M.S. underwent a right hip MRI that revealed a large, aggressive appearing mass in the right ilium that was highly suggestive of metastatic disease.

28. On or about October 23, 2002, Patient M.S. underwent a CT guided pelvic biopsy of the lesion found on the October 15, 2002 MRI, that revealed a large B-cell lymphoma (cancer).

29. Patient M.S. elected to undergo chemotherapy treatments for her cancer.

### COUNT I

30. The Petitioner hereby realleges and incorporates paragraphs one (1) through twenty-nine (29) as if fully set forth herein.

31. Section 459.015(1)(x), Florida Statutes (2002), provides that an osteopathic physician may be subject to discipline by the Board of Osteopathic Medicine for failing to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances.

32. During Respondent's care of Patient M.S., Respondent failed to practice osteopathic medicine with the requisite level of care, skill, and treatment, in the following ways:

- a) By failing to disclose the seriousness of the test results to Patient M.S.;
- b) By failing to properly diagnosis Patient M.S.'s complaints; and

c) By failing to recommend a follow-up CT scan or biopsy as the February 1, 2002 MRI report recommended;

33. Based upon the foregoing, Respondent has violated Section 459.015(1)(x), Florida Statutes (2002), by failing to practice osteopathic medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar osteopathic physician as being acceptable under similar conditions and circumstances.

#### **COUNT II**

34. The Petitioner hereby realleges and incorporates paragraphs one (1) through twenty-nine (29) as if fully set forth herein.

35. Section 459.015(1)(o), Florida Statutes (2002), provides that an osteopathic physician may be subject to discipline by the Board of Osteopathic Medicine for failing to keep legible medical records that justify the course of treatment of the patient.

36. The Respondent failed to maintain medical records that justified the course of treatment of Patient M.S. by failing to do the following:

- a) Failing to document that Respondent disclosed the seriousness of the suspected lesion found on the February 1, 2002 MRI;
- b) Failing to document that he recommended follow-up treatment; and
- c) Failing to document Patient M.S.'s refusal, if any, to follow the recommended follow-up treatment.

37. Based upon the foregoing, Respondent has violated Section 459.015(1)(o), Florida Statutes (2002), by failing to keep legible medical records that justify the course of treatment of the patient.

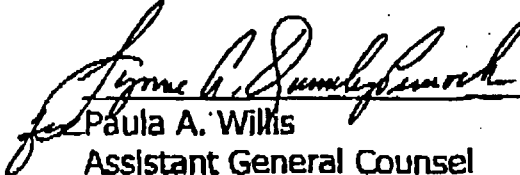
**WHEREFORE**, Petitioner respectfully requests that the Board of Osteopathic Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the

Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 23<sup>rd</sup> day of February, 2003.

John O. Agwunobi, M.D., M.B.A.  
Secretary, Department of Health

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Heather Coleman  
DATE 2/23/04

  
Paula A. Willis *FB# 039572*  
Assistant General Counsel  
DOH Prosecution Services Unit  
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Tallahassee, FL 32399-3265  
Florida Bar #0746241  
(850) 414-8126  
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PAW/sw

Reviewed and approved by: SW (Initials) 10/29/03 (date)

PCP: February 20, 2004  
PCP Members: Havel and Kaufman

DOH v. Charles E. Curtis, D.O.; DOH Case No. 2003-08733



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### **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.**

### **NOTICE REGARDING ASSESSMENT OF COSTS**

**Respondent is placed on Notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.**