

Final Order No. DOH-12-0977- <sup>S</sup> -MQA  
FILED DATE JUN 14 2012  
Department of Health  
By: *Angel Sanchez*  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2011-04646  
LICENSE NO.: ME0103053

TODD L. SAMUELS, M.D.,

Respondent.

\_\_\_\_\_ /

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on June 1, 2012, in Orlando, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, 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 Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:


The costs set forth in Paragraph 4 of the Stipulated Disposition shall be set at \$4,414.23.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 13<sup>th</sup> day of June, 2012.

BOARD OF MEDICINE

  
\_\_\_\_\_  
Joy A. Tootle, Executive Director  
For Jason J. Rosenberg, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to TODD L. SAMUELS, M.D., 31200 Via Colinas, Suite 203, Westlake Village, California 91362; to Holly B. Platter, Esquire, Bush, Graziano, et al., P.O. Box 3423, 101 E. Kennedy Boulevard, Suite 1700, Tampa, Florida 33601; and by interoffice delivery to Veronica Donnelly, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 14 day of June, 2012.

  
\_\_\_\_\_  
Deputy Agency Clerk

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**DOH Case No. 2011-04646**

**TODD SAMUELS, M.D.,**

**Respondent,**

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**SETTLEMENT AGREEMENT**

Todd Samuels, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department" stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes.

**STIPULATED FACTS**

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 103053.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent with violations of

Chapter 458, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint for purposes of these proceedings only.

#### **STIPULATED CONCLUSIONS OF LAW**

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

#### **STIPULATED DISPOSITION**

1. **Letter Of Concern** - Respondent shall receive a Letter of Concern from the Board of Medicine.

2. **Fine** - The Board of Medicine shall impose an administrative fine of five thousand dollars (\$5,000.00) against the license of Respondent, to be paid by Respondent to Payments, Department of Health, Compliance Management Unit, Bin C-76, P. O. Box 6320, Tallahassee, FL 32314-6320, within ninety-days (90) from the date of filing of the Final Order accepting this Agreement. **All fines shall be paid by cashiers check or**

money order. The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN 105 DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.**

4. **Reimbursement Of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for any costs incurred in the investigation and prosecution of this case. Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with Respondent's probation, if any. The agreed upon amount of Department costs to be paid in this case is currently four thousand one hundred fifty-eight dollars and twenty cents (\$4,158.20), ***but shall not exceed five thousand six hundred fifty-eight dollars and twenty cents (\$5,658.20).*** Respondent will pay costs to Payments, Department of Health, Compliance Management Unit, Bin C-76, P. O. Box 6320, Tallahassee, FL 32314-6320, within ninety-days (90) from the date of filing of the

Final Order in this cause. All costs shall be paid by cashiers check or money order. Any post-Board costs, such as the costs associated with probation, are not included in this agreement.

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN 105 DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.**

5. Laws And Rules Course - Respondent shall complete course, "Legal and Ethical Implications In Medicine Physician's Survival Guide-Laws and Rules" administered by the Florida Medical Association, or a Board-approved equivalent, within eighteen (18) months of the date of filing of the Final Order of the Board. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical education course within eighteen (18) months of the date of filing of the Final Order Incorporating this Agreement.

6. Continuing Medical Education - "Risk Management" - Respondent shall complete five (5) hours of Continuing Medical Education in "Risk

Management" within one (1) year of the date of filing of the Final Order. Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said continuing medical education course(s). However, the Board has approved five (5) hours of risk management continuing education for attending the first day of a full Board of Medicine meeting.

### **STANDARD PROVISIONS**

1. **Appearance:** Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. **No force or effect until final order** - It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** - Unless otherwise provided in this written agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said continuing medical education course(s). Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the date of filing of the Final Order in this matter. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was provided previously during the course of any audit or

discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education course(s) shall consist of a formal, live lecture format.

4. **Addresses** - Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses.

5. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of terms considered** - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. **Purpose of Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at



the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

8. **No preclusion of additional proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

9. **Waiver of attorney's fees and costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

10. **Waiver of further procedural steps** - Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or

contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

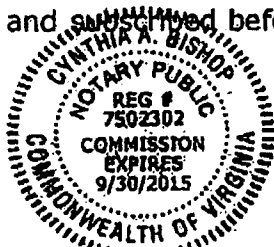
SIGNED this 14 day of December, 2011.

Todd Samuels  
Todd Samuels, M.D.

Before me, personally appeared TODD L. SAMUELS, whose identity is known to me by MD DRIVERS LICENSE (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 14<sup>th</sup> day of December, 2011.

2011



Cynthia A. Bishop  
NOTARY PUBLIC

My Commission Expires: 09/30/2015

APPROVED this 15 day of December, 2011.

H. Frank Farmer, Jr., M.D., Ph.D.  
State Surgeon General  
Department of Health

By: [Signature]  
Ian Brown  
Assistant General Counsel  
Department of Health

Todd Samuels, M.D.  
2011-04646

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH

PETITIONER,

CASE NO. 2011-04646

TODD L. SAMUELS, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, the Florida Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against the Respondent, Todd L. Samuels, M.D. In support thereof Petitioner alleges as follows:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, the Respondent was a licensed physician within the state of Florida, having been issued license number ME 103053.

3. Respondent's address of record is 31200 Via Colinas, Suite 203, Westlake Village, California 91362.

Todd L. Samuels, M.D.  
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4. The Respondent is board certified by the American Board of Psychiatry & Neurology.

5. On or about November 20, 2010, Patient MLR, an eighty-two year-old female, upon experiencing stroke-like symptoms presented to the Coral Gables Hospital (CGH) ER with complaints of left side weakness starting about 15 minutes prior to arrival.

6. Patient MLR had a history of hypertension, pulmonary edema, chronic obstructive pulmonary disease (COPD), coronary artery disease, cardiac arrhythmias, atrial fibrillation, rheumatoid arthritis, osteoarthritis, congestive heart failure and was allergic to antihistamines, penicillin, sulfa, codeine and iodine.

7. On or about November 20, 2010, patient MLR was admitted to CGH with a documented weight of 44.44 kilograms/97.99 pounds. An x-ray and CT scan were ordered and reviewed by the attending physician who urgently consulted the Respondent, for neurology stroke management and for a possible tissue plasminogen activator (tPA) therapy.

8. On or about November 20, 2010, during a video telemetry consultation the attending physician reported patient MLR's weight of 97.99 pounds, to Respondent. Respondent did not convert patient MLR's weight of 97.99 pounds to kilograms and therefore, twice the appropriate dose of

tPA was administered based on a weight of 97.99 kilograms versus 97.99 pounds. The attending physician administered 88.2 mg of intravenous tPA, or twice the appropriate dose which resulted in patient MLR having a massive brain hemorrhage.

9. A reasonably prudent neurologist would have recognized that patient MLR, a 5'4" female weighed 97.99 pounds, and not 97.99 kilograms before calculating the appropriate dose of tPA to be administered to patient MLR.

10. Petitioner re-alleges and incorporates paragraphs one (1) through nine (9) as if fully restated herein.

11. Section 458.331(1)(t), Florida Statutes (2010), subjects a doctor to discipline for committing medical malpractice as defined in Section 456.50. Section 456.50, Florida Statutes (2010), defines medical malpractice as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure.

12. Level of care, skill, and treatment recognized in general law related to health care licensure means the standard of care specified in Section 766.102. Section 766.102(1), Florida Statutes (2010), defines the standard of care to mean ". . . The prevailing professional standard of

care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers. . . ."

13. Respondent committed medical malpractice by not properly converting patient MLR's weight of 97.99 pounds to the kilograms before calculating the dosage of tPA to be administered to patient MLR resulting in patient MLR being administered twice the proper dosage of tPA.

14. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2010), by committing medical malpractice.

WHEREFORE, the Petitioner respectfully requests that the Board of 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** 31st **day of** October, **2011.**

H. Frank Farmer, Jr., MD, PhD, FACP  
State Surgeon General



Ian Brown  
Assistant General Counsel  
DOH Prosecution Services Unit  
4052 Bald Cypress Way, BIN C-65  
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Telephone (850) 245-4640  
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FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Angel Sanders  
DATE 10/31/2011

IB/jb  
PCP Date: October 28, 2011  
PCP Members: El-Bahri, Tucker & Levine

Todd L. Samuels, M.D.  
1-04646

### **NOTICE OF RIGHTS**

**Respondent has the right to request a hearing to be conducted in accordance with Sections 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 any other discipline imposed.**