

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine  
CASE NUMBER: 0022022  
COMPLAINT MADE BY: D.P.R.,  
DATE COMPLAINT RECEIVED: October 21, 1982  
COMPLAINT MADE AGAINST: Bernard Joseph Zumpano, M.D.  
8740 North Kendall Drive  
Miami, Fl 33176  
REVIEWED BY: Joseph Harrison, Senior Attorney  
STAFF RECOMMENDATION: CLOSE (PL-99)

CLOSING ORDER

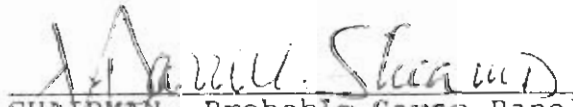
THE COMPLAINT: Complainant alleges that the Subject of the investigation failed to practice medicine acceptably in that patient "N.M." died shortly after surgery performed by the Subject and the Subject was inappropriately recommending a risky procedure.

THE FACTS: Investigation initially found that there was probable cause. The subject performed a posterior multiple level sensory rhizotomy in which patient "N.M." died of an emboli. Department expert ultimately opined that the death was the result of an unfortunate but recognized surgical complication of the sitting position.

THE LAW: Based on the foregoing, there was sufficient evident to support a finding of probable cause to believe that the Subject violated the provisions of 458.331(1)(t), Florida Statutes. Subsequent investigation and expert evaluation now directs the conclusion that no probable cause to find a violation is present. Under the aforesated circumstances, this case should be closed.

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

DONE and ORDERED this 8 day of September, 1989.

  
CHAIRMAN, Probable Cause Panel  
Board of Medicine