

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: MEDICINE
CASE NUMBER: 8903880
COMPLAINT MADE BY: M.L.-1
DATE COMPLAINT RECEIVED: May 30, 1989
COMPLAINT MADE AGAINST: Edward Rossario, M.D.
600 N. Clyde Morris Blvd.
Daytona Beach, Florida 32014
REVIEWED BY: Carlos J. Ramos
STAFF RECOMMENDATION: DISMISS (PL-06)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation inappropriately prescribed Lithium to patient M.L.-1 and failed to release medical records upon request.

THE FACTS: Although Subject hospitalized patient M.L.-1 involuntarily on or about August 13, 1986 and on or about October 7, 1986, according to a Department expert the Subject was correct in treating the patient with Lithium carbonate and having this patient hospitalized; however, the increasing of the levels of Lithium at the time of the second discharge was questionable (from 300 mg x 5 per day to 300 mg x 6 per day), and the Subject should have released the medical records pursuant to Section 455.241(1), Florida Statutes.

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)(h), Florida Statutes (1985) now Section 458.331(1)(g), Florida Statutes (1989) and Section 455.241, Florida Statutes. However, under the aforesaid circumstances, this case should be closed with a Letter of Guidance.

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

DONE and ORDERED this 11th day of May, 1990.

Robert Kestner M.D.

CHAIRMAN, Probable Cause Panel
Board of Medicine



May 15, 1990

PERSONAL AND CONFIDENTIAL

Edward Rossario
600 N. Clyde Morris Blvd.
Daytona Beach, Florida 32014

RE: Case No. 8903880

Dear Dr. Rossario:

Please be advised that on May 11, 1990, 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 which resulted from an investigation of the complaint, 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 provisions of the "Medical Practice Act", contained in Chapter 458, Florida Statutes:

1. Section 458.331(1)(g) by failing to perform any statutory or legal obligation placed upon a licensed physician.
2. Section 455.241(1), Florida Statutes (1985) any health care practitioner licensed pursuant to chapter 458, who makes a physical or mental examination of, or administers treatment to, any person shall, upon request of such person or his legal representative, furnish copies of all reports made of such examination or treatment, including x-rays. The furnishing of such copies shall not be conditioned upon payment of a disputed fee for services rendered.

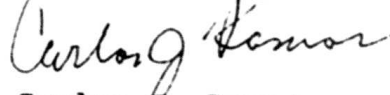
The panel found that probable cause existed to believe that you violated the above-mentioned statutes by failing to provide Ms. Margaret Lancaster with her medical records or a report thereof to her subsequent treating physician.

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 you will, in
the future, conduct you practice in full compliance with the law.

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Carlos G. Ramos".

Carlos G. Ramos
Staff Attorney

CJR/ecs