

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine
CASE NUMBER: 9012175
COMPLAINT MADE BY: S.C.
DATE COMPLAINT RECEIVED: August 15, 1990
COMPLAINT MADE AGAINST: Asher S.A. Padeh, M.D.
2702 North East 3rd Street
Pompano Beach, Florida 33062
INVESTIGATED BY: Dahna Schaublin (Miami)
REVIEWED BY: Carlos J. Ramos/LG
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation practiced medicine below the acceptable level of care by failing to prescribe appropriately and failing to provide appropriate treatment for Patient #1, thereby contributing to Patient #1's subsequent death.

THE FACTS: On or about February 5, 1990, Dr. Katsman admitted Patient #1 to the psychiatric wing of the South Shore Hospital, Miami, Florida, with severe psychomotor retardation and depression. Dr. Katsman called Subject for consultation, and Subject agreed to take care of and treat Patient #1 for his psychiatric disorders, while Dr. Katsman took care of and treated Patient #1 for his medical problems.

The file contains allegations that Subject failed to consult with Patient #1's medical doctor, failed to pay attention or follow up on laboratory and x-ray reports, failed to recognize Patient #1's pulmonary condition, failed to diagnose hyponatremia, and failed to transfer Patient #1 to a medical floor on a timely manner, after his condition deteriorated.

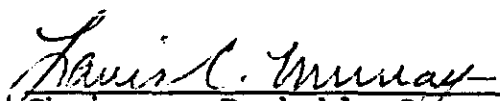
However, when reviewing a related case, Dr. Frazier, a medical expert, stated that Patient #1 was under Dr. Katsman care, and added that Dr. Katsman appropriately treated and consulted with Subject through his course of treatment at the psychiatric ward. Dr. Frazier opined that Dr. Katsman adequately assessed Patient #1's condition and complaints, including appropriate lab testing, x-rays, physical examinations and consultation. In respect to the hyponatremia, Dr. Frazier felt it did not have to be treated aggressively and believed Dr. Katsman felt similarly and correctly. Dr. Frazier added that Dr. Katsman closely followed Patient #1's medical condition, and treated him promptly, then transferred Patient #1 to the Intensive Care Unit (ICU), when his condition deteriorated.

In reviewing both cases simultaneously, Subject should not be held responsible for the actions of the medical consultant. However, Subject did dictate a discharge summary one (1) year later and added it to the file. A Department expert reviewed the initial discharge summary and opined that the subsequent discharge summary included information that should have been in the first discharge summary. Therefore, the expert concluded that Subject failed to keep written medical records justifying the course of Patient #1's treatment.

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)(m), Florida Statutes. However, under the aforesated circumstances, this case should be closed with a Letter of Guidance.

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

DONE AND ORDERED this 19th day of May, 1992.


Chairman, Probable Cause Panel
Board of Medicine

CJR/lg/tc



DEPARTMENT OF PROFESSIONAL REGULATION

Lawton Chiles

Governor

George S. Stuart

Secretary

MAY 22 1992
PERSONAL AND CONFIDENTIAL

Asher S.A. Padeh, M.D.
2702 North East 3rd Street
Pompano Beach, Florida 33062

Re: Case Number 9012175

Dear Dr. Padeh:

Please be advised on May 11, 1992, 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, 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 provision of the "Medical Practice Act", contained in Chapter 458, Florida Statutes:

Section 458.331(1)(m), failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

The Panel found that probable cause existed to believe that you violated the above-mentioned statute by failing to include crucial information on your first discharge summary.

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.

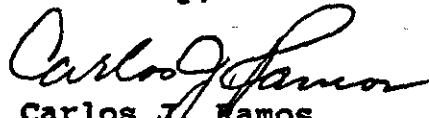
This letter is sent to aid, assist and advise you in the conduct of your future medical practice. I trust that you will, in the future, conduct your practice in full compliance with the law.

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

Sincerely,


Carlos J. Ramos
Senior Attorney

CJR/tc
cc: Hal Braxton, Esquire