

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 9106042

RAUL NODAL, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Raul Nodal, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0037867. Respondent's last known address is 6101 Webb Road #307, Tampa, Florida 33615-2866.

3. On or about April 13, 1991, Patient #1, a fifty-three (53) year old male, presented to Town and Country Hospital, subsequent to collapsing, because of a sudden onset of right sided weakness.

4. Respondent performed a neurologic evaluation, diagnosed an embolic infarction, and prescribed an Anticoagulant with Heparin, 10,000 units bolus.

5. Heparin is a legend drug as defined by Section 465.003 (7), Florida Statutes.

6. Respondent's diagnosis of embolic infarction was established on clinical grounds without proper medical examinations, lab tests or medical histories.

7. Respondent failed to obtain a computerized tomography (CT) brain scan prior to initiation of the anticoagulant with Heparin.

8. A prudent similar physician would have performed a CT scan, which would have revealed Patient #1's intracerebral hemorrhage, prior to the initiation of the anticoagulant with Heparin.

9. On or about April 14, 1991, a CT scan was performed which revealed a intracerebral hemorrhage.

10. On or about April 14, 1991, Patient #1 expired as a result of massive intracerebral hemorrhage.

COUNT ONE

11. Petitioner realleges and incorporates paragraphs one (1) through ten (10) as if fully set forth herein this Count One.

12. Respondent is guilty of prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice in that Respondent prescribed an

anticoagulation with Heparin to Patient #1, without performing a CT scan or obtaining proper medical examinations, lab tests or medical histories.

13. Based on the preceding allegations, Respondent violated Section 458.331 (1)(g), Florida Statutes, prescribing, dispensing, administering, mixing, or otherwise preparing a legend drug, including any controlled substance, other than in the course of the physician's professional practice. For the purposes of this paragraph, it shall be legally presumed that prescribing, dispensing, administering, mixing, or otherwise preparing legend drugs, including all controlled substances, inappropriately or in excessive or inappropriate quantities is not in the best interest of the patient and is not in the course of the physician's professional practice, without regard to his intent.

COUNT TWO

14. Petitioner realleges and incorporates paragraphs one (1) through ten (10) and twelve (12) as if fully set forth herein this Count Two.


15. Respondent is guilty of gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances in that Respondent misdiagnosed Patient #1's intracerebral hemorrhage, as an embolic infarction, by not obtaining proper medical examinations, lab tests or medical histories.

16. Based on the preceding allegations, Respondent violated Section 458.331 (1)(t), Florida Statutes, gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 15 day of December, 1992.

George Stuart, Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788643
LGM/JTO
PCP: December 10, 1992
Murray, Rodriguez and Slade

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK

DATE

12-21-92

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION

BOARD: Medicine
CASE NUMBER: 91-06042
COMPLAINT MADE BY: AHCA
DATE COMPLAINT RECEIVED: April 25, 1991
COMPLAINT MADE AGAINST: Raul F. Nodal, M.D.
16513 Silverhill Drive
Carrollwood, Fl 33624
INVESTIGATED BY: James Nunez
Tampa
REVIEWED BY: Randolph P. Collette/jto
STAFF RECOMMENDATION: Dismiss (PL-16)

FILED
AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK
CLERK *Brandon A. Moore*
DATE 8-23-94

NOTICE OF DISMISSAL/CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation inappropriately ordered an intravenous (I.V.) Bolus Heparin for Patient A.C. without performing a computerized tomography (C.T.) scan.

THE FACTS: It is alleged that Subject ordered the administration of 10,000 units of Bolus Heparin, intravenously, to Patient A.C. without performing a CT scan. Patient A.C. presented to AMI Town and Country Hospital with right hemiparesis. A subsequent CT scan revealed that A.C. suffered from a deep cerebral hemispheric bleed. Following the discovery of the hemorrhage, the Heparin was discontinued, and A.C. was transferred to St. Joseph's Hospital where he expired. It is alleged that Subject failed to perform a CT scan prior to administering the Heparin resulting in A.C.'s death.


Subject's license to practice medicine has been revoked by the Agency through a Final Order in Case Number 94-00717. Based on the aforementioned the Agency has determined to dismiss the case, however, the Agency and the Board reserve the right to reopen the case should Subject reapply for licensure or apply for reinstatement.

THE LAW: Pursuant to Section 459.225(2), Florida Statutes, and Rule 21-31.001, Florida Administrative Code, the Department finds that there is sufficient evidence to support the prosecution of the allegation that a violation of Chapter 458, Florida Statutes, or the rules promulgated thereunder has occurred. However, due to a prior case in which Subject's license was revoked, the Agency has determined the case should be closed.

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

DONE and ORDERED this 29 day of July, 1994.

Douglas W. Cook, Director


Larry G. McPherson, Jr.
Chief Medical Attorney

pmjto