

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine
CASE NUMBER: 0094644
COMPLAINT MADE BY: H.S.
DATE COMPLAINT RECEIVED: February 4, 1988
COMPLAINT MADE AGAINST: James A. Fesler, M.D.
1513 W. Busch Blvd.
Tampa, Florida 33612
REVIEWED BY: David L. Milford/bg
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation prescribed Norpramin for depression, knowing, or having reason to know, the patient was drinking excessively and was suicidal. Subsequently, the patient attempted suicide by overdosing on aspirin and Norpramin. As a result, the patient had massive strokes.

THE FACTS: Investigation substantiated the allegations. The patient had been under treatment by the Subject for approximately twenty (20) years, and was diagnosed as manic depressive. The patient began mixing alcohol and her medication for depression. The Subject then changed the patient's medication to Norpramin, and later decreased the amount. The patient subsequently attempted suicide by taking an undetermined amount of Norpramin and aspirin, was hospitalized, and suffered massive strokes and comas.


A Department expert, after reviewing the medical records, opined that the Subject did not keep written medical records justifying the course of treatment for patient S.J.H., noting that the Subject should have been more specific in documenting his clinical findings, diagnostic signs and symptoms. The expert further stated the Subject prescribed excessive quantities of legend drugs by giving too many refills. It is the expert's opinion, therefore, that the Subject fell below the standard of care in his treatment of patient S.J.H.

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, Section 458.331(1)(q), Florida Statutes, and 458.331(1)(t), Florida Statutes. However, under the circumstances as stated above and documented in the records reviewed by this Panel, this case should be closed with a Letter of Guidance.

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

DONE and ORDERED this 25 day of March, 1988.


CHAIRMAN, Probable Cause Panel
Board of Medicine

DLM/dr
01/27/88