

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2017-01592

AXEL WILLIAM ANDERSON IV, M.D.,

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Axel William Anderson IV, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 43875.

3. Respondent's address of record is 2900 17th Street Suite 2 St. Cloud, Florida 34769.

4. Respondent is a board-certified Urologist with the American Board of Urology.

5. On or about July 16, 2016, Patient D.S., a fifty (50) year old male, presented to the St. Cloud Regional Medical Center Emergency Room with abdominal pain.

6. Patient D.S. was diagnosed with renal kidney stones and admitted to the hospital.

7. Patient D.S. was taken to the Operating Room for a planned cystoscopy, right ureteroscopy, and placement of right ureteral stent.

8. Informed consent was obtained from Patient D.S. for placement of the right ureteral stent.

9. On or about July 20, 2016, Respondent placed a stent in Patient D.S.'s left ureteral (wrong site), rather than the right ureteral (correct site).

10. Patient D.S. was discharged home.

11. On or about July 25, 2016, Patient D.S. returned to the hospital with complaints of abdominal pain.

12. A CT scan of the patient's abdomen and pelvis revealed right distal ureteral stones with moderate right hydronephrosis.

13. The CT scan also revealed a left ureteral without left hydronephrosis.

14. On or about July 26, 2016, Patient D.S. was informed by the Chief Medical Officer of the St. Cloud hospital that the surgery was performed on the wrong side.

15. On or about July 26, 2016, Patient D.S. underwent a second procedure to remove the foreign body (left stent) and right ureteroscopy with laser lithotripsy and placement of right ureteral stent.

16. The second surgery was performed without incident and Patient D.S. was discharged home on or about July 27, 2016.

16. Section 456.072(1)(bb), Florida Statutes (2016), provides that performing or attempting to perform health care services (including the preparation of the patient) on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition is grounds for disciplinary action by the Board of Medicine.

17. On or about July 20, 2016, Respondent performed a wrong-site procedure on Patient D.S. by placing a stent in Patient D.S.'s left ureteral (wrong site), rather than Patient D.S.'s right ureteral (correct site).

18. Based on the foregoing, Respondent has violated Section 456.072(1)(bb), Florida Statutes (2016), by performing a wrong-site procedure.

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

[Signature appears on the following page.]

SIGNED this 21st day of August, 2017.

Celeste Philip, MD, MPH
Surgeon General and Secretary



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK Amber Greene
DATE **AUG 21 2017**

PCP Date: 08-18-17

PCP Members: Dr. Avila, Dr. Averhoff, Mr. Levine

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.