

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NUMBER 2017-09890**

**MUHAMMED YACOB MEMON, M.D.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner Department of Health hereby files this Administrative Complaint before the Board of Medicine against Respondent Muhammed Yacob Memon, M.D., and 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 22458.

3. Respondent's address of record is 2400 Harbor Blvd., Suite 10, Port Charlotte, Florida 33952.

4. On or about November 6, 2016, Patient K.C., a 61-year-old female, presented to the emergency room at Fawcett Memorial Hospital in Port Charlotte, Florida, suffering from confusion and weakness after a fall. A CT scan revealed that Patient K.C. had a large, left-sided subdural hematoma.

5. That same day, Respondent was asked to evaluate Patient K.C. Respondent correctly documented that Patient K.C. was suffering from a left-sided subdural hematoma. Respondent further documented his intention to remove a blood clot from the left side of Patient K.C.'s subdural space.

6. Shortly thereafter, Patient K.C. was brought to the operating room and preparations were begun for a left-sided craniotomy. However, at some point during the preparation process, Patient K.C.'s head was turned and Respondent began to operate on the right side.

7. After Respondent made an incision through the skin, removed a bone flap, and punctured the dura mater on the right side of Patient K.C.'s brain, Respondent realized that he was operating on the incorrect side.

Respondent closed the operating site and proceeded to perform the correct procedure.

8. Section 456.072(1)(bb), Florida Statutes (2016), provides that performing or attempting to perform health care services 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.

9. On or about November 6, 2016, Respondent performed a wrong-site and/or wrong procedure when he began to perform a craniotomy and removal of subdural hematoma on the right side of Patient K.C.'s brain instead of the left side.

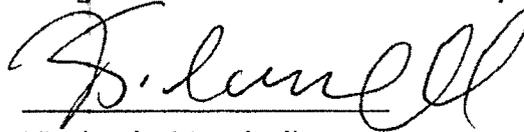
10. Based on the foregoing, Respondent has violated Section 456.072(1)(bb), Florida Statutes, by performing a wrong-site and/or wrong procedure.

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.

SIGNED this 11<sup>th</sup> day of December, 2017.

Celeste Philip, MD, MPH  
Surgeon General and Secretary of Health



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**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: *Angel Sanders*  
DATE: **DEC 12 2017**

PCP Date: December 11, 2017

PCP Members: Jorge Lopez, M.D.; Nicholas Romanello

### **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.**

**Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.**

### **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 any other discipline imposed.**