

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2015-30046

IRINA S. MEZHERITSKIY, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Irina S. Mezheritskiy, 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 106422.

3. Respondent's address of record is 1278 Tipperary Drive, Melbourne, Florida 32940

4. Respondent is board certified in nuclear medicine and diagnostic radiology.

5. On or about October 27, 2015, Patient L.K. presented to the emergency department of Cape Canaveral Hospital after suffering a fall.

6. An emergency department physician ordered a computerized tomography (CT) scan of Patient L.K.'s head.

7. Respondent reviewed the CT scan.

8. Respondent failed to recognize or failed to report the presence of a significant subdural hematoma.

9. Respondent erroneously reported that the CT scan showed no acute intracranial abnormalities.

10. Patient L.K.'s wounds from the fall were treated, and Patient L.K. was discharged home.

11. That night, Patient L.K. became unresponsive at home and was transported back to Cape Canaveral Hospital.

12. A second CT scan was performed and was reviewed by Dr. M.C.

13. Dr. M.C. compared the second CT scan to the first CT scan performed earlier that day.

14. Dr. M.C. noted that the first CT scan showed a 6 mm hematoma. Dr. M.C. reported that the second CT scan showed that the hematoma had markedly increased in size to 28 mm since the first scan taken approximately six hours before.

15. Patient L.K. expired the morning of October 28, 2015, due to complications from an acute subdural hematoma.

16. At all times material to this complaint, the prevailing professional standard of care dictated that a physician recognize and report any significant abnormalities present on a patient's CT scan.

17. Acute subdural hematoma is a significant abnormality present on a CT scan.

18. Section 458.331(1)(t), Florida Statutes (2015), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2015), states medical malpractice means the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. Section 766.102, Florida Statutes (2015), provides that the prevailing standard of care for a given healthcare provider shall be that level of care, skill, and treatment which, in

light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

19. Respondent fell below the standard of care in her treatment of Patient L.K. by failing to recognize and/or report L.K.'s significant subdural hematoma.

20. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2015).

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 26th day of June, 2017.

Celeste Philip, MD, MPH
Surgeon General and Secretary

Chad Dunn

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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE June 26, 2017

CD/ln

PCP Date: June 23, 2017

PCP Members: Fuad Ashkar, M.D. & Seela Ramesh, M.D.

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.