

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-17-1357-S -MQA

FILED DATE - JUL 20 2017
Department of Health

By: 
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2014-12894
LICENSE NO.: ME0118919

EHAB S. MICHAEL, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on June 9, 2017, in Orlando, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$32,433.57.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 29th day of June, 2017.

BOARD OF MEDICINE

Claudia Kemp
Claudia Kemp, J.D., Executive Director
For Magdalena Averhoff, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to EHAB S. MICHAEL, M.D., 3530 Fruitville Road, Sarasota, Florida 34237; and 5080 Timber Chase Way, Sarasota, Florida 34238; by email to Allison Dudley, Assistant General Counsel, Department of Health, at Allison.Dudley@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at Ed.Tellechea@myfloridalegal.com this 20th day of July, 2017.

Angela Sanders
Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2014-12894

EHAB S. MICHAEL, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Ehab S. Michael, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

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

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 118919.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 458, Florida

Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Letter of Concern**- The Board shall issue a Letter of Concern against Respondent's license.

2. **Fine** - The Board shall impose an administrative fine of ***Five Thousand Dollars (\$5000.00)*** against Respondent's license which Respondent shall pay to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within sixty (60) days from the date of filing of the Final Order accepting this Agreement ("Final Order"). **All fines shall be paid by cashier's check or money order.** Any change in the terms of payment of any fine imposed by

the Board must be approved in advance by the Probation Committee of the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN SEVENTY FIVE (75) DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.

3. **Reimbursement of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, and the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case is currently ***Thirty Thousand Four Hundred Thirty Three Dollars and Fifty Seven Cents (\$30,433.57)***, but shall not exceed ***Thirty Two Thousand Four Hundred Thirty Three Dollars and Fifty Seven Cents (\$32,433.57)***. Respondent will pay such Department costs to: Payments, Department of Health, Compliance Management

Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within sixty (60) days from the date of filing of the Final Order. **All costs shall be paid by cashier's check or money order.** Any change in the terms of payment of costs imposed by the Board **must be approved in advance by the Probation Committee of the Board.**

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN SEVENTY FIVE (75) DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.

4. **Records Course** – Respondent shall document completion of a Board-approved medical records course within one year from the date the Final Order is filed.

5. **Continuing Medical Education** - Within one year of the date of the filing of a Final Order, Respondent shall complete five (5) hours of Continuing Medical Education (CME) in Clinical Pharmacology and Drug Dosing, or a Board approved equivalent course, and shall submit documentation of such completion, in the form of certified copies of the receipts, vouchers, certificates, or other official proof of completion, to the Board's Probation Committee.

STANDARD PROVISIONS

1. **Appearance** - Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. **No Force or Effect until Final Order** - It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order Incorporating the terms of this Agreement.

3. **Continuing Medical Education** - Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a CME course in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board's Probation Committee, such CME course(s) shall consist of a formal, live lecture format.

4. **Addresses** - Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within ten (10) days

of any changes of said addresses and shall also comply with all statutory requirements related to practitioner profile and licensure renewal updates.

5. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of Terms** - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes:

7. **Purpose of Agreement** - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the

Board or any of its members from further participation, consideration or resolution of these proceedings.

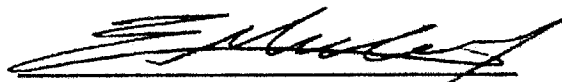
8. **No Preclusion of Additional Proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

9. **Waiver of Attorney's Fees and Costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of Department costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

10. **Waiver of Further Procedural Steps** - Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

[Signatures appear on the following page.]

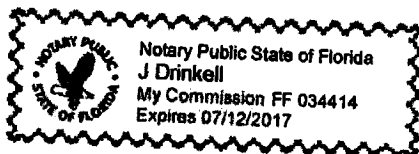
SIGNED this 11 day of April, 2017.


Ehab S. Michael, M.D.

STATE OF FLORIDA
COUNTY OF SARASOTA

BEFORE ME personally appeared EHAB S. MICHAEL, whose identity is known to me or who produced FL D/LICENSE (type of identification) and who, under oath, acknowledges that his signature appears above.

SWORN TO and subscribed before me this 11 day of APRIL, 2017.





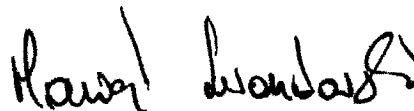
John Drinkell
5020 Clark Rd
Sarasota, FL 34233

NOTARY PUBLIC

My Commission Expires: 7/12/17.

APPROVED this 21 day of APRIL, 2017.

Celeste Phillip, MD, MPH
Surgeon General and Secretary,
State of Florida



By: Maciej Lewandowski
Assistant General Counsel
Department of Health

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2014-12894

EHAB S. MICHAEL, M.D.,

Respondent.

SECOND AMENDED ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Michael S. Ehab, 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 118919.
3. Respondent's address of record is 5080 Timber Chase Way, Sarasota, Florida 34238.

4. Respondent is Board Certified in Pediatrics by the American Board of Pediatrics, and in Internal Medicine by the American Board of Internal Medicine.

5. On or about May 8, 2014, Patient N.K., a 74 year-old female, presented to Respondent for the purpose of establishing care.

6. Patient N.K. had multiple medical problems, including diabetes, mellitus, end-stage renal disease, and recurring C. difficile infections.

7. At all times pertinent to this complaint, Patient N.K. was undergoing chronic hemodialysis treatment.

8. On or about June 10, 2014, Patient N.K. presented to Respondent for a follow-up visit.

9. Respondent prescribed 600mg tablets of Gabapentin¹ to Patient N.K. to treat her Diabetic Neuropathy.

10. Patient N.K.'s prescription directed her to take the 600 mg of Gabapentin twice daily, totalling 1200mg of Gabapentin per day.

11. On or about June 14, 2014, after taking her prescribed dosage of Gabapentin, Patient N.K. lost control of her leg muscles and fell, resulting in a fracture of the T12 Vertebrae in her back.

¹ Gabapentin, also known as Neurontin, is a medication used as an anticonvulsant and analgesic. It was originally developed to treat epilepsy, and is currently also used to relieve neuropathic pain.

12. The prevailing professional standard of care required Respondent not to prescribe to Patient N.K. the 600 mg of Gabapentin to be taken twice daily.

13. Respondent prescribed Patient N.K. an inappropriate and/or excessive dosage of Gabapentin.

14. According to Respondent, he verbally instructed Patient N.K. and/or her family member(s) to modify Patient N.K.'s Gabapentin prescription.

15. Respondent failed to document, and/or accurately document, the alleged verbal instructions to Patient N.K. and/or her family member(s) to modify Patient N.K.'s Gabapentin prescription.

COUNT ONE

16. Petitioner re-alleges and incorporates by reference paragraphs one (1) through fifteen (15), as if fully set forth herein.

17. Section 458.331(1)(t), Florida Statutes (2013), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50(1)(g), Florida Statutes. Section 456.50(1)(g), Florida Statutes (2013), 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 (2013), 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.

18. Respondent fell below the minimum standard of care in his treatment of Patient N.K. by prescribing Patient N.K. an inappropriate and/or excessive dosage of Gabapentin.

19. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2013).

COUNT TWO

20. Petitioner re-alleges and incorporates by reference paragraphs one (1) through fifteen (15), as if fully set forth herein.

21. Section 458.331(1)(m), Florida Statutes (2013), subjects a licensee to discipline for failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering, ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs

prescribed, dispensed, or administered; and reports of consultation and hospitalizations.

22. Respondent failed to maintain records that justify the course of treatment of Patient N.K. by failing to create or keep medical records that documented his alleged consultation with Patient N.K. and/or her family members concerning the modification of Patient N.K.'s Gabapentin prescription.


23. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2013).

WHEREFORE, 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 next page]

SIGNED this 7 day of March, 2017.

Celeste Phillip, M.D., M.P.H.
Surgeon General and Secretary



Maciej Lewandowski
Assistant General Counsel
Florida Bar No. 115515
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
(850) 245-4444, Ext. 8146
(850) 245-4684 fax
Maciej.Lewandowski@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE MAR 07 2017

ML/sdw

PCP: September 23, 2016

PCP Members: Georges El-Bahri, M.D., Gary N. Dolin, M.D., Ms. Brigitte Goersch

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.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

DEPARTMENT OF HEALTH,

CLERK: *Sandra Beonard*
DATE 9.26.16

Petitioner,

v.

CASE NO.: 2014-12894

EHAB S. MICHAEL, M.D.,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Michael S. Ehab, 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 118919.

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7. At all times pertinent to this complaint, Patient N.K. was undergoing chronic hemodialysis treatment.

8. On or about June 10, 2014, Patient N.K. presented to Respondent for a follow-up visit.

9. Respondent prescribed 600mg tablets of Gabapentin¹ to Patient N.K. to treat her Diabetic Neuropathy.

10. Patient N.K.'s prescription directed her to take the 600 mg of Gabapentin twice daily, totaling 1200mg of Gabapentin per day.

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¹ Gabapentin, also known as Neurontin, is a medication used as an anticonvulsant and analgesic. It was originally developed to treat epilepsy, and is currently also used to relieve neuropathic pain.

12. The prevailing professional standard of care required Respondent to prescribe to Patient N.K. a dosage of Gabapentin not to exceed 150 mg per day due to her end-stage renal disease.

13. Respondent prescribed Patient N.K. an inappropriate and/or excessive dosage of Gabapentin.

14. According to Respondent, he verbally instructed Patient N.K. and/or her family member(s) to modify Patient N.K.'s Gabapentin prescription.

15. Respondent failed to document, and/or accurately document, the alleged verbal instructions to Patient N.K. and/or her family member(s) to modify Patient N.K.'s Gabapentin prescription.

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19. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2013).

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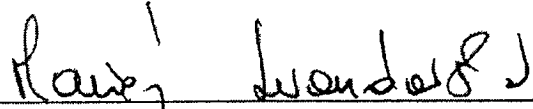
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WHEREFORE, Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative 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 next page]

SIGNED this 26 day of September, 2016.

Celeste Phillip, M.D., M.P.H.
Surgeon General and Secretary



Maciej Lewandowski
Assistant General Counsel
Florida Bar No. 115515
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Maciej.Lewandowski@flhealth.gov

ML/sdw

PCP: September 23, 2016

PCP Members: Georges El-Bahri, M.D., Gary N. Dolin, M.D., Ms. Brigitte Goersch

NOTICE OF RIGHTS

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FILED
Department Of Health
Deputy Clerk

CLERK
DATE

Angel Sanders
NOV 05 2015

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2014-12894

EHAB S. MICHAEL, M.D.,

Respondent.

CORRECTED ADMINISTRATIVE COMPLAINT

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¹ Gabapentin, also known as Neurontin, is a medication used as an anticonvulsant and analgesic. It was originally developed to treat epilepsy, and is currently also used to relieve neuropathic pain.

12. The prevailing professional standard of care required Respondent to prescribe to Patient N.K. a dosage of Gabapentin not to exceed 150 mg per day due to her end-stage renal disease.

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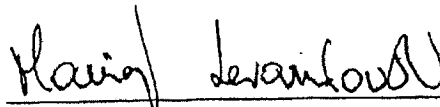
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16. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2013).

WHEREFORE, 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 5th day of November, 2015.

John H. Armstrong, MD, FACS
State Surgeon General and
Secretary of Health



Maciej Lewandowski
Assistant General Counsel
Florida Bar No. 0115515
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
(850) 245-4444, Ext. 8146
(850) 245-4684 fax
Maciej.Lewandowski@flhealth.gov

ML/sdw

PCP: 10/30/2015

PCP Members: Dr. El-Bahri, Dr. Stringer, Ms. Brigitte Goersch

DOH v. Michael S. Ehab, M.D.
Case No. 2014-12894

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.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO.: 2014-12894

EHAB S. MICHAEL, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Michael S. Ehab, 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 118919.

3. Respondent's address of record is 2525 Harbor Blvd., Suite 104, Port Charlotte, FL 33952.

4. Respondent is Board Certified in Pediatrics by the American Board of Pediatrics, and in Internal Medicine by the American Board of Internal Medicine.

5. On or about May 8, 2014, Patient N.K., a 74 year-old female, presented to Respondent for the purpose of establishing care.

6. Patient N.K. had multiple medical problems, including diabetes, mellitus, end-stage renal disease, and recurring C. difficile infections.

7. At all times pertinent to this complaint, Patient N.K. was undergoing chronic hemodialysis treatment.

8. On or about June 10, 2014, Patient N.K. presented to Respondent for a follow-up visit.

9. Respondent prescribed 600mg tablets of Gabapentin¹ to Patient N.K. to treat her Diabetic Neuropathy.

10. Patient N.K.'s prescription directed her to take the 600 mg of Gabapentin twice daily, totaling 1200mg of Gabapentin per day.

11. On or about June 14, 2014, after taking her prescribed dosage of Gabapentin, Patient N.K. lost control of her leg muscles and fell, resulting in a fracture of the T12 Vertebrae in her back.

¹ Gabapentin, also known as Neurontin, is a medication used as an anticonvulsant and analgesic. It was originally developed to treat epilepsy, and is currently also used to relieve neuropathic pain.

12. The prevailing professional standard of care required Respondent to prescribe to Patient N.K. a dosage of Gabapentin not to exceed 150 mg per day due to her end-stage renal disease.

13. Respondent prescribed Patient N.K. an inappropriate and/or excessive dosage of Gabapentin.

14. Section 458.331(1)(t), Florida Statutes (2013), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50(1)(g), Florida Statutes. Section 456.50(1)(g), Florida Statutes (2013), 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 (2013), 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.

15. Respondent fell below the minimum standard of care in his treatment of Patient N.K. by prescribing Patient N.K. an inappropriate and/or excessive dosage of Gabapentin.

16. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2013).

WHEREFORE, 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 30 day of October, 2015.

John H. Armstrong, MD, FACS
State Surgeon General and
Secretary of Health

Maciej Lewandowski

Maciej Lewandowski
Assistant General Counsel
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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: Amy Larroway

DATE: 10-30-15

ML/sdw

PCP: 10/30/2015

PCP Members: Dr. El-Bahri, Dr. Stringer, Ms. Brigitte Goersch

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