

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2015-29097

MICHAEL C. SCHLOSSBERG, M.D.,

Respondent.

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ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Michael C. Schlossberg, 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 110681.

3. Respondent's address of record is 13800 Veterans Way, Orlando, Florida 32827.

4. On or about March 12, 2014, Patient R.H., a 78 year-old male, presented to Wuesthoff Medical Center.

5. Upon admission, a brain CT revealed a history of intracranial hemorrhage.

6. A stroke alert was called on March 15, 2014, due to belief that Patient R.H. had suffered a stroke, setting in motion a hospital protocol to check for stroke.

7. A stat CT scan revealed subacute or chronic left suboccipital stroke which did not correspond with the patient's acute symptoms.

8. Respondent ordered a neuroconsult and gave a history that did not include the intracranial hemorrhage.

9. Respondent ordered and/or confirmed tissue plasminogen activator ("tPA")¹ to be administered to Patient R.H., which is contraindicated for patients with a history of intracranial hemorrhage.

10. Respondent did not obtain an MRI of the brain.

11. The prevailing professional standard of care dictated that a physician treating a patient like R.H., should:

¹Tissue plasminogen activator is a protein involved in the breakdown of blood clots. It is a serine protease found on endothelial cells, the cells that line the blood vessels.

- a. Order an MRI of the brain since the symptoms and the stat CT did not correspond;
- b. Not order or confirm tPA for a patient with history of intracranial hemorrhage; and/or
- c. Give an accurate history of intracranial hemorrhage to the neurologist.

12. Section 458.331(1)(t), Florida Statutes (2013), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.60, Florida Statutes (2013). 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.

13. Respondent fell below the standard of care in his care and treatment of Patient R.H. in one or more of the following ways:

- a. By failing to order an MRI of the brain as the symptoms and the stat CT results did not correspond;
- b. By ordering or confirming tPA for this patient who had a history of intracranial hemorrhage; and/or
- c. By failing to give an accurate history of intracranial hemorrhage to the neurologist.

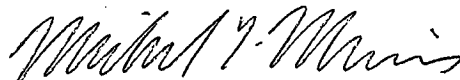
14. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes (2013).

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.

[Signatures on the following page]

SIGNED this 25 day of April, 2017.

Celeste Philip, MD, MPH
Surgeon General and Secretary



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK **Amber Greene**
DATE **APR 25 2017**

MEM/ep

PCP Date: April 21, 2017

PCP Members: Enrique Ginzburg, 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.

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.