

STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-17-1516-<sup>S</sup>-MQA

FILED DATE AUG 22 2017

Department of Health

By: Amber Greene  
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2015-26344  
LICENSE NO.: ME0101452

DONALD RAY SAVAGE, 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 August 4, 2017, in Miami, 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 \$1,822.32.

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 21<sup>ST</sup> day of August, 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 DONALD RAY SAVAGE, M.D., 408 SW Mimosa Cove, Port Saint Lucie, Florida 34986; 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 22<sup>nd</sup> day of August, 2017.

Anber Greene  
Deputy Agency Clerk

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

2017 MAY 26 AM 8:25

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2015-26344

DONALD RAY SAVAGE, M.D.

RESPONDENT.

SETTLEMENT AGREEMENT

Donald Ray Savage, M.D., referred to as the "Respondent," and the Department of Health, referred to as the "Department," stipulate and agree to the following Settlement Agreement ("Agreement") and to the entry of a Final Order of the Board of Medicine, referred to as the "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

The Department is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapters 456 and 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 101452.
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 Chapter 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. **Reprimand** – The Board shall issue a Reprimand against Respondent's license.

2. **Fine** - The Board shall impose an administrative fine of ***five thousand dollars and zero cents (\$5,000.00)*** 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 thirty (30) 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 45 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 ***one thousand, four hundred eight dollars and three cents (\$1,408.03) but shall not exceed three thousand, four hundred eight dollars and three cents (\$3,408.03)***. 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 thirty (30) 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 45 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. ~~**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 in PEDIATRIC MEDICINE 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.

5. ~~**Continuing Medical Education**~~ – Within one year of the date of the filing of a Final Order, Respondent shall complete three (3) hours of Continuing Medical Education in DIAGNOSIS AND TREATMENT OF PNEUMONIA 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, Florida Statutes, 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 23 day of MAY, 2017.

Donald Ray Savage  
Donald Ray Savage, M.D.

STATE OF Florida

COUNTY OF Alachua

BEFORE ME personally appeared Donald Savage, whose identity is known to me or who produced Driver License (type of identification) and who, under oath, acknowledges that his signature appears above.

SWORN TO and subscribed before me this 23rd day of May, 2017.



Sarah Green  
NOTARY PUBLIC

My Commission Expires: 10/06/2020

APPROVED this 26<sup>th</sup> day of May, 2017.

Celeste Phillip, MD, MPH  
Surgeon General & Secretary

By: Corynn Alberto  
Corynn Alberto, Esq.  
Assistant General Counsel  
Department of Health

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2015-26344**

**DONALD RAY SAVAGE, 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, Donald Ray Savage, 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 medical doctor within the State of Florida, having been issued license number ME 101452.
3. Respondent's address of record is 408 SW Mimosa Cove, Port St. Lucie, Florida 34986.

4. On or about June 8, 2012, Patient D.C. ("D.C."), a sixteen (16) year old female, presented to Dr. A. at Pediatric Associates, P.A., in Port St. Lucie, Florida, for a sick visit with complaints of tactile fever for the previous four days, coughing, and one incident of post-tussive emesis.

5. During the visit, Dr. A. performed an examination and documented that D.C.'s temperature was 98.3, her heart rate (HR) was 98 and her respiratory rate (RR) was 22. D.C.'s weight was also documented to be 209 pounds.

6. Dr. A. assessed that D.C. was suffering from an upper respiratory infection (URI) and recommended that she continue over-the-counter medication to manage her symptoms.

7. The next day, on June 9, 2012, D.C. again presented to Pediatric Associates, P.A., at which time she saw Respondent.

8. D.C. presented with the same complaints of fever and coughing but additionally complained of a sore throat.

9. Respondent performed an examination and documented that D.C.'s HR was 106 and her RR was 32. She was also running a temperature of 100.8.

10. Respondent assessed that D.C. had a URI and Pharyngitis. Respondent provided D.C. with respiratory instructions and advised that she should return in two days if her temperature persisted.

11. Despite the increase in D.C.'s HR and RR from the June 8, 2012 visit to her visit with Respondent on June 9, 2012, Respondent did not order a STAT chest x-ray for D.C.

12. Despite the increase in D.C.'s HR and RR from the June 8, 2012 visit to her visit with Respondent on June 9, 2012, Respondent did not check D.C.'s oxygen saturation.

13. On or about June 10, 2012, D.C. expired in her home. The medical examiner documented D.C.'s cause of death as pneumonia with sepsis due to haemophilus influenza.

14. At all times material to this complaint, the prevailing standard of care required the Respondent to have done one or more of the following during the visit with D.C. on June 9, 2012:

- a. Order a STAT chest x-ray; and/or
- b. Check D.C.'s oxygen saturation.

15. Section 458.331(1)(t)1., Florida Statutes (2011), subjects a licensee to discipline for committing medical malpractice as defined in

Section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2011), 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 (2011), provides that the prevailing standard of care for a given health care 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.

16. On or about June 9, 2012, Respondent fell below the prevailing standard of care in one or more of the following ways:

- a. By failing to order a STAT chest x-ray for D.C.; and/or
- b. By failing to check D.C.'s oxygen saturation.

17. Based on the foregoing, Respondent has violated Section 458.331(1)(t)1., Florida Statutes (2011).

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 of Medicine deems appropriate.

SIGNED this 21<sup>st</sup> day of April, 2017.

Celeste Philip, M.D., M.P.H.  
Surgeon General and Secretary of Health

Corynn Alberto

Corynn Alberto  
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**FILED**

DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: Onge Sanders

DATE: APR 21 2017

PCP Date: April 21, 2017

PCP Members: Enrique Ginzburg, M.D. and 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.**