

FILED DATE FEB 22 2017

Department of Health

By Amber Green  
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2015-10298  
LICENSE NO.: ME0081250

CHRISTOPHER C. HENDERSON, 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 February 3, 2017, in Championsgate, 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:

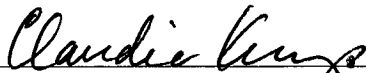
The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$2,821.70.

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 20<sup>th</sup> day of February, 2017.

BOARD OF MEDICINE

  
\_\_\_\_\_  
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 CHRISTOPHER C. HENDERSON, M.D., 4604 Avon Lane, Jacksonville, Florida 32210; to Jesse F. Suber, Esquire, Henry Buchanan, P.A., P.O. Box 14079, Tallahassee, Florida 32317-4079; 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 day of

February, 2017.

Anber Greene  
Deputy Agency Clerk

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**DOH Case No. 2015-10298**

**CHRISTOPHER C. HENDERSON, M.D.,**

**Respondent.**

\_\_\_\_\_ /

**SETTLEMENT AGREEMENT**

Christopher C. Henderson, M.D. (hereinafter "Respondent"), and the Florida Department of Health (hereinafter the "Department"), hereby stipulate and agree to the entry of a Final Order of the Florida Board of Medicine (hereinafter the "Board"), incorporating the following agreed terms in settlement of the above-styled and -numbered matter.

**STIPULATED FACTS**

1. The Department is charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapters 456 and 458, Florida Statutes.
2. At all times material hereto, Respondent was a licensed physician in the State of Florida, having been issued license number ME 81250.

3. The Department filed and properly served upon Respondent an Administrative Complaint which charged him with violations of Chapter 458, Florida Statutes. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

4. 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 Florida-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 Five Hundred Dollars and Zero Cents (\$5,500.00)*** against Respondent's license which Respondent shall pay to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, Florida 32314-6320, within thirty (30) days of the date of the filing of the Final Order accepting this Agreement (the "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 Board's Probation Committee.**

**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 AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN FORTY-FIVE (45) DAYS FROM THE DATE THE FINAL ORDER IS FILED 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 ***Two Thousand Four Dollars and Thirteen Cents (\$2,004.13), but shall not exceed Four Thousand Four Dollars and Thirteen Cents (\$4,004.13)***. Respondent will pay such Department costs to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, Florida 32314-6320, within thirty (30) days from the date the Final Order is filed. **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 Board's Probation Committee.**

**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 AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN FORTY-FIVE (45) DAYS OF THE DATE THE FINAL ORDER IS FILED THAT THE FULL AMOUNT OF THE COSTS 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** - Respondent shall complete five (5) hours of Continuing Medical Education (hereinafter "CME") concerning the diagnosis of septicemia, or a Board-approved equivalent course, after first obtaining written advance approval from the Board's Probation Committee (hereinafter "Probation Committee") of such proposed course. Respondent shall complete this requirement and document such completion within one (1) year from the date the Final Order is filed.

5. **Continuing Medical Education – "Risk Management"** - Respondent shall complete this requirement and document such completion within one (1) year of the date of filing of the Final Order. **Respondent shall satisfy this requirement in one of the two following ways:**



a. Respondent shall complete five (5) hours of CME in "Risk Management" after first obtaining written advance approval from the Probation Committee of such proposed 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 Probation Committee; or

b. Respondent shall complete (5) five hours of CME in "Risk Management" by attending one full day or eight (8) hours, whichever is more, of disciplinary hearings at a regular meeting of the Board. In order to receive such credit, Respondent must sign in with the Executive Director of the Board before the meeting day begins, Respondent must remain in continuous attendance during the full day or eight (8) hours of disciplinary hearings, whichever is more, and Respondent must sign out with the Executive Director of the Board at the end of the meeting day or at such other earlier time as affirmatively authorized by the Board. Respondent may not receive CME credit in risk management for attending the disciplinary hearings portion of a Board meeting unless the Respondent is attending the disciplinary hearings portion for the **sole** purpose of obtaining the CME credit in "Risk Management." In other words, Respondent may not receive such

credit if appearing at the Board meeting for any other purpose, such as pending action against Respondent's medical license.

### **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 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 date the Final Order is filed. All such documentation shall be sent to the 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 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.

5. **Future Conduct** - In the future, Respondent shall not violate Chapters 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 to include, but not limited to, all statutory requirements related to practitioner profile and licensure renewal updates. Prior to signing this Agreement, Respondent shall read Chapters 456, 458, and 893, Florida Statutes, and the Rules of the Board, 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 this 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.

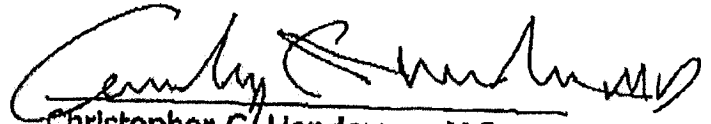
8. **No Preclusion Of Additional Proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative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

[Signatures appear on next page.]

SIGNED this 28 day of NOVEMBER, 2016.

  
Christopher C. Henderson, M.D.

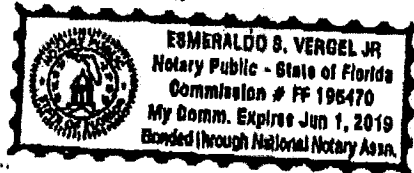
STATE OF FLORIDA


COUNTY OF DUVAL

BEFORE ME personally appeared

CHRISTOPHER C. HENDERSON, whose identity is known to me or who produced FLORIDA DRIVERS LIC. (type of identification) and who, under oath, acknowledges that his signature appears above.

SWORN TO and subscribed before me this 28 day of NOVEMBER, 2016.




  
NOTARY PUBLIC

My Commission Expires: JUNE 1, 2019

APPROVED this 28<sup>TH</sup> day of NOVEMBER, 2016.

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

  
Geoffrey M. Christian, Esq.  
Assistant General Counsel

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**DOH Case No. 2015-10298**

**CHRISTOPHER C. HENDERSON, M.D.,**

**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

Petitioner, the Florida Department of Health (hereinafter "Petitioner"), files this Administrative Complaint before the Florida Board of Medicine (hereinafter the "Board") against Respondent, Christopher C. Henderson, M.D. (hereinafter "Respondent"), 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, and Chapters 456 and 458, Florida Statutes.
2. At all times material hereto, Respondent was a licensed physician within the state of Florida, having been issued license number ME 81250, and was certified in Emergency Medicine by the American Board of Emergency Medicine.



3. Respondent's address of record is 4604 Avon Lane, Jacksonville, Florida 32210.

4. At all times material hereto, Respondent was employed as an emergency room physician at Capital Regional Medical Center (hereinafter "CRMC").

5. On or about January 30, 2013, Patient S.B., a thirty-three (33) year-old female, presented to Respondent with complaints of fever, cough, and sore throat which began three (3) days prior. Patient S.B. also complained of shortness of breath.

6. Respondent obtained Patient S.B.'s vital signs and performed a physical exam.

7. Respondent noted Patient S.B.'s pulse ox was 91%. Respondent interpreted Patient S.B.'s pulse ox as "mild desaturation."

8. Respondent noted Patient S.B.'s heart rate was 129. On cardiac exam, Respondent found Patient S.B. to be tachycardic.

9. Respondent ordered lab work. Patient S.B.'s white blood cell count was found to be elevated at 20.4. Patient S.B. was also found to have bacteremia.



10. Respondent ordered a chest x-ray. Respondent interpreted the chest x-ray as showing no infiltrate and no acute disease. However, the radiologist later reported the chest x-ray as showing right middle lobe infiltrate worrisome for pneumonia.

11. Patient S.B. was administered ketorolac, acetaminophen, and intravenous (hereinafter "IV") fluids.

12. On re-evaluation, Respondent noted that Patient S.B. had diffuse wheezing.

13. Respondent discharged Patient S.B. home with diagnoses of viral syndrome, cough, febrile illness, leukocytosis, and tobacco abuse.

14. Patient S.B.'s presentation was consistent with possible septicemia.

15. Respondent failed to evaluate, or failed to document evaluating, Patient S.B. for septicemia.

16. Respondent failed to check, or failed to document checking, Patient S.B.'s lactate level.

17. Respondent failed to obtain, or failed to document obtaining, blood cultures from Patient S.B.

18. Respondent failed to treat, or failed to document treating, Patient S.B. for septicemia.

19. Respondent failed to administer, or failed to document administering, IV antibiotics to Patient S.B.

20. Respondent failed to recheck, or failed to document rechecking, Patient S.B.'s vital signs prior to discharging her home.

21. Respondent failed to admit, or failed to document admitting, Patient S.B. to hospital.

22. On or about February 2, 2013, Patient S.B. returned to the CRMC emergency room with complaints of high fever, cough with sputum, and shortness of breath.

23. Patient S.B. was subsequently diagnosed with bilateral pneumonia, septic shock, acute kidney injury, acute respiratory failure, bilateral pleural effusions, and pneumothorax, requiring admission to the hospital, and later transfer to the ICU, for approximately twenty (20) days.

#### COUNT I

24. Petitioner re-alleges and incorporates paragraphs one (1) through twenty-one (21) as if fully set forth herein.

25. Section 458.331(1)(t)1., Florida Statutes (2012), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2012), defines the term "medical malpractice" to mean "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(1), Florida Statutes (2012), provides that the prevailing professional 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.

26. At all times material to this complaint, the prevailing professional standard of care required Respondent to treat Patient S.B. in the following manner:

- a. Evaluate Patient S.B. for septicemia;
- b. Check Patient S.B.'s lactate level;
- c. Obtain blood cultures from Patient S.B.;
- d. Treat Patient S.B. for septicemia;
- e. Administer IV antibiotics to Patient S.B.;

- f. Recheck Patient S.B.'s vital signs prior to discharge; and/or
- g. Admit Patient S.B. to hospital.

27. On or about January 30, 2013, Respondent fell below the minimum professional standard of care in his treatment of Patient S.B. in one or more of the following ways:

- a. By failing to evaluate Patient S.B. for septicemia;
- b. By failing to check Patient S.B.'s lactate level;
- c. By failing to obtain blood cultures from Patient S.B.;
- d. By failing to treat Patient S.B. for septicemia;
- e. By failing to administer IV antibiotics to Patient S.B.;
- f. By failing to recheck Patient S.B.'s vital signs prior to discharge; and/or
- g. By failing to admit Patient S.B. to hospital.

28. Based on the foregoing, Respondent violated Section 458.331(1)(t)1., Florida Statutes (2012).

### COUNT II

29. Petitioner re-alleges and incorporates paragraphs one (1) through twenty-one (21) as if fully set forth herein.

30. Section 458.331(1)(m), Florida Statutes (2012), subjects a licensee to discipline for failing to keep legible medical records 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 consultations and hospitalizations.

31. Section 458.331(1)(nn), Florida Statutes (2012), subjects a licensee to discipline for violating any provision of Chapters 456 or 458, Florida Statutes, or any rules adopted pursuant thereto.

32. Rule 64B8-9.003(1), Florida Administrative Code (revised September 11, 2006), provides that medical records are maintained to serve as a basis for planning patient care and for continuity in the evaluation of the patient's condition and treatment; to furnish documentary evidence of the course of the patient's medical evaluation, treatment, and change in condition; to document communication between the practitioner responsible for the patient and any other health care professional who contributes to the patient's care; and to assist in protecting the legal interest of the patient, the hospital, and the practitioner responsible for the patient.

33. Rule 64B8-9.003(2), Florida Administrative Code (revised September 11, 2006), provides that a licensed physician shall maintain patient medical records in English, in a legible manner, and with sufficient detail to clearly demonstrate why the course of treatment was undertaken.

34. Rule 64B8-9.003(3), Florida Administrative Code (revised September 11, 2006), provides that the medical record shall contain sufficient information to identify the patient, support the diagnosis, justify the treatment, and document the course and results of treatment accurately, by including, at a minimum, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; reports of consultations and hospitalizations; and copies of records or reports or other documentation obtained from other health care practitioners at the request of the physician and relied upon by the physician in determining the appropriate treatment of the patient.

35. In the alternative to Count I above, on or about January 30, 2013, Respondent violated Section 458.331(1)(m), Florida Statutes (2012), and/or Section 458.331(1)(nn), Florida Statutes (2012), through a violation of Rule 64B8-9.003, Florida Administrative Code (revised September 11,

2006), by failing to create and keep documentation of one or more of the following:

- a. Evaluating Patient S.B. for septicemia;
- b. Checking Patient S.B.'s lactate level;
- c. Obtaining blood cultures from Patient S.B.;
- d. Treating Patient S.B. for septicemia;
- e. Administering IV antibiotics to Patient S.B.;
- f. Rechecking Patient S.B.'s vital signs prior to discharge;

and/or

- g. Admitting Patient S.B. to hospital.

36. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2012) and/or Section 458.331(1)(nn), Florida Statutes (2012), through a violation of Rule 64B8-9.003, Florida Administrative Code (revised September 11, 2006).

WHEREFORE, Petitioner respectfully requests the Board 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 Respondent on

probation, corrective action, refund of fees billed or collected, remedial education, and/or any other relief the Board deems appropriate.

SIGNED this 9<sup>TH</sup> day of SEPTEMBER, 2016.

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



Geoffrey M. Christian, Esq.  
Assistant General Counsel  
Florida Bar No. 0010325  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
Telephone (850) 245-4640, ext. 4661  
Facsimile (850) 245-4684  
E-mail [Geoffrey.Christian@flhealth.gov](mailto:Geoffrey.Christian@flhealth.gov)  
Attorney for Petitioner

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: *Amy Larraway*

SEP 09 2016

DATE \_\_\_\_\_

PCP: September 9, 2016

PCP Members: M. Avila, M.D.; E. Ginzburg, M.D.; Mr. N. Romanello



**DOH V. CHRISTOPHER C. HENDERSON, M.D.  
DOH CASE NUMBER 2015-10298**

**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 of Health within 21 days from the day Respondent received this 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 this 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 of Medicine shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on Respondent in addition to any other discipline imposed.**

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

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**CHRISTOPHER C. HENDERSON, M.D.,**

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### **COUNT I**

24. Petitioner re-alleges and incorporates paragraphs one (1) through twenty-one (21) as if fully set forth herein.

25. Section 458.331(1)(t)1., Florida Statutes (2012), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50, Florida Statutes. Section 456.50(1)(g), Florida Statutes (2012), defines the term "medical malpractice" to mean "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(1), Florida Statutes (2012), provides that the prevailing professional 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.

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- a. By failing to evaluate Patient S.B. for septicemia;
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### **COUNT II**

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30. Section 458.331(1)(m), Florida Statutes (2012), subjects a licensee to discipline for failing to keep legible medical records 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 consultations and hospitalizations.

31. Section 458.331(1)(nn), Florida Statutes (2012), subjects a licensee to discipline for violating any provision of Chapters 456 or 458, Florida Statutes, or any rules adopted pursuant thereto.

32. Rule 64B8-9.003(1), Florida Administrative Code (revised September 11, 2006), provides that medical records are maintained to serve as a basis for planning patient care and for continuity in the evaluation of the patient's condition and treatment; to furnish documentary evidence of the course of the patient's medical evaluation, treatment, and change in condition; to document communication between the practitioner responsible for the patient and any other health care professional who contributes to the patient's care; and to assist in protecting the legal interest of the patient, the hospital, and the practitioner responsible for the patient.



33. Rule 64B8-9.003(2), Florida Administrative Code (revised September 11, 2006), provides that a licensed physician shall maintain patient medical records in English, in a legible manner, and with sufficient detail to clearly demonstrate why the course of treatment was undertaken.

34. Rule 64B8-9.003(3), Florida Administrative Code (revised September 11, 2006), provides that the medical record shall contain sufficient information to identify the patient, support the diagnosis, justify the treatment, and document the course and results of treatment accurately, by including, at a minimum, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; reports of consultations and hospitalizations; and copies of records or reports or other documentation obtained from other health care practitioners at the request of the physician and relied upon by the physician in determining the appropriate treatment of the patient.

35. In the alternative to Count I above, on or about January 30, 2013, Respondent violated Section 458.331(1)(m), Florida Statutes (2012), and/or Section 458.331(1)(nn), Florida Statutes (2012), through a violation of Rule 64B8-9.003, Florida Administrative Code (revised September 11,

2006), by failing to create and keep documentation of one or more of the following:

- a. Evaluating Patient S.B. for septicemia;
- b. Checking Patient S.B.'s lactate level;
- c. Obtaining blood cultures from Patient S.B.;
- d. Treating Patient S.B. for septicemia;
- e. Administering IV antibiotics to Patient S.B.;
- f. Rechecking Patient S.B.'s vital signs prior to discharge;

and/or

- g. Admitting Patient S.B. to hospital.

36. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2012) and/or Section 458.331(1)(nn), Florida Statutes (2012), through a violation of Rule 64B8-9.003, Florida Administrative Code (revised September 11, 2006).

WHEREFORE, Petitioner respectfully requests the Board 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 Respondent on

probation, corrective action, refund of fees billed or collected, remedial education, and/or any other relief the Board deems appropriate.

SIGNED this 9<sup>TH</sup> day of SEPTEMBER, 2016.

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



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Geoffrey M. Christian, Esq.  
Assistant General Counsel  
Florida Bar No. 0010325  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
Telephone (850) 245-4640, ext. 4661  
Facsimile (850) 245-4684  
E-mail [Geoffrey.Christian@flhealth.gov](mailto:Geoffrey.Christian@flhealth.gov)  
Attorney for Petitioner

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CLERK: *Amy Larroway*

SEP 09 2016

DATE \_\_\_\_\_

PCP: September 9, 2016

PCP Members: M. Avila, M.D.; E. Ginzburg, M.D.; Mr. N. Romanello

**DOH V. CHRISTOPHER C. HENDERSON, M.D.  
DOH CASE NUMBER 2015-10298**

**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 of Health within 21 days from the day Respondent received this 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 this 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 of Medicine shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on Respondent in addition to any other discipline imposed.**