

AUG 28 2002

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2000-12770  
2000-13904**

**MICHAEL R. LOSS, M.D.**

**RESPONDENT.**

**ADMINISTRATIVE COMPLAINT**

**NOW COMES** Petitioner, the Department of Health, and for its Complaint against Michael R. Loss, M.D., states as follows:

**PARTIES**

1. The Department of Health is the state agency charged with regulating the practice of medicine under Florida Law.
2. Respondent, whose address of record is 6710 W. Sunrise Boulevard, Suite 110, Plantation, Florida 33313, was issued license number ME 0018197 on December 31, 1973, and is Board Certified in Obstetrics and Gynecology.

**GENERAL ALLEGATIONS**

3. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida.

#### **FACTS RELATING TO PATIENT S.R. 2000-13904**

4. On or about October 13, 2000, Patient S.R., a fifteen (15) year-old female, presented to Respondent at the East Cypress Women's Center in Ft. Lauderdale, Florida, for a termination of pregnancy estimated at thirteen (13) weeks gestational age.

5. On or about October 13, 2000, Respondent performed a dilatation and curettage on Patient S.R.

6. Dilatation and curettage (D&C) is a method of induced abortion, consisting of removal of the uterine contents, after dilatation, by means of a hollow curette introduced into the uterus, through which suction is applied.

7. During the procedure on Patient S.R., Respondent noted omentum (a fold of peritoneum extending from the stomach to adjacent abdominal organs) in the suction curette, which represented a uterine perforation.

8. Respondent stopped the procedure and transferred Patient S.R. to Plantation General Hospital for treatment.

9. At Plantation General Hospital, on October 13, 2000, a general surgeon performed an exploratory laparotomy (an operation to open the abdomen to rule out bowel injury), repair of uterine laceration, and a partial omentectomy (excision of the membrane that encloses the bowels) of Patient S.R.

10. Respondent did not perform a preoperative or intraoperative ultrasound during the procedures to terminate the second trimester fetus of Patient S.R.

11. Respondent did not determine the uterine size or placental location during the procedures to terminate the second trimester fetus of Patient S.R.

12. Respondent did not record medication administered to Patient S.R. before or during the termination of pregnancy procedures.

13. Respondent did not document counseling to Patient S.R. about the possible increased risks of termination of pregnancy in cases of second trimester pregnancy.

#### **COUNT ONE – STANDARD OF CARE**

14. Petitioner realleges and incorporates paragraphs one (1) through twelve (12), as if fully set forth herein this Count One.

15. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in one or more of the following ways:

- (a) By failing to perform a preoperative or intraoperative ultrasound during the procedures to terminate the second trimester fetus of Patient S.R.; or
- (b) By failing to determine the uterine size or placental location during procedures to terminate the second trimester fetus of Patient S.R.

16. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

**FACTS RELATING TO PATIENT A.G. 2000-12770**

17. On or about September 5, 2000, Patient A.G., a seventeen (17) year-old female, presented to Respondent at the East Cypress Women's Center in Ft. Lauderdale, Florida, for a termination of pregnancy initially estimated at ten (10) to eleven (11) weeks gestation age.

18. On or about September 5, 2000, Respondent performed a dilatation and curettage on Patient A.G. and noted that Patient A.G.'s fetus was closer to twenty (20) weeks gestational age.

19. Respondent stopped the procedure when he could not remove the fetal skull and put Patient A.G. on antibiotics and Metergine, with instructions to return on September 6, 2000, to finish the procedure.

20. Metergine is a blood-vessel constrictor and is given to prevent or control excessive bleeding following childbirth. It works by causing the uterine muscles to contract, thereby reducing the mother's blood loss.

21. On or about September 6, 2000, Patient A.G. presented to Respondent for a uterine exploration to remove the remainder of the products of conception including the fetal skull.

22. During the procedure, Respondent noted a loop of small bowel at the cervical canal, which represented a uterine perforation and transferred Patient A.G. to Plantation General Hospital.

23. At Plantation General Hospital, on September 6, 2000, a general surgeon performed an exploratory laparotomy, resection of 20 inches of small bowel, and repair of the uterine laceration of Patient A.G.

24. Respondent did not perform a preoperative or intraoperative ultrasound during the procedures to terminate the second trimester fetus of Patient A.G.

25. Respondent did not determine the uterine size or placental location during the procedures to terminate the second trimester fetus of Patient A.G.

26. Respondent did not record medication administered to Patient A.G. before or during the termination of pregnancy procedures.

27. Respondent did not document counseling to Patient A.G. about the possible increased risks of termination of pregnancy in cases of second trimester pregnancy.

#### **COUNT TWO -- STANDARD OF CARE**

28. Petitioner realleges and incorporates paragraphs sixteen (16) through twenty four (24), as if fully set forth herein this Count Two.

29. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in one or more of the following ways:

- (a) By failing to perform a preoperative or intraoperative ultrasound during the procedures to terminate the second trimester fetus of Patient A.G.; or

- (b) By failing to determine the uterine size or placental location during procedures to terminate the second trimester fetus of Patient A.G

30. Based on the foregoing, Respondent violated Section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

### **COUNT THREE - DEFICIENT MEDICAL RECORDS**

31. Petitioner realleges and Incorporates paragraphs one (1) through twelve (12), and paragraph sixteen (16) through twenty four (24), and paragraph twenty six (26), as if fully set forth herein this Count Three.

32. Respondent failed to keep legible medical records that justify the course of treatment of the patient, in one or more of the following ways:

- (a) By failing to record medication administered before the termination of pregnancy procedures on Patients S.R. and A.G.;
- (b) By failing to document uterine size and placental location in Patients S.R. and A.G.; and
- (c) By failing to document counseling about increased risks of termination of pregnancy in second trimester in Patients S.R. and A.G.

33. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes, by failing to keep 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.

WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties, in addition to the assessment of the costs related to the investigation and prosecution of this case as provided for in Section 456.072(4), Florida Statutes (2001):

- a) Revocation of Respondent's license;
- b) Suspension of Respondent's license for an appropriate period of time;
- c) Restriction of the Respondent's practice;
- d) Imposition of an administrative fine;
- e) Issuance of a reprimand;
- f) Placement of the Respondent on probation;
- g) Administrative costs, and/or any other relief that the Board deems appropriate.

SIGNED this 28th day of August, 2002

John O. Agwunobi, M.D., M.B.A.  
Secretary, Department of Health

**FILED**  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK Vicki R. Kenon  
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**PCP: August 16, 2002**

**PCP Members: El-Bahri, Tucker and Long**