

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No. 2002-25371

JOSE RAUL QUINTANA, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, DEPARTMENT OF HEALTH, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, JOSE RAUL QUINTANA, M.D., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of medicine pursuant to Chapters 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is, and has been at all times material hereto, a Medical Doctor (M.D.) in the State of Florida, having been issued license number 64594.

3. Respondent's last known address is 1717 SW Newland Way, Lake City, Florida 32025.

4. On or about November 11, 2000, patient Y.W., a twenty-nine year-old female, presented to the Emergency Room at Shands Hospital (Shands) in Gainesville, Florida.

5. On or about November 11, 2000, an ultrasound of Y.W.'s pelvis was taken revealing an ectopic pregnancy in that Y.W.'s gestational sac was located outside the uterus, in between the uterus and the left ovary, consistent with an ectopic pregnancy.

6. Regardless of the ultrasound taken, Respondent performed a laparoscopic right salpingectomy on patient Y.W. resulting in a removal of her right fallopian tube. Y.W. was released from the hospital the following day.

7. On or about November 13, 2000, a pathology report revealed "NO PRODUCTS OF CONCEPTION IDENTIFIED", from a specimen (i.e. a portion of Y.W.'s right fallopian tube and contents) taken from the aforementioned surgical procedure.

8. On or about December 3, 2000, Y.W. presented to the Emergency Room at Shands complaining of abdominal pain, vaginal bleeding, and dysuria.

9. On or about December 4, 2000, Y.W. underwent a laparotomy with evacuation of clots and left salpingectomy, after being diagnosed with an ectopic pregnancy, resulting in a removal of her left fallopian tube and

thus rendering her sterile.

10. Section 458.331(1)(t), Florida Statutes (2000), makes it a violation of the Medical Practice Act to fail 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.

11. Respondent failed to practice medicine with the appropriate 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 inappropriately removing Y.W.'s right fallopian tube when the radiology report indicated an ectopic pregnancy consistent with a removal of left fallopian tube;
- b. By failing to address or follow up on the pathology report which did not confirm products of conception;
- c. By precipitating the need for Y.W. to undergo a subsequent surgical procedure to remove the ectopic pregnancy and ultimately resulting in the removal of both her fallopian tubes.

12. Based on the foregoing, the Respondent is subject to discipline pursuant to Section 458.331(1)(t), Florida Statutes (2000), by failing to


practice medicine with the appropriate level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar circumstances or conditions.

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.

Signed this 15th day of October, 2003.

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

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Heather Coleman*
DATE 10/16/03


BY: Naji Israoui, Asst. General Counsel
Florida Bar No. 0610364
DOH, Prosecution Services Unit
4052 Bald Cypress Way, Bin #C-65
Tallahassee, FL 32399-3265
(850) 414-8126 Business
(850) 414-1991 Facsimile

NI:ni

PCP
DATE: October 10, 2003
PCP Members: Gustavo Leon, M.D. (Chairperson), Kriston Kent, M.D., and John Beebe
Reviewed and approved by me on 9/14/03.

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.

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.