

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2016-24699

RAMON VAZQUEZ, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner, Florida Department of Health, hereby files this Administrative Complaint before the Board of Medicine against Respondent, Ramon Vazquez, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine in the state of Florida pursuant to section 20.43, Florida Statutes, and chapters 456 and 458, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a licensed physician within the state of Florida, having been issued license number ME 85650.

3. Respondent's address of record is 560 Village Blvd., #200, West Palm Beach, Florida 33409.

4. At all times material to this Administrative Complaint, Respondent practiced as a surgeon at Wellington Regional Medical Center (WRMC), located in Wellington, Florida.

5. Respondent is board-certified in General Surgery by the American Board of Surgery.

6. On or about April 29, 2016, through on or about April 30, 2016, M.P., a then fifty-one (51) year-old female was admitted to WRMC for an L5-S1 instrumented anterior lumbar interbody fusion in which Respondent was assigned to assist.

7. During the surgical procedure, Respondent noted a pelvic mass and provided a presumptive diagnosis of a gynecologic malignancy, lymphoma, and/or other metastatic disease.

8. Respondent determined that the surgical procedure would continue and that a biopsy of the mass was not indicated given the potential malignancy.

9. The pelvic mass was clipped, transected, and removed in its entirety.

10. On or about May 2, 2016, a pathologist at WRMC confirmed the pelvic mass removed by Respondent was an intact pelvic kidney.

11. Respondent's removal of the pelvic kidney was not related to M.P.'s diagnosis and/or medical condition and was therefore a medically unnecessary procedure.

12. Section 456.072(1)(bb), Florida Statutes (2015), subjects a licensee to discipline for performing or attempting to perform health care services on the wrong patient, a wrong-site procedure, a wrong procedure, or an unauthorized procedure or a procedure that is medically unnecessary or otherwise unrelated to the patient's diagnosis or medical condition. For the purposes of this paragraph, performing or attempting to perform health care services includes the preparation of the patient.

13. Respondent performed a medically unnecessary procedure on M.P. by removing a pelvic kidney during a lumbar fusion.

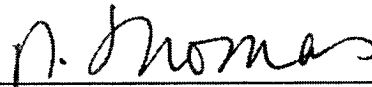
14. Based on the foregoing, Respondent violated section 456.072(1)(bb), Florida Statutes (2015), by removing a pelvic kidney during a lumbar fusion.

{Signature follows on the next page.}

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 15th day of December, 2017.

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



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DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: 

DATE DEC 15 2017

PCP: December 15, 2017

PCP Members: Dr. Georges El-Bahri, Dr. Hector Vila, Ms. Brigitte Goersch

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 twenty-one (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 twenty-one (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 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.