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Department of Health

By: *Angel Sanders*  
Deputy Agency Clerk

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

IN RE: The Emergency Restriction of the License of  
Arnaldo Valls, M.D.  
License Number: ME 82727  
Case Number: 2017-22531

**ORDER OF EMERGENCY RESTRICTION OF LICENSE**

Celeste Philip, M.D., M.P.H., State Surgeon General and Secretary of Health, ORDERS the Emergency Restriction of the license of Arnaldo Valls, M.D. (Dr. Valls), to practice as a physician in the State of Florida. Dr. Valls holds license number ME 82727. His address of record is 1825 SW 125 Court, Miami, Florida 33175. The following Findings of Fact and Conclusions of Law support the emergency restriction of Dr. Valls' license to practice as a physician in the State of Florida.

**FINDINGS OF FACT**

1. The Department of Health (Department) is the state agency charged with regulating the practice of medicine, pursuant to Chapters 20, 456 and 458, Florida Statutes (2017).
2. At all times material to this Order, Dr. Valls was licensed to practice medicine in the State of Florida pursuant to Chapter 458, Florida

Statutes and practiced at Jolie Plastic Surgery (Jolie), a surgical center located in Miami, Florida.

3. On or about December 14, 2017, Patient K.L., a 40-year-old female, presented to Dr. Valls at Jolie to undergo a suction assisted lipectomy (SAL) and fat transfer, a procedure commonly marketed as a "Brazilian Butt Lift."

4. The Brazilian Butt Lift is a surgical procedure in which the patient undergoes liposuction of fat from the abdominal area, which is then injected into the gluteal area.

5. On or about December 14, 2017, Dr. Valls began the procedure on Patient K.L.

6. Dr. Valls removed fat from patient K.L.'s abdomen and then Patient K.L. was turned over to begin the transfer of fat to her gluteal area.

7. As Dr. Valls was injecting fat into Patient K.L.'s gluteal area, Patient K.L.'s oxygen levels began to go down.

8. Dr. Valls and the surgical team then turned Patient K.L. over, began CPR<sup>1</sup>, and called emergency medical services.

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<sup>1</sup>CPR, or Cardiopulmonary resuscitation, is an emergency procedure for a person whose heart has stopped or is no longer breathing. CPR can maintain circulation and breathing until emergency medical help arrives.

9. Miami-Dade Fire Rescue responded and transported Patient K.L. to Kendall Regional Medical Center (Kendall).

10. Despite continued efforts to resuscitate Patient K.L., the medical staff at Kendall was unable to revive Patient K.L. and she was pronounced deceased at 17:39 (5:39 P.M.).

11. On or about December 15, 2017, Dr. Noel R. Agudo, M.D., an Associate Medical Examiner with the Miami-Dade County Medical Examiner Department (Medical Examiner), conducted an autopsy of Patient K.L.

12. The Medical Examiner concluded that Patient K.L.'s cause of death was fat embolism associated with liposuction and fat transfer.

13. The Medical Examiner made autopsy findings, including, but not limited to:

- a. Fat emboli in heart and lungs, and
- b. Hemorrhage of right inferior gluteal vessel.

14. On or about June 7, 2018, Dr. Christopher Salgado, M.D., a Board Certified plastic surgeon with expertise in liposuction with fat transfer to the gluteal region, reviewed this case pursuant to Department request.

15. Dr. Salgado opined that Dr. Valls' treatment of Patient K.L. fell below the minimum standard of care.

16. Dr. Salgado opined that Dr. Valls fell below the standard of care by injecting fat into the deeper plane, rather than in the superficial plane. This led to Dr. Valls injecting fat into the inferior gluteal vein, at which time the fat traveled to the lungs, causing immediate cardiac arrest.

17. Dr. Salgado reviewed a curriculum vitae (CV) submitted to the Department by Dr. Valls.

18. Dr. Salgado opined that Dr. Valls practiced outside the scope of his training when he performed this procedure on Patient K.L. and that a reasonable physician with Dr. Valls' training and experience would not do this procedure.

19. Dr. Valls received training in general surgery but not in plastic and reconstructive surgery. General surgical training does not include training in liposuction for fat injection.

20. Dr. Valls' CV indicates that he attended "The Art of Liposuction Surgery Workshop" from January 17-20, 2008 and "Autologous Gluteal Augmentation Seminar" on March 26, 2017.

21. Dr. Salgado opined that a weekend or even a weeklong training course in liposuction and fat transfer, even if hands on using a cadaver, is not sufficient training to be able to perform these procedures. If performing these procedures, a general surgeon should be proctored by a surgeon credentialed to perform the procedure so that proper credentialing may take place.

#### COMPREHENSIVE FINDINGS OF FACT

22. The public places significant trust in physicians who perform surgeries, including elective cosmetic surgeries. Physicians are expected to meet the minimum standard of care in their treatment of patients. Because patients are placed in an extremely vulnerable position in which their health may be directly affected by physicians performing surgeries, it is of utmost importance for physicians to ensure that surgeries and procedures are performed within the standard of care.

23. Dr. Valls failed to meet the minimum standard of care in his treatment of Patient K.L., resulting in a significant medical emergency and ultimately the death of Patient K.L.

24. Because Dr. Valls practiced outside of the scope of his training in performing this suction assisted lipectomy (SAL) and fat transfer procedure on Patient K.L., the danger caused by Dr. Valls' continued unrestricted practice of suction assisted lipectomy (SAL) and fat transfer is likely to continue.

25. Dr. Valls' unsafe surgical procedure indicates that a lesser restriction, other than the terms outlined in this Order, would not be sufficient to protect the public from the immediate serious danger posed by Dr. Valls' continued unrestricted practice as a medical doctor.

#### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes (2017) and Chapter 458, Florida Statutes (2017).

2. Section 120.60(6), Florida Statutes (2017), authorizes the Department to restrict a physician's license if the Department finds that the

physician presents an immediate, serious danger to the public health, safety or welfare.

3. Section 458.331(1)(t), Florida Statutes (2017), subjects a physician to discipline, including restriction, for committing medical malpractice as defined in Section 456.50, Florida Statutes (2017). "Medical malpractice" is defined by Section 456.50(1)(g), Florida Statutes (2017), as "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 456.50(1)(e), Florida Statutes (2017), provides that the "level of care, skill and treatment recognized in general law related to health care licensure" means the standard of care that is specified in Section 766.102(1), Florida Statutes (2017), which states:

The prevailing professional 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.

4. Dr. Valls violated Section 458.331(1)(t)1, Florida Statutes (2017), in one or more of the following ways:

- a. Injecting fat into the deeper plane, rather than in the superficial plane of Patient K.L.'s buttocks, and
- b. Injecting fat into Patient K.L.'s inferior gluteal vein, at which time the fat traveled to the lungs, causing immediate cardiac arrest and Patient K.L.'s death.

5. Section 458.331(1)(v), Florida Statutes (2017), subjects a physician to discipline, including restriction, for practicing or offering to practice beyond the scope permitted by law or accepting and performing professional responsibilities which the licensee knows or has reason to know that he or she is not competent to perform.

6. Dr. Valls violated section 458.331(1)(v), Florida Statutes (2017), by performing a suction assisted lipectomy (SAL) and fat transfer procedure that he knew or had reason to know he was not competent to perform due to his lack of supervised training and experience in this procedure.

7. Dr. Valls' continued unrestricted practice as a physician constitutes an immediate serious danger to the health, safety, and welfare of the public and this summary procedure is fair, under the circumstances, to adequately protect the public.



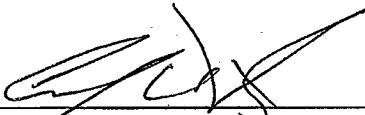
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**WHEREFORE**, in accordance with Section 120.60(6), Florida Statutes (2017), it is **ORDERED THAT**:

1. The license of Arnaldo Valls, M.D., license number ME 82727, is hereby immediately restricted to prohibit Dr. Valls from performing suction assisted lipectomy (SAL) and fat transfer in the state of Florida.

2. A proceeding seeking formal discipline of the license of Arnaldo Valls, M.D., to practice as a physician will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2017).

**DONE and ORDERED** this 6th day of August, 2018.

  
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Celeste Philip, MD, MPH  
Surgeon General and Secretary

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**NOTICE OF RIGHT TO JUDICIAL REVIEW**

Pursuant to Sections 120.60(6), and 120.68, Florida Statutes, this Order is judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, with the District Court of Appeal, accompanied by a filing fee prescribed by law, and a copy of the Petition with the Agency Clerk of the Department within 30 days of the date this Order is filed.