

FILED DATE JUN 18 2014
Department of Health

STATE OF FLORIDA
BOARD OF MEDICINE

By: Ango Sanders
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2013-02731
LICENSE NO.: ME0074942

STEVEN LEE CASE, 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 June 6, 2014, in Tampa, 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:

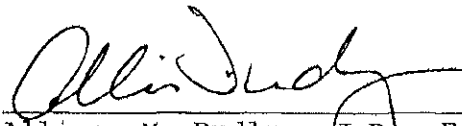
The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at \$2,430.45.

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 12th day of June, 2014.

BOARD OF MEDICINE



Allison M. Dudley, J.D., Executive Director
For Nabil El Sanadi, 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 STEVEN LEE CASE, M.D., 520 S. Van Buren Road, Suite 1, Eden, North Carolina 27288; and 1168 Goodlette Road, Naples, Florida 34102; to Allen R. Grossman, Esquire, Grossman, Furlow & Bayo, LLC, 2022-2 Raymond Diehl Road, Tallahassee, Florida 32308; and by interoffice delivery to Doug Sunshine, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 13th day of June, 2014.



Deputy Agency Clerk

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2013-02731

STEVEN LEE CASE, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Steven Lee Case, M.D., referred to as the "Respondent," and the Department of Health, referred to as the "Department," stipulate and agree to the following Settlement Agreement ("Agreement") and to the entry of a Final Order of the Board of Medicine, referred to as the "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

The Department 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.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 74942.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 458,

Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. 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/her capacity as a licensed physician, he/she 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. **Reprimand** - The Board shall issue a Reprimand against Respondent's license.

2. **Fine** - The Board shall impose an administrative fine of *five thousand dollars (\$5,000.00)* against Respondent's license which Respondent shall pay to: Payments, Department of Health, Compliance Management Unit, Bln C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order accepting this Agreement ("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 Probation Committee of the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER 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 *two thousand two hundred seventy-seven dollars and fifty-two cents (\$2,277.52), but shall not exceed three thousand seven hundred seventy-seven dollars and fifty-two cents (\$3,777.52).* Respondent will pay such Department costs to: Payments, Department of Health, Compliance Management

Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order. 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 Probation Committee of the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.

4. Laws and Rules Course - Within eighteen (18) months of the date of filing of the Final Order, Respondent shall complete the course "Legal and Ethical Implications in Medicine: Physician's Survival Guide - Laws and Rules" administered by the Florida Medical Association, or a Board-approved equivalent, 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 Board's Probation Committee.

10 months

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 Board's 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 filing of the Final Order in this matter. All such documentation shall be sent to the Board's 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 Board's 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 and shall also comply with all statutory requirements related to practitioner profile and licensure renewal updates.

5. **Future Conduct** - In the future, Respondent shall not violate Chapter 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. Prior to signing this Agreement, the Respondent shall read Chapters 456, 458, and 893, Florida Statutes, and the Rules of the Board of Medicine, 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 the 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.

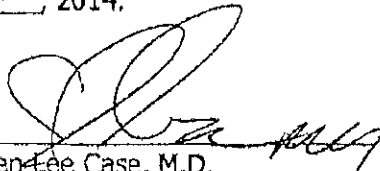
8. **No Preclusion of Additional Proceedings** - Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative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

[Signatures appear on the following page.]

SIGNED this 14 day of MARCH, 2014.

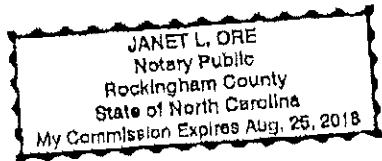

Steven Lee Case, M.D.

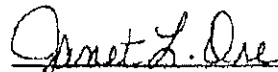
STATE OF NC

COUNTY OF Rockingham

BEFORE ME personally appeared: Steven Case, whose identity is known to me or who produced Driver's License (type of identification) and who, under oath, acknowledges that his/her signature appears above.

SWORN TO and subscribed before me this 14 day of March, 2014.

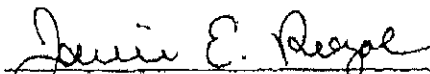



NOTARY PUBLIC

My Commission Expires: 8-25-18

APPROVED this 14 day of April, 2014.

John H. Armstrong, MD, FACS
Surgeon General & Secretary of Health

By: 
Jamie E. Royal, Esq.
Assistant General Counsel
Department of Health

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2013-02731

STEVEN LEE CASE, M.D.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through undersigned counsel, files this Administrative Complaint before the Board of Medicine against Respondent, Steven Lee Case, M.D., and in support thereof alleges:

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

2. At all times material to this Complaint, Respondent was a licensed medical doctor within the state of Florida, having been issued license number ME 74942.

3. Respondent's address of record is 1168 Goodlette Road Naples, FL 34102.

4. Respondent is board certified in Orthopaedic Surgery by the American Board of Orthopaedic Surgery.

5. On or about April 7, 2011, Patient K.R. presented to Respondent with complaints of posterior shoulder pain and arm weakness on the right side. Respondent performed X-rays of Patient K.R.'s right shoulder. Respondent found clinical evidence of sternoclavicular joint swelling or subluxation but no evidence of a visible fracture.

6. On or about December 12, 2011, Patient K.R. presented to Respondent for review of X-rays taken by another physician. Respondent found a medial third clavicle fracture with significant displacement and minimal evidence of callus.

7. In or about March, 2012, Patient K.R. requested from Respondent a copy of the X-rays taken by Respondent.

8. In or about April, 2012, Patient K.R. requested from Respondent a copy of the X-rays taken by Respondent.

9. In or about May, 2012, Patient K.R. requested from Respondent a copy of the X-rays taken by Respondent.

10. In or about June, 2012, Patient K.R. requested from Respondent a copy of the X-rays taken by Respondent.

11. In or about December, 2012, Respondent destroyed Patient K.R.'s X-rays due to Respondent's inability to store Patient K.R.'s X-rays due to Respondent's relocation.

12. In or about January, 2013, Respondent relocated to North Carolina.

13. On or about February 20, 2013, Patient K.R. requested from Respondent a copy of the X-rays taken by Respondent.

14. Respondent failed to provide Patient K.R. a copy of Patient K.R.'s X-rays upon Patient K.R.'s requests.

15. Respondent failed to notify patients of Respondent's relocation by publication of a notice in a newspaper.

16. Respondent failed to provide a copy of the aforementioned notice to the Board of Medicine within one month of Respondent's relocation.

COUNT ONE

17. Petitioner realleges and incorporates paragraphs one (1) through ten (10) and twelve (12) through thirteen (13) as if fully set forth herein.

18. Section 458.331(1)(nn), Florida Statutes (2011), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto is grounds for disciplinary action by the Board and/or Department.

19. Section 456.057(6), Florida Statutes (2011) provides that any health care practitioner licensed by the department or a board within the department who makes a physical or mental examination of, or administers treatment or dispenses legend drugs to, any person shall, upon request of such person or the person's legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information.

20. Respondent failed to provide Patient K.R. with a copy of Patient K.R.'s X-rays upon Patient K.R.'s requests.

21. Based on the foregoing, Respondent violated Section 458.331(1)(nn), Florida Statutes (2011), by violating Section 456.057(6), Florida Statutes (2011), by failing to provide Patient K.R. with a copy of Patient K.R.'s X-rays upon Patient K.R.'s request.

COUNT TWO

22. Petitioner realleges and incorporates paragraphs one (1) through ten (10) as if fully set forth herein.

23. Section 458.331(1)(nn), Florida Statutes (2012), provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto is grounds for disciplinary action by the Board and/or Department.

24. Rule 64B8-10.002(3), Florida Administrative Code (2012), requires a licensed physician to keep adequate written medical records, as required by Section 458.331(1)(m), Florida Statutes, for a period of at least five years from the last patient contact.

25. Respondent failed to keep adequate written medical records, as required by Section 458.331(1)(m), Florida Statutes, for a period of at least five years from the last patient contact, by destroying Patient K.R.'s X-rays within five years from the last contact with Patient K.R.

26. Based on the foregoing, Respondent has violated Section 458.331(1)(nn), Florida Statutes (2012), by violating Rule 64B8-10.002(3), Florida Administrative Code (2012), by destroying Patient K.R.'s X-rays within five years from the last contact with Patient K.R.

COUNT THREE

27. Petitioner realleges and incorporates paragraphs one (1) through four (4), eleven (11) and fourteen (14) through fifteen (15) as if fully set forth herein.

28. Section 458.331(1)(nn), Florida Statutes (2012); provides that violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto is grounds for disciplinary action by the Board and/or Department.

29. Rule 64B8-10.002(4), Florida Administrative Code (2012), states in relevant part:

When a licensed physician terminates practice or relocates and is no longer available to patients, patients should be notified of such termination, sale, or relocation and unavailability by the physician's causing to be published once during each week for four (4) consecutive weeks, in the newspaper of greatest general circulation in each county in which the physician practices or practiced and in a local newspaper that serves the immediate practice area, a notice which shall contain the date of termination, sale, or relocation and an address at which the records may be obtained from the physician terminating or selling the practice or relocating or from another licensed physician or osteopathic physician. A copy of this notice shall also be submitted to the Board of Medicine within one (1) month from the date of termination, sale, or relocation of the practice.

30. Respondent failed to notify patients of Respondent's relocation, in one or more of the following ways:

a. By failing to publish once during each week for four (4) consecutive weeks, in the newspaper of greatest general circulation in each county in which Respondent practiced and in a local newspaper that serves the immediate practice area, a notice that contained the date of Respondent's relocation and an address at which the records may be obtained from Respondent or from another licensed physician or osteopathic physician.;

b. By failing to provide a copy of the aforementioned notice to the Board of Medicine within one month of Respondent's relocation.

31. Based on the foregoing, Respondent has violated Section 458.331(1)(nn), Florida Statutes (2012), by violating Rule 64B8-10.002(4), Florida Administrative Code (2012), by failing to notify his patients of Respondent's relocation by failing to publish a notice of his relocation in a newspaper and by failing to provide a copy of the aforementioned notice to the Board of Medicine within one month of Respondent's relocation.

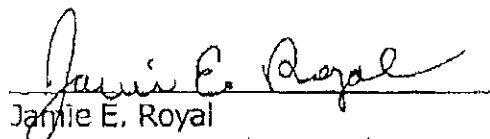
WHEREFORE, the Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties:

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.

[Signature Page to Follow]

SIGNED this 6th day of March, 2014.

John H. Armstrong, MD, FACS
State Surgeon General & Secretary
of Health, State of Florida



Jamie E. Royal
Assistant General Counsel
Florida Bar No. 95724
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
Express Mail—2585 Merchants Row, Ste. 105
Tallahassee, Florida 32399-3265
(850) 245-4444, Ext. 8119
(850) 245-4684 fax
E-Mail: Jamie.Royal@flhealth.gov

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: Angel Sauter

DATE: MAR 07 2014

PCP: February 28, 2014

PCP Members: Dr. El-Bahri, Dr. Rosenberg, & Ms. Pardue

DOH v. Steven Lee Case, M.D., Case No. 2013-02731

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.