# CONSENT AGREEMENT
# BETWEEN
# STEPHEN L. DICKSON, JR., M.D.
# AND
# THE STATE MEDICAL BOARD OF OHIO

This Consent Agreement is entered into by and between Stephen L. Dickson, Jr., M.D., and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Dickson enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

## BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

A. The Board is empowered by R.C. 4731.22(B), to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for any of the enumerated violations.

B. The Board and Dr. Dickson enter into this Consent Agreement in lieu of further formal proceedings based upon the allegations set forth in the Notice of Opportunity for Hearing issued on October 8, 2003, attached hereto as Exhibit A and incorporated herein by this reference. The Board expressly reserves the right to institute additional formal proceedings based upon any other violations of R.C. Chapter 4731., whether occurring before or after the effective date of this Consent Agreement.

C. Dr. Dickson is licensed to practice medicine and surgery in the State of Ohio, License # 35-074569 D. Dr. Dickson also holds a current, valid license to practice medicine in Florida.

D. Dr. Dickson admits that, on or about September 27, 2001, the Florida Board of Medicine filed a Final Order which included the requirement that Dr. Dickson pay an administrative fine of $2,500.00, pay costs associated with his case of $1,421.00, and present a two hour lecture to hospital staff on the subject of wrong site surgery. This Order was the result of Dr. Dickson's treatment of Patient A.W. in a Florida Hospital on May 26, 2000, in which he placed a chest tube in the wrong lung. The details of this action are more fully set forth in the Florida Board Final Order, a copy of which is attached hereto and incorporated herein as Exhibit B.

## AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of further formal proceedings at this time, Dr. Dickson knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

## REPRIMAND

1. Dr. Dickson is hereby REPRIMANDED for his conduct as set forth in Paragraph D, above.

**Required Reporting By Licensee**

2. Within thirty days of the effective date of this Consent Agreement, Dr. Dickson shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Dickson further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Dickson shall provide this Board with a copy of the return receipt as proof of notification within thirty days of receiving that return receipt.

3. Within thirty days of the effective date of this Consent Agreement, Dr. Dickson shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Dickson shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

## FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Dickson appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

## ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Dickson acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., and Ohio Revised Code.

Dr. Dickson hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code, and may be reported to appropriate organizations, data banks, and governmental bodies. Dr. Dickson agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

## EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

STEPHEN L. DICKSON, JR., M.D

2/4/04
DATE

JAMES M. McGOVERN
Attorney for Dr. Dickson

2/10/04
DATE

LANCE TALMAGE, M.D.,
Secretary

3-10-04
DATE

RAYMOND J. ALBERT
Supervising Member

3/16/04
DATE

KYLE C. WILCOX
Assistant Attorney General

2-23-04
DATE

Exhibit A

# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

October 8, 2003

Stephen L. Dickson, Jr., M.D.
3744 Katalla Drive
Newburgh, Indiana 47630

Dear Doctor Dickson:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about September 27, 2001, the Florida Board of Medicine (Florida Board) filed a Final Order which included the requirement that you pay an administrative fine of $2,500.00; that you pay costs associated with your case in the amount of $1,421.00 and further, that you present a two hour lecture to hospital staff on the subject of wrong site surgery.

The above penalties were based upon your treatment of Patient A.W. in a Florida hospital on or about May 26, 2000, as more fully set forth in the Florida Board Final Order, a copy of which is attached hereto and incorporated herein.

The Florida Board Final Order, as alleged in paragraph one (1) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in R.C. 4731.22(B)(22).

Pursuant to R.C. Chapter 119., you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or

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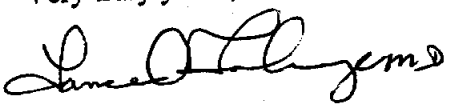
contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5151 2715
RETURN RECEIPT REQUESTED

Ohio Valley Heart Care
1400 Professional Boulevard
Evansville, Indiana 47714

CERTIFIED MAIL # 7000 0600 0024 5151 2708
RETURN RECEIPT REQUESTED

Exhibit B

Final Order No. DOH-01-1605-FOI-MQA
FILED DATE - 9/27/01
Department of Health
By: [signature]
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 2000-14313
REGISTRATION NO.: UM002735

STEPHEN LYNN DICKSON, JR., M.D.,

Respondent.

_____/

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on August 3, 2001, in Tallahassee, Florida, for consideration of the Draft Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Lisa Pease, Certified Legal Extern. Respondent was present and represented by Monica Felder, Esquire. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board. THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of $2,500 to the Board within one year from the date this Final Order is filed.

2. Respondent shall pay the costs associated with this case in the amount of $1,421. Said costs shall be paid within one year from the date this Final Order is filed.

3. Within one (1) year from the date this Final Order is filed, Respondent shall present a two-hour lecture to the entire medical staff of the hospital at which the incident occurred. The lecture shall address the subject of wrong site surgery. Documentation from hospital administrator and chief-of-staff of completion of said lecture shall be provided to the Board's Probationer's Committee.

4. In mitigation, the Board finds that Respondent is a resident and was at the time of the occurrence.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 29th day of August, 2001.

BOARD OF MEDICINE

TANYA WILLIAMS, BOARD DIRECTOR
For
GASTON ACOSTA-RUA, M.D.
CHAIRMAN

## NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

## 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 Stephen Lynn Dickson, Jr., M.D., 2241 Lila Way, Columbus, Ohio 43235; to Monica Felder, Esquire, Dresnick, Ellsworth & Felder, Suntrust Plaza, Suite 701, 201 Alhambra Circle, Coral Gables, Florida 33134-5108; and by interoffice delivery to Nancy M. Snurkowski, Chief Medical Attorney, and Simone

Marstiller, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 2001.

_____

## AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to **Stephen Lynn Dickson, Jr., M.D.**, 2241 Lila Way, Columbus OH 43235, **Stephen Lynn Dickson, Jr., M.D.**, 1478 Wren Ct., Punta Gorda FL 33950-6670, **Monica Felder, Esq.**, 201 Alhambra Circle, Ste. 701, Coral Gables FL 33134-5108, and interoffice delivery to **Nancy Snurkowski, Esq. And Simone Marstiller, Esq.**, AHCA, Tallahassee FL at or before 5:00 p.m., this _____ day of _____, 2001.

_____

STATE OF FLORIDA
DEPARTMENT OF HEALTH

| | | |
|---|---|---|
| DEPARTMENT OF HEALTH,<br><br>PETITIONER,<br><br>v.<br><br>STEPHEN L. DICKSON, JR., M.D.,<br><br>RESPONDENT. | ) | CASE NO. 2000-14313 |

## ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Stephen L. Dickson, Jr., M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. Respondent is and has been at all times material hereto an unlicensed medical doctor in training in the state of Florida, having been issued registration number UM 002735. Respondent's last known address is 2241 Lila Way, Columbus, Ohio 43235.

3. Section 458.345, Florida Statutes, provides that any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in that state are subject to Section 458.331, Florida Statutes. At all times relevant to this complaint, Respondent was subject to the provisions of Section 458.331, Florida Statutes.

4. On or about May 26, 2000, Patient A.W., an eight-seven (87) year old male, presented to Mount Sinai Medical Center with a pre-existing history of right lower lobe granular infiltrate, which did not respond with antibiotics, and was being treated with corticosteroids (hormones made by the outer layer of the adrenal gland). As Patient A.W.'s condition improved, the dosage of the corticosteroids was decreased, which caused Patient A.W. to develop right pleural effusion (the outpouring of fluid between the two layers of membranes that cover the lungs).

5. On or about May 26, 2000, Seth Gottlieb, M.D., admitted Patient A.W. and performed a CT scan guided thoracentesis (removal of fluid in the lungs through a needle). After one liter of pleural fluid was removed from Patient A.W.'s lungs, an x-ray was ordered. The x-ray revealed a pneumothorax (air in the chest) of about 50% in Patient A.W.'s right lung.

6. Dr. Gottlieb transferred Patient A.W. to the Department of Thoracic and Cardiovascular Surgery for placement of a chest tube in his right lung.

7. Respondent inappropriately placed the chest tube in Patient A.W.'s left lung.

8. A follow-up chest x-ray was ordered for Patient A.W., which revealed the pneumothorax was still present in his right lung, and confirming that the chest tube had been inappropriately placed in the left lung, rather than the right lung.

9. Patient A.W. was then returned to surgery for placement of a chest tube in his right lung.

10. A reasonably prudent physician in training under similar conditions and circumstances would not have placed a chest tube in Patient A.W.'s left lung to treat a pneumothorax, when the pneumothorax was in the right lung.

## COUNT ONE

11. Petitioner realleges and incorporates paragraphs one (1) through ten (10), as if fully set forth herein this Count One.

12. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician in training as being acceptable under similar conditions and circumstances, in that Respondent inappropriately placed a chest tube in Patient A.W.'s left lung, which subsequently had to be removed and replaced by a chest tube in the right lung.

13. Based on the foregoing, Respondent has 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.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and prosecution of this case as provided for in Section 456.072(4), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this _____ day of _____, 2001.

Robert G. Brooks, M.D., Secretary

_____

Nancy M. Snurkowski
Chief Attorney, Practitioner Regulation

COUNSEL FOR DEPARTMENT:

Britt Thomas
Senior Attorney, Practitioner Regulation
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 0962899
BT/bwk
PCP: XXXXXXXXXXX
PCP Members: XXXXXXXXXXXXXX

# State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/


October 8, 2003

Stephen L. Dickson, Jr., M.D.
3744 Katalla Drive
Newburgh, Indiana 47630

Dear Doctor Dickson:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

(1) On or about September 27, 2001, the Florida Board of Medicine (Florida Board) filed a Final Order which included the requirement that you pay an administrative fine of $2,500.00; that you pay costs associated with your case in the amount of $1,421.00 and further, that you present a two hour lecture to hospital staff on the subject of wrong site surgery.

The above penalties were based upon your treatment of Patient A.W. in a Florida hospital on or about May 26, 2000, as more fully set forth in the Florida Board Final Order, a copy of which is attached hereto and incorporated herein.

The Florida Board Final Order, as alleged in paragraph one (1) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in R.C. 4731.22(B)(22).

Pursuant to R.C. Chapter 119., you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or

Mailed 10-9-03

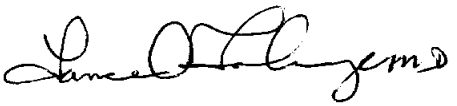
contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.
Secretary

LAT/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5151 2715
RETURN RECEIPT REQUESTED

Ohio Valley Heart Care
1400 Professional Boulevard
Evansville, Indiana 47714

CERTIFIED MAIL # 7000 0600 0024 5151 2708
RETURN RECEIPT REQUESTED

Final Order No. DOH-01-1605-FOI-MQA
FILED DATE - 9/27/01
Department of Health
By: [signature]
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

CASE NO.: 2000-14313
REGISTRATION NO.: UM002735

STEPHEN LYNN DICKSON, JR., M.D.,

Respondent.

_____/

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(2), Florida Statutes, on August 3, 2001, in Tallahassee, Florida, for consideration of the Draft Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Lisa Pease, Certified Legal Extern. Respondent was present and represented by Monica Felder, Esquire. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board. THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of $2,500 to the Board within one year from the date this Final Order is filed.

2. Respondent shall pay the costs associated with this case in the amount of $1,421. Said costs shall be paid within one year from the date this Final Order is filed.

3. Within one (1) year from the date this Final Order is filed, Respondent shall present a two-hour lecture to the entire medical staff of the hospital at which the incident occurred. The lecture shall address the subject of wrong site surgery. Documentation from hospital administrator and chief-of-staff of completion of said lecture shall be provided to the Board's Probationer's Committee.

4. In mitigation, the Board finds that Respondent is a resident and was at the time of the occurrence.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 29th day of August, 2001.

BOARD OF MEDICINE

TANYA WILLIAMS, BOARD DIRECTOR
For
GASTON ACOSTA-RUA, M.D.
CHAIRMAN

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF HEALTH AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

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Marstiller, Senior Attorney - Appeals, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 2001.

_____

## AMENDED CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to **Stephen Lynn Dickson, Jr., M.D.,** 2241 Lila Way, Columbus OH 43235, **Stephen Lynn Dickson, Jr., M.D.,** 1478 Wren Ct., Punta Gorda FL 33950-6670, **Monica Felder, Esq.,** 201 Alhambra Circle, Ste. 701, Coral Gables FL 33134-5108, and interoffice delivery to **Nancy Snurkowski, Esq. And Simone Marstiller, Esq.,** AHCA, Tallahassee FL at or before 5:00 p.m., this _____ day of _____, 2001.

_____

STATE OF FLORIDA
DEPARTMENT OF HEALTH

| | | |
|---|---|---|
| DEPARTMENT OF HEALTH,<br><br>PETITIONER,<br><br>v.<br><br>STEPHEN L. DICKSON, JR., M.D.,<br><br>RESPONDENT. | ) | CASE NO. 2000-14313 |

**ADMINISTRATIVE COMPLAINT**

COMES NOW the Petitioner, Department of Health, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Stephen L. Dickson, Jr., M.D., hereinafter referred to as "Respondent," and alleges:

1. Effective July 1, 1997, Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes. Pursuant to the provisions of Section 20.43(3), Florida Statutes, the Petitioner has contracted with the Agency for Health Care Administration to provide consumer complaint, investigative, and prosecutorial services required by the Division of Medical Quality Assurance, councils, or boards, as appropriate.

2. Respondent is and has been at all times material hereto an unlicensed medical doctor in training in the state of Florida, having been issued registration number UM 002735. Respondent's last known address is 2241 Lila Way, Columbus, Ohio 43235.

3. Section 458.345, Florida Statutes, provides that any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training which leads to subspecialty board certification in this state, or any person desiring to practice as a resident physician, assistant resident physician, house physician, intern, or fellow in fellowship training in a teaching hospital in that state are subject to Section 458.331, Florida Statutes. At all times relevant to this complaint, Respondent was subject to the provisions of Section 458.331, Florida Statutes.

4. On or about May 26, 2000, Patient A.W., an eight-seven (87) year old male, presented to Mount Sinai Medical Center with a pre-existing history of right lower lobe granular infiltrate, which did not respond with antibiotics, and was being treated with corticosteroids (hormones made by the outer layer of the adrenal gland). As Patient A.W.'s condition improved, the dosage of the corticosteroids was decreased, which caused Patient A.W. to develop right pleural effusion (the outpouring of fluid between the two layers of membranes that cover the lungs).

5. On or about May 26, 2000, Seth Gottlieb, M.D., admitted Patient A.W. and performed a CT scan guided thoracentesis (removal of fluid in the lungs through a needle). After one liter of pleural fluid was removed from Patient A.W.'s lungs, an x-ray was ordered. The x-ray revealed a pneumothorax (air in the chest) of about 50% in Patient A.W.'s right lung.

6. Dr. Gottlieb transferred Patient A.W. to the Department of Thoracic and Cardiovascular Surgery for placement of a chest tube in his right lung.

7. Respondent inappropriately placed the chest tube in Patient A.W.'s left lung.

8. A follow-up chest x-ray was ordered for Patient A.W., which revealed the pneumothorax was still present in his right lung, and confirming that the chest tube had been inappropriately placed in the left lung, rather than the right lung.

9. Patient A.W. was then returned to surgery for placement of a chest tube in his right lung.

10. A reasonably prudent physician in training under similar conditions and circumstances would not have placed a chest tube in Patient A.W.'s left lung to treat a pneumothorax, when the pneumothorax was in the right lung.

## COUNT ONE

11. Petitioner realleges and incorporates paragraphs one (1) through ten (10), as if fully set forth herein this Count One.

12. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician in training as being acceptable under similar conditions and circumstances, in that Respondent inappropriately placed a chest tube in Patient A.W.'s left lung, which subsequently had to be removed and replaced by a chest tube in the right lung.

13. Based on the foregoing, Respondent has 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.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and prosecution of this case as provided for in Section 456.072(4), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this _____ day of _____, 2001.

Robert G. Brooks, M.D., Secretary

_____
Nancy M. Snurkowski
Chief Attorney, Practitioner Regulation

COUNSEL FOR DEPARTMENT:

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