

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2020-22273

DONGHUA XIE, M.D.,

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

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

1. 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.

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 128203.

3. Respondent's address of record is 11131 Royal Palm Boulevard, Apartment 14, Coral Springs, FL 33065.

4. On or about May 25, 2020, Patient K.H., six (6) months old, presented to Respondent with his parents for a planned circumcision with lysis of penile adhesion. Patient K.H. weighed 17 kilograms.

5. Respondent applied a lidocaine cream to Patient K.H.'s penile foreskin and scrotal skin. Respondent then injected 8 milliliters of 2% lidocaine¹ for penile nerve blocking and circumferentially on planned incision site.

6. Later in the procedure, Respondent injected another 2 milliliter dosage of 2% lidocaine into Patient K.H. for dorsal nerve blocking.

7. Shortly thereafter, Patient K.H. turned blue, stopped breathing, and began having a seizure.

8. Respondent and Patient K.H.'s father performed CPR on Patient K.H. until Margate Fire Rescue arrived. Margate Fire Rescue was able to stabilize and transport Patient K.H. to Northwest Medical Care.

9. The prevailing professional standard of care required Respondent to administer no more than 4.5 milligrams per kilogram, or 76.5 milligrams when administering lidocaine injections to a patient weighing 17 kilograms.

¹ Lidocaine 2% consists of 20 milligrams of lidocaine per milliliter of the solution.

10. Respondent used approximately 7 to 8 milliliters of 2% lidocaine, which equals 140 to 160 milligrams of lidocaine.

11. Section 458.331(1)(t), Florida Statutes (2019), provides that committing medical malpractice—as defined in section 456.50, Florida Statutes (2020)—is grounds for discipline.

12. Section 456.50(1)(g), Florida Statutes (2019), states medical malpractice means the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure.

13. Section 766.102, Florida Statutes (2019), provides that the prevailing standard of care for a given healthcare 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.

14. Respondent fell below the minimum standard of care in his treatment of Patient K.H. by using approximately twice the recommended amount of 2% lidocaine solution injection on Patient K.H. while performing a circumcision.

15. Based on the foregoing Respondent has violated section 458.331(1)(t), Florida Statutes (2019), by committing medical malpractice as defined in section 456.50.

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 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 26th day of February, 2021.

Scott Rivkees
State Surgeon General

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Annika Morris*
DATE: MAR 01 2021

Saad Farooqi

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SF/rr
PCP: February 26, 2021

PCP Members: PCP Members: Georges El-Bahri, M.D., Andre Perez

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 within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 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 the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.

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 any other discipline imposed.