

Florida Board Of Medicine

**PCP North
September 18, 2020**

**Meet-Me #: 1 (888) 585-9008
Participation Code: 432-162-565**

Notice of Meeting/Workshop Hearing

DEPARTMENT OF HEALTH Board of Medicine

The **Board of Medicine - Probable Cause Panel North** announces a public meeting to which all persons are invited.

DATE AND TIME: Friday, September 18, 2020, 2:30 p.m.

PLACE: Meet-Me #: 1 (888) 585-9008, Participation Code: 432-162-565

GENERAL SUBJECT MATTER TO BE CONSIDERED: To conduct a public meeting to reconsider disciplinary cases with prior findings of probable cause.

A copy of the agenda may be obtained by contacting: Jacoyia Reddick at (850) 558-9848 or email her at Jacoyia.Reddick@flhealth.gov.

Pursuant to the provisions of the Americans with Disabilities Act, any person requiring special accommodations to participate in this workshop/meeting is asked to advise the agency at least 10 days before the workshop/meeting by contacting: Jacoyia Reddick at (850) 558-9848 or email her at Jacoyia.Reddick@flhealth.gov.

If you are hearing or speech impaired, please contact the agency using the Florida Relay Service, 1(800)955-8771 (TDD) or 1(800)955-8770 (Voice).

If any person decides to appeal any decision made by the Board with respect to any matter considered at this meeting or hearing, he/she will need to ensure that a verbatim record of the proceeding is made, which record includes the testimony and evidence from which the appeal is to be issued.

For more information, you may contact: Jacoyia Reddick at (850) 558-9848 or email her at Jacoyia.Reddick@flhealth.gov.

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Ron DeSantis
Governor

Scott A. Rivkees, MD
State Surgeon General

Vision: To be the Healthiest State in the Nation

**NORTH PROBABLE CAUSE
BOARD OF MEDICINE AGENDA
SCHEDULED FOR SEPTEMBER 18, 2020**

RN-01

Reconsideration

The Probable Cause Panel meeting scheduled for **September 18, 2020** will commence at **2:30 p.m.**, or thereafter, at the following location:

**MEET – ME NUMBER
Toll Free Number - 1-888-585-9008**

For this meeting, participants will need to call the number above for the **public** and **non-public** sections of the agenda.

After you dial in at the number above, please enter the following conference code number and then press #:

Public Code: 432-162-565#

**PUBLIC PORTION
Call in Number: 1-888-585-9008
Public Conference Code: 432-162-565#**

RECONSIDERATION

RN-01

Jane M. Harrington, M.D.,

2013-17313

Florida Department of Health

Office of the General Counsel • Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-1701
PHONE: 850/245-4640 • FAX 850/245-4682



Accredited Health Department
Public Health Accreditation Board

MEMORANDUM FOR RECONSIDERATION

TO: North Probable Cause Panel
FROM: William E. Walker, Assistant General Counsel
RESPONDENT: Jane M. Harrington, M.D.
CASE NO.: 2013-17313
DATE: August 13, 2020

This case was presented at the June 26, 2015, Probable Cause Panel meeting, at which time probable cause was found. Thereafter, a two-count Administrative Complaint was filed charging the Respondent with violating Sections 458.331(1)(t) and (m), Florida Statutes, for practicing below the standard of care, and failing to keep adequate medical records.

On August 19, 2019, the Department filed a two-count administrative complaint against Respondent in a second case. On March 12, 2020, the Board entered an order revoking Respondent's license to practice medicine, and Respondent did not appeal the Board's decision.

Accordingly, the Department has brought this case back on reconsideration and requests that the Panel dismiss this case.

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

BOARD: Medicine

CASE NUMBER: 2013-17313

COMPLAINT MADE BY: Department of Health

SUBJECT: Jane M. Harrington, M.D.
720 Banyan Blvd
Naples, Florida 34102

LICENSE NUMBER: 95540

SUBJECT'S ATTORNEY: Pro Se

DATE OF COMPLAINT: November 4, 2013

INVESTIGATED BY: Diane R. DiRocco
MQA Investigator

REVIEWED BY: William E. Walker
Assistant General Counsel

RECOMMENDATION: Dismiss – License Revoked (4000)

CLOSING ORDER/NOTICE OF DISMISSAL
RECONSIDERATION

COMPLAINT: The complaint alleges Subject violated sections 456.072(1)(k), (dd), and (gg), Florida Statutes; and sections 458.331(1)(g), (q), (t), (nn), and (ss) Florida Statutes, by failing to perform any statutory or legal obligation placed upon a licensee; violating any provision of chapter 456 or chapter 458, the applicable practice act, or any rules adopted pursuant thereto; practicing below the standard of care, and inappropriately prescribing controlled substances.

FACTS: On November 4, 2013, the Department received a complaint from DM (59-year-old female) alleging that Subject provided substandard care between August, 2013 and October, 2013. DM alleged that Subject failed to disclose the outcome of laboratory testing in a timely manner resulting in DM not receiving the appropriate care needed to resolve her medical issues. DM asked Subject to perform additional testing and alleges that Subject would not do the tests and refused to continue treating her.

On August 19, 2019, the Department filed a two count administrative complaint in a separate case charging Subject with one count of violating section 456.072(1)(e), Florida Statutes, for failing to report to the Department that she knew her husband, Francis Harrington, MD, was in violation of Chapter 458, and one count of violating section 456.072(1)(mm), Florida Statutes, for failing to comply with the controlled substance prescribing requirements of Section 456.44.

Subject waived her right to an administrative hearing by failing to submit an election of rights. The case was presented to the Board on February 7, 2020, and the Board entered an order revoking Subject's license to practice medicine on March 12, 2020. Subject did not appeal the Board's order, and the time in which she could do so has now elapsed.

Based on the foregoing, the Department recommends this case be dismissed as Subject is no longer licensed to practice medicine in the state of Florida.

THE LAW: Based on the foregoing, and pursuant to Section 456.073(4), Florida Statutes, the probable cause panel concludes that this case should be dismissed as Subject is no longer licensed to practice medicine in the state of Florida.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE and ORDERED this _____ day of _____, 2020.

Chairperson, Probable Cause Panel
Board of Medicine

PCP Date:

PCP Members:

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Ron DeSantis
Governor

Scott A. Rivkees, MD
State Surgeon General

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August 18, 2020

PERSONAL AND CONFIDENTIAL

Jane M. Harrington, M.D.
720 Banyan Blvd
Naples, FL 34102

RE: DOH v. Jane M. Harrington, M.D.
DOH Case No. 2013-17313

Dear Dr. Harrington:

Please be advised that the above-referenced case is scheduled to be re-considered by the Board of Medicine's Probable Cause Panel on **September 18, 2020**. If you desire to listen to the deliberations, you may do so by calling the conference number below at **2:30 PM**:

Conference Number: (888) 585-9008
Conference Code: 432-162-565#

The meeting is public and your participation in the discussion of the case will be dependent on the policy and procedures recognized by the Chairperson of the panel.

This letter shall be considered your **notice** for consideration of the matter described above.

Respectfully,

William E Walker

William E. Walker
Assistant General Counsel

Florida Department of Health

Office of General Counsel – Prosecution Services Unit
4052 Bald Cypress Way | C-65
Tallahassee, FL 32399-3265
(850) 245-4640
FloridaHealth.gov



2016 OCT 28 AM 11:31

**Dr. Francis Harrington
Dr. Jane Harrington
Dr. Catherine Harrington
848 1st Avenue North, Suite 100
Naples, Florida 34102
239-262-1740
August 16, 2016**

10/01/2016

Florida dept of health
Tallahassee, fl 32399

Dear Ms. Alberto

This letter is to confirm that I waive the 45 day requirement for a
Formal hearing.

Any questions feel free to contact me.

Jane M. Harrington MD

Dr. Jane M. Harrington MD
10/24/16
10:30 AM



2016 OCT 28 AM 5:31

Francis Harrington <fnotgnirrah@gmail.com>

DOH Case No. 2013-17313

1 message

Alberto, Corynn <Corynn.Alberto@flhealth.gov>
To: "fnotgnirrah@gmail.com" <fnotgnirrah@gmail.com>

Fri, Sep 30, 2016 at 4:10 PM

Dr. Harrington,

Thank you for calling me back this afternoon. As per our conversation, please confirm that you waive the 45-day requirement to refer the above matter to DOAH for a formal hearing.

I will be in touch with you soon regarding potential resolution of this case.

Thank you and have a nice weekend,

Corynn Alberto

Office of the General Counsel, Prosecution Services Unit
Florida Department of Health
4052 Bald Cypress Way, Bin #C65
Tallahassee, FL 32399-3265
850-245-4640 x8243

FRANCIS E. HAR
848 1ST AV
N

D.

FT MYERS FL 339

25 OCT 2015 PM 1.1



Office of the General Counsel
Prosecution Services Unit
Fl Dept of Health
4052 Bald Cypress Way
Bin # C65
Tallahassee, Fl 32399-3265

32399-3265



CONFIDENTIAL AND EXEMPT MATERIALS

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**Scroll down to see the available pages or
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SOME OR ALL PAGES IN THIS DOCUMENT ARE PATIENT RECORDS
AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be
furnished.—

10)(a)All patient records obtained by the department and any other documents
maintained by the department which identify the patient by name are confidential and exempt
from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate
regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The
records shall not be available to the public as part of the record of investigation for and
prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.

Mission:

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Rick Scott
Governor

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

Vision: To be the Healthiest State in the Nation

July 22, 2015

Certified Article Number

7196 9008 9111 1716 3635

SENDERS RECORD

VIA CERTIFIED MAIL

Jane M. Harrington, M.D.
720 Banyan Boulevard
Naples, FL 34102

Re: DOH vs. Jane Harrington, M.D.
DOH Case Number 2013-17313

Dear Dr. Harrington:

The Department of Health received your Election of Rights requesting a formal hearing before the Division of Administrative Hearings on July 21, 2015. I have reviewed your request and have determined that your request IS NOT in compliance with Uniform Rule 28-106.2015(5), Florida Administrative Code and Section 120.54(5)(b)(5), Florida Statutes.

Pursuant to Section 120.569(c), Florida Statutes, the Department of Health hereby denies your request for a formal Administrative Hearing because:

Your Election of Rights is not in substantial compliance with Uniform Rule 28-106.2015(5), F.A.C., and Section 120.54(5)(b)(5), Florida Statutes, because it fails to identify the disputed material facts by paragraph number and fact disputed

You may file an Amended Election of Rights with the Department that complies with the applicable statutes and rules. Another Election of Rights form is enclosed with this letter. The deadline for filing your Amended Election of Rights with the Department of Health is **twenty-one (21) days from your receipt of this letter**. Please execute the enclosed form and return it to my attention via email, facsimile or mail delivery.

Please contact me by phone at 850-245-4444, extension 8243, if you have any questions.

Respectfully,

Corynn Gasbarro, Esquire
Assistant General Counsel

/CG

Enclosures: as stated above

ELECTION OF RIGHTS

Please sign and complete all of the information below:

I received the Administrative Complaint on the following date: _____

PLEASE SELECT ONLY 1 OF THE 2 OPTIONS.

OPTION 1. _____ I do not dispute the allegations of material fact in the Administrative Complaint. I request a hearing be conducted pursuant to Section 120.57(2), Florida Statutes, where I will be permitted to appear, if I so choose, and submit oral and/or written evidence in mitigation of the complaint to the Board.

OPTION 2. _____ I do dispute the allegations of material fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. Pursuant to the requirement of Uniform Rule 28-106.2015(5), Florida Administrative Code, I specifically dispute the following material facts (identified by paragraph number and fact disputed) in the Administrative Complaint:

In the event that you fail to make an election in this matter within twenty-one (21) days from receipt of the Administrative Complaint, your failure to do so may be considered a waiver of your right to elect a hearing in this matter, pursuant to Rule 28-106.111(4), Florida Administrative Code, and the Board may proceed to hear your case.

PLEASE NOTE: Regardless of which option you choose, you may be able to reach a settlement agreement with the Department in your case. Please contact the prosecuting attorney if you wish to do so.

Respondent's Signature _____
Address: _____

Attorney/Qualified Representative* _____
Address: _____

Lic. No.: _____

Phone No.: _____

Phone No.: _____

Fax No.: _____

Fax No.: _____

Email: _____

Email: _____

STATE OF FLORIDA
COUNTY OF _____

*Qualified Representatives must file written requests to appear as such pursuant to Rule 28-106.106, Uniform Rules of Procedure.

Before me, personally appeared _____, whose identity is known to me or produced _____ (type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this _____ day of _____ 2015.

Notary Public-State of Florida _____

My Commission Expires _____

Type or Print Name

PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Corynn Gasbarro, Assistant General Counsel, DOH, Prosecution Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 245-4444; Ext. 8243; FAX (850) 245-4684; TDD 1-800-955-877; E-mail: Corynn.Gasbarro@flhealth.gov

7196 9008 9111 1716 3635

TO:
Jane M. Harrington, M.D.
720 Banyan Boulevard
Naples, Florida 34102

SENDER: Corynn Gasbarro/Teresa Corley
July 22, 2015
Jane M. Harrington, M.D.
REFERENCE: 2013-17313
EOR not compliant-FH denied

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
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	Total Postage & Fees	

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2. Article Number



7196 9008 9111 1716 3635

3. Service Type **CERTIFIED MAIL™**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Jane M. Harrington, M.D.
720 Banyan Boulevard
Naples, Florida 34102

Harrington; 2013-17313; FH req denied; 7-22-15; Gasbarro

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)	B. Date of Delivery
Jane Harrington	7/29/15
C. Signature	<input type="checkbox"/> Agent Addressee
<i>Jane Harrington</i>	<input checked="" type="checkbox"/> Addressee
D. Is delivery address different from item 1? If YES, enter delivery address below:	<input type="checkbox"/> Yes <input type="checkbox"/> No

2015 AUG -4 AM 9:13

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Rick Scott
Governor

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

Vision: To be the Healthiest State in the Nation

Certified Article Number

7196 9008 9111 1716 3536

SENDERS RECORD

June 29, 2015

Jane M. Harrington, M.D.
720 Banyan Boulevard
Naples, Florida 34102

RE: Department of Health vs. Jane M. Harrington, M.D.
DOH Case Number 2013-17313

Dear Dr. Harrington:

Enclosed please find a copy of an Administrative Complaint that has been filed against your license by the Department of Health. An Election of Rights form is also provided.

Please review the attached documents and return the Election of Rights form to my attention. You **must** sign the Election of Rights form, and return the completed form to my office within twenty-one (21) days of the date you received it. Failure to return this form within twenty-one days may result in the entry of a default judgment against you without hearing your side of the case.

Sincerely,

A handwritten signature in cursive script that reads "Corynn Gasbarro".

Corynn Gasbarro
Assistant General Counsel
(850) 245-4444; Ext. 8243

CG/tgc
Enclosures

ELECTION OF RIGHTS

Please sign and complete all of the information below:

I received the Administrative Complaint on the following date: Approx. 7/1 (See envelope)

PLEASE SELECT ONLY 1 OF THE 2 OPTIONS.

OPTION 1. I do not dispute the allegations of material fact in the Administrative Complaint. I request a hearing be conducted pursuant to Section 120.57(2), Florida Statutes, where I will be permitted to appear, if I so choose, and submit oral and/or written evidence in mitigation of the complaint to the Board.

OPTION 2. X I do dispute the allegations of material fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. Pursuant to the requirement of Uniform Rule 28-106.2015(5), Florida Administrative Code, I specifically dispute the following material facts (identified by paragraph number and fact disputed) in the Administrative Complaint:

I categorically deny all allegations.

In the event that you fail to make an election in this matter within twenty-one (21) days from receipt of the Administrative Complaint, your failure to do so may be considered a waiver of your right to elect a hearing in this matter, pursuant to Rule 28-106.111(4), Florida Administrative Code, and the Board may proceed to hear your case.

PLEASE NOTE: Regardless of which option you choose, you may be able to reach a settlement agreement with the Department in your case. Please contact the prosecuting attorney if you wish to do so. JH no

Dr. Jane Harrington M.D.
Respondent's Signature
Address: 730 Banyan Blvd
Naples FL 34102

Lic. No.:
Phone No.: (239) 262-1740
Fax No.: (239) 262-9073
Email:

STATE OF FLORIDA
COUNTY OF Collier County

Not At this time
Attorney/Qualified Representative*
Address:

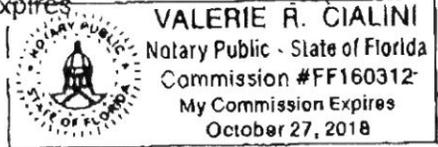
Phone No.:
Fax No.:
Email:

*Qualified Representatives must file written requests to appear as such pursuant to Rule 28-106.106, Uniform Rules of Procedure.

Before me, personally appeared JANE HARRINGTON, whose identity is known to me or produced FL DRIVER LICENSE (type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this 20th day of July, 2015.

Valerie R. Cialini
Notary Public-State of Florida
VALERIE R. CIALINI
Type or Print Name

10/27/18
My Commission Expires


PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Corynn Gasbarro, Assistant General Counsel, DOH, Prosecution Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 245-4444; Ext. 8243; FAX (850) 245-4684; TDD 1-800-955-877; E-mail: Corynn.Gasbarro@flhealth.gov

Dr. Francis Harrington
Dr. Jane Harrington
848 1st Avenue North, Suite #100
Naples, Florida 34102
239-262-1740
239-262-4073 – facsimile

FAX COVER SHEET

DATE 7/21/15 15:15
TO AGC - Corynn Gasbarro
FROM Doctor JANE HARRINGTON MD
FAX NO to (850) 245-4684 (from) 239 262-4073
ATTN CORYNN GASBARRO
RE Case 2013-17313

MESSAGE faxed copy Election of Rights
Hand Copy Sent Overnight 7/20/15

Dr. Jane Harrington MD
7/21 15:15

IF YOU RECEIVED THIS FAX IN ERROR OR DID NOT RECEIVE ALL THE PAGES INDICATED PLEASE CALL 239-262-1740

THE INFORMATION IN THIS FAX MESSAGE IS LEGALLY PRIVELEDGED AND CONFIDENTIAL INFORMATION INTENDED ONLY FOR THE EXCLUSIVE USE OF THE INDIVIDUAL OR ENTITY NAMED ABOVE IF THE READER OF THE MESSAGE IS NOT THE INTENDED RECIPIENT YOU ARE HEREBY NOTIFIED THAT ANY USE, DISSEMINATON, DISTRIBUTION OR COPYING OF THE TELECOPY IS STRICTLY PROHIBITED. IF YOU HAVE RECEIVED THIS TELECOPY IN ERROR PLEASE IMMEDIATELY NOTIFY US BY THE PHONE NUMBER LISTED ABOVE.

ELECTION OF RIGHTS

Please sign and complete all of the information below:

I received the Administrative Complaint on the following date: Approx 7/1 (See envelope) mailed 4/29
sent

2015 JUL 21 PM 12:4 PLEASE SELECT ONLY 1 OF THE 2 OPTIONS.

OPTION 1. I **do not** dispute the allegations of material fact in the Administrative Complaint. I request a hearing be conducted pursuant to Section 120.57(2), Florida Statutes, where I will be permitted to appear, if I so choose, and submit oral and/or written evidence in mitigation of the complaint to the Board.

OPTION 2. X I **do** dispute the allegations of material fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. Pursuant to the requirement of Uniform Rule 28-106.2015(5), Florida Administrative Code, I specifically dispute the following material facts (identified by paragraph number and fact disputed) in the Administrative Complaint:

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PLEASE NOTE: Regardless of which option you choose, you may be able to reach a settlement agreement with the Department in your case. Please contact the prosecuting attorney if you wish to do so. JH no

Dr. Jane Harrington M.D
Respondent's Signature
Address: 720 Bayon Blvd
Naples FL 34102

Lic. No.:
Phone No. (239) 262-1740
Fax No.: (239) 262-9073
Email:

STATE OF FLORIDA
COUNTY OF Collier County

Not at this time
Attorney/Qualified Representative*
Address:

Phone No.:
Fax No.:
Email:

*Qualified Representatives must file written requests to appear as such pursuant to Rule 28-106.106, Uniform Rules of Procedure.

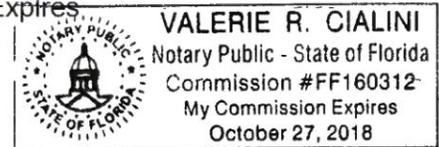
Before me, personally appeared JANE HARRINGTON, whose identity is known to me or produced FL DRIVER LICENSE (type of identification) and who, acknowledges that his/her signature appears above

Sworn to or affirmed by Affiant before me this 20th day of July 2015.

Valerie R. Cialini
Notary Public-State of Florida

VALERIE R. CIALINI
Type or Print Name

10/27/18
My Commission Expires



PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Corynn Gasbarro, Assistant General Counsel, DOH, Prosecution Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 245-4444; Ext. 8243; FAX (850) 245-4684; TDD 1-800-955-877; E-mail: Corynn.Gasbarro@flhealth.gov



Florida Department of Health
 Office of the General Counsel
 Prosecution Services Unit
 4052 Bald Cypress Way, Bin C-65
 Tallahassee, Florida 32399-1701

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July 2013 OD: 12.5 x 9.5



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Date Accepted (MM/DD/YY)	Scheduled Delivery Time	Insurance Fee	COD Fee
	<input type="checkbox"/> 10:30 AM <input checked="" type="checkbox"/> 3:00 PM <input type="checkbox"/> 12 NOON	\$	\$
Time Accepted	10:30 AM Delivery Fee	Return Receipt Fee	Live Animal Transportation Fee
<input type="checkbox"/> AM <input type="checkbox"/> PM	\$	\$	\$
Weight	Sunday/Holiday Premium Fee	Total Postage & Fees	
lbs. ozs.	\$	\$	
	Acceptance Employee Initials		

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	<input type="checkbox"/> AM <input type="checkbox"/> PM	
Delivery Attempt (MM/DD/YY)	Time	Employee Signature
	<input type="checkbox"/> AM <input type="checkbox"/> PM	

LABEL 11-B, JANUARY 2014 PSN 7690-02-000-9996 3-ADDRESSEE COPY



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Rick Scott
Governor

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

Vision: To be the Healthiest State in the Nation

June 29, 2015

Charles Powers, Jr., M.D.
c/o Abbason & Associates, Inc.
127 W Fairbanks Avenue, #452
Winter Park, FL 32789

RE: DOH v. Jane M. Harrington, M.D.; DOH Case Number 2013-17313

Dear Dr. Powers:

I am writing to thank you for your review and opinion in the above styled case and to advise you that the Probable Cause Panel of the Board of Medicine directed that an Administrative Complaint be filed in this matter. This case becomes a matter of public record 10 days after the meeting. Patient names and medical records remain confidential. As this matter has not been closed, PLEASE DO NOT DISPOSE OF THE CASE MATERIALS. You will be notified when you can dispose of them.

The licensee has been sent a copy of the Administrative Complaint and an Election of Rights form. If the licensee elects a formal hearing, as the Department litigation attorney assigned to the case, I will contact you. It is our responsibility to keep you informed of the progress and we will consult you on scheduling should your testimony at hearing or deposition be needed.

The licensee is entitled to a copy of the entire case file, including your opinion. Although most cases are resolved before formal hearing, it is not unusual for the licensee or their counsel to take a deposition of the Department expert. Most defense attorneys will contact this office to arrange a deposition. Should you be contacted directly, you are free to speak with the defense attorney or you may refer the caller to this office.

Thank you for your interest in medicine regulation and taking your professional time to review this case. If you have any questions regarding this matter, you can reach me by phone at (850) 245-4444, extension 8135, by fax at (850) 245-4684, by TDD at 1-800-955-8771, or by email or mail at the address listed below.

Respectfully,

A handwritten signature in black ink that reads "Corynn Gasbarro".

Corynn Gasbarro
Assistant General Counsel

CG/tgc

Florida Department of Health

Office of the General Counsel – Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65 • Tallahassee, FL 32399-3265
PHONE: 850/245-4444 • FAX 850/245-4684

www.FloridaHealth.gov

TWITTER: HealthyFLA
FACEBOOK: FLDepartmentofHealth
YOUTUBE: fldoh
FLICKR: HealthyFla
PINTEREST: HealthyFla

7196 9008 9111 1716 3536

TO:
Jane M. Harrington, M.D.
720 Banyan Boulevard
Naples, Florida 34102

SENDER: Corynn Gasbarro/Teresa Corley
June 29, 2015
Jane M. Harrington, M.D.
REFERENCE: 2013-17313
AC cover letter

PS Form 3800, January 2005

RETURN RECEIPT SERVICE	Postage	
	Certified Fee	
	Return Receipt Fee	
	Restricted Delivery	
	Total Postage & Fees	

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2. Article Number



7196 9008 9111 1716 3536

3. Service Type **CERTIFIED MAIL™**

4. Restricted Delivery? (Extra Fee) Yes

1. Article Addressed to:

Jane M. Harrington, M.D.
720 Banyan Boulevard
Naples, Florida 34102

Harrington; 2013-17313; AC cover ltr; 6-29-15; Gasbarro

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

JANE 7/1/15

C. Signature

Agent
 Addressee
D. Is delivery address different from item 1?
If YES, enter delivery address below:
 Yes
 No

Mission:

To protect, promote & improve the health of all people in Florida through integrated state, county & community efforts.



Rick Scott
Governor

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

Vision: To be the Healthiest State in the Nation

Certified Article Number

7196 9008 9111 1716 3536

SENDERS RECORD

June 29, 2015

Jane M. Harrington, M.D.
720 Banyan Boulevard
Naples, Florida 34102

RE: Department of Health vs. Jane M. Harrington, M.D.
DOH Case Number 2013-17313

Dear Dr. Harrington:

Enclosed please find a copy of an Administrative Complaint that has been filed against your license by the Department of Health. An Election of Rights form is also provided.

Please review the attached documents and return the Election of Rights form to my attention. You **must** sign the Election of Rights form, and return the completed form to my office within twenty-one (21) days of the date you received it. Failure to return this form within twenty-one days may result in the entry of a default judgment against you without hearing your side of the case.

Sincerely,

A handwritten signature in cursive script that reads "Corynn Gasbarro".

Corynn Gasbarro
Assistant General Counsel
(850) 245-4444; Ext. 8243

CG/tgc
Enclosures

ELECTION OF RIGHTS

Please sign and complete all of the information below:

I received the Administrative Complaint on the following date: _____

PLEASE SELECT ONLY 1 OF THE 2 OPTIONS.

OPTION 1. _____ I do not dispute the allegations of material fact in the Administrative Complaint. I request a hearing be conducted pursuant to Section 120.57(2), Florida Statutes, where I will be permitted to appear, if I so choose, and submit oral and/or written evidence in mitigation of the complaint to the Board.

OPTION 2. _____ I do dispute the allegations of material fact contained in the Administrative Complaint and request this to be considered a petition for formal hearing, pursuant to Sections 120.569(2)(a) and 120.57(1), Florida Statutes, before an Administrative Law Judge appointed by the Division of Administrative Hearings. Pursuant to the requirement of Uniform Rule 28-106.2015(5), Florida Administrative Code, I specifically dispute the following material facts (identified by paragraph number and fact disputed) in the Administrative Complaint:

In the event that you fail to make an election in this matter within twenty-one (21) days from receipt of the Administrative Complaint, your failure to do so may be considered a waiver of your right to elect a hearing in this matter, pursuant to Rule 28-106.111(4), Florida Administrative Code, and the Board may proceed to hear your case.

PLEASE NOTE: Regardless of which option you choose, you may be able to reach a settlement agreement with the Department in your case. Please contact the prosecuting attorney if you wish to do so.

Respondent's Signature _____
Address: _____

Attorney/Qualified Representative* _____
Address: _____

Lic. No.: _____

Phone No.: _____

Phone No.: _____

Fax No.: _____

Fax No.: _____

Email: _____

Email: _____

STATE OF FLORIDA
COUNTY OF _____

*Qualified Representatives must file written requests to appear as such pursuant to Rule 28-106.106, Uniform Rules of Procedure.

Before me, personally appeared _____, whose identity is known to me or produced _____ (type of identification) and who, acknowledges that his/her signature appears above.

Sworn to or affirmed by Affiant before me this _____ day of _____ 2015.

Notary Public-State of Florida _____

My Commission Expires _____

Type or Print Name

PLEASE MAIL AND/OR FAX COMPLETED FORM TO: Corynn Gasbarro, Assistant General Counsel, DOH, Prosecution Services Unit, 4052 Bald Cypress Way, Bin C-65, Tallahassee, Florida 32399-3265. Telephone Number: (850) 245-4444; Ext. 8243; FAX (850) 245-4684; TDD 1-800-955-877; E-mail: Corynn.Gasbarro@flhealth.gov

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2013-17313

JANE M. HARRINGTON, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

Department of Health, Petitioner, files this Administrative Complaint before the Board of Medicine against Respondent, Jane M. Harrington, 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 95540.

3. Respondent's address of record is 720 Banyan Boulevard, Naples, Florida 34102.

4. On or between August 2013 to October 2013, at all times material to this case, Respondent, provided medical care in her office to Patient DM (DM), a 59 year-old female.

5. At DM's visit on August 26, 2013, Respondent collected a Pap¹ sample; however there is no office note pertaining to the collection of the sample. At that visit, DM also complained of back pain and requested an MRI. Finally, DM discussed thyroid issues and need for laboratory testing of her thyroid levels.

6. At DM's request, Respondent discussed homeopathic thyroid medication and instructed DM to wean herself off the prescribed thyroid medication; however, Respondent did not order any laboratory tests to determine DM's thyroid baseline.

7. In September 2013, DM called Respondent's office saying she was increasingly feeling ill and requesting a prescription for laboratory testing.

8. Finally, on October 2, 2013, DM obtained the laboratory testing of her thyroid levels that she needed.

9. The levels were exceedingly abnormal; however, Respondent failed to notify DM of the abnormal results. DM's TSH (thyroid stimulating

¹ The Papanicolaou test (abbreviated as **Pap test**, known earlier as **Pap smear**, **cervical smear**, or **smear test**) is a method of cervical screening used to detect potentially pre-cancerous and cancerous processes in the endocervical canal (transformation zone) of the female reproductive system.

hormone) level was 97.4 and should not be over 4.0 and her free T4 (thyroxine) was 0.16, even though the normal range is 4.5-11.2. On October 18, 2013, because she had not been notified of the results, DM called Respondent's office to request the results of the thyroid testing.

10. Respondent called back on October 19, 2013, and reported that DM's results were abnormal and Respondent scheduled DM for an appointment the next week.

11. On October 25, 2013, Respondent met with DM, gave her inadequate samples of thyroid medication to take at home, and then terminated her from the practice. DM was able to get the office manager to call in a prescription for the appropriate thyroid medication and dosage as stated in Respondent's notes.

12. The standard of care is that baseline labs and more frequent laboratory testing must be done to evaluate the patient's hypothyroidism. Respondent fell below the standard of care in this regard.

13. The standard of care requires timely follow up on seriously abnormal lab results. Respondent fell below the standard of care in this regard.

14. Respondent's medical records are grossly below standards and consistently inadequate. Patient notes are missing, extremely brief, or

incomplete. Many notes lack major portions like "subjective", "objective", and simple details of a physical examination.

15. The office notes suggest a complete lack of attention to detail and to an adequate care plan.

16. Respondent's medical records do not document collection of the Pap sample.

17. Respondent's medical records do not document ordering laboratory testing to obtain an understanding of DM's thyroid replacement level before ordering any change in medication.

18. The lab results from DM's October 2, 2013, thyroid testing are not hand-dated and signed by Respondent and the records do not reflect whether DM was called about the results until she herself called on October 18, 2013.

19. Respondent's diagnosis of DM was inadequate, incomplete and difficult to understand. The Respondent should have referred DM to an endocrinologist.

20. The standard of care when changing a patient from levothyroxine to compounded thyroid replacement requires baseline labs and close follow up. Respondent failed to provide this.

Count I
Section 458.331(1)(t), Florida Statutes (2013)

21. Petitioner realleges and incorporates paragraphs one (1) through twenty (20) as if fully set forth herein.

22. Section 458.331(1)(t)1., Florida Statutes (2013), subjects a licensee to discipline for committing medical malpractice as defined in Section 456.50(1)(g), Florida Statutes. Section 456.50(1)(g), Florida Statutes (2013), 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. Section 766.102, Florida Statutes (2013), 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.

23. Respondent fell below the minimum standard of care in her treatment of Patient DM in one or more of the following ways:

- a. By failing to order baseline labs and more frequent laboratory testing to evaluate the patient's hypothyroidism; and/or

b. By failing to perform baseline labs prior to advising DM to wean herself off of her thyroid medication; and/or

c. By failing to notify DM of the abnormal results of her thyroid testing; and/or

d. By failing to timely follow up on DM's significantly abnormal lab results; and/or

e. By failing to adequately to diagnose or treat DM's thyroid condition; and/or

f. By failing to refer DM to an endocrinologist.

24. Based on the foregoing, Respondent violated Section 458.331(1)(t)1., Florida Statutes (2013).

Count II
Section 458.331(1)(m), Florida Statutes (2013)

25. Petitioner realleges and incorporates paragraphs one (1) through twenty (20) as if fully set forth herein.

26. Section 458.331(1)(m), Florida Statutes (2013), subjects a licensee to discipline for failing to keep legible, as defined by department rule in consultation with the board, medical records that identify the licensed physician or the physician extender and supervising physician by name and professional title who is or are responsible for rendering,

ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

27. Respondent failed to maintain records that justify the course of treatment of Patient DM in one or more of the following ways:

a. By failing to document, or failing to maintain documentation of, collecting the Pap sample; and/or

b. By maintaining medical records that are missing entirely or that are extremely brief, or incomplete; and/or

c. By maintaining notes that lack major portions like "subjective", "objective", and simple details of a physical examination; and/or

d. By maintaining office notes that suggest a complete lack of attention to detail and an adequate care plan; and/or

e. By failing to document when DM was contacted about the results of the thyroid tests.

28. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2013).

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.

SIGNED this 26th day of June, 2015.

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

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK:

DATE:

Amy L. Carranney
6-26-15

Corynn Gasbarro

Corynn Gasbarro
Assistant General Counsel
Florida Bar 0068814
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
Tallahassee, Florida 32399-3265
(850) 245-4444, Ext. 8243
(850) 245-4684 FAX
E-Mail: Corynn.Gasbarro@flhealth.gov

PCP: June 26, 2015
PCP Members: George El-Bahri, M.D.; Jorges Lopez, M.D.; Ronald Dyches

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.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

CONFIDENTIAL AND EXEMPT MATERIALS

**One or more pages have been removed
from this document for security reasons**

**Scroll down to see the available pages or
advance to the next document if all
pages have been removed.**

SOME OR ALL PAGES IN THIS DOCUMENT ARE PATIENT RECORDS
AND/OR DOCUMENTS THAT IDENTIFY THE PATIENT BY NAME AND ARE
EXEMPT FROM PUBLIC RECORDS LAWS.

456.057 - Ownership and control of patient records; report or copies of records to be
furnished.—

10)(a)All patient records obtained by the department and any other documents
maintained by the department which identify the patient by name are confidential and exempt
from s. 119.07(1) and shall be used solely for the purpose of the department and the appropriate
regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The
records shall not be available to the public as part of the record of investigation for and
prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO.: 2013-17313

JANE M. HARRINGTON, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

Department of Health, Petitioner, files this Administrative Complaint before the Board of Medicine against Respondent, Jane M. Harrington, 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 95540.

3. Respondent's address of record is 720 Banyan Boulevard, Naples, Florida 34102.

4. On or between August 2013 to October 2013, at all times material to this case, Respondent, provided medical care in her office to Patient DM, a 59 year-old female.

5. At DM's visit on August 26, 2013, Respondent collected a Pap¹ sample; however there is no office note pertaining to the collection of the sample. At that visit, DM also complained of back pain and requested an MRI. Finally, DM discussed thyroid issues and need for laboratory testing of her thyroid levels.

6. At DM's request, Respondent discussed homeopathic thyroid medication and instructed DM to wean herself off the prescribed thyroid medication; however, Respondent did not order any laboratory tests to determine DM's thyroid baseline.

7. In September 2013, DM called Respondent's office saying she was increasingly feeling ill and requesting a prescription for laboratory testing.

8. Finally, on October 2, 2013, DM obtained the laboratory testing of her thyroid levels that she needed.

9. The levels were exceedingly abnormal; however, Respondent failed to notify DM of the abnormal results. DM's TSH (thyroid stimulating

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hormone) level was 97.4 and should not be over 4.0 and her free T4 (thyroxine) was 0.16, even though the normal range is 4.5-11.2. On October 18, 2013, because she had not been notified of the results, DM called Respondent's office to request the results of the thyroid testing.

10. Respondent called back on October 19, 2013, and reported that DM's results were abnormal and Respondent scheduled DM for an appointment the next week.

11. On October 25, 2013, Respondent met with DM, gave her inadequate samples of thyroid medication to take at home, then terminated her from the practice. DM was able to get the office manager to call in a prescription for the appropriate thyroid medication and dosage as stated in Respondent's notes.

12. The standard of care is that baseline labs and more frequent laboratory testing must be done to evaluate the patient's hypothyroidism. Respondent fell below the standard of care in this regard.

13. The standard of care requires timely follow up on seriously abnormal lab results. Respondent fell below the standard of care in this regard.

14. Respondent's medical records are grossly below standards and consistently inadequate. Patient notes are missing, extremely brief, or

incomplete. Many notes lack major portions like “subjective”, “objective”, and simple details of a physical examination.

15. The office notes suggest a complete lack of attention to detail and to an adequate care plan.

16. Respondent’s medical records do not document collection of the Pap sample.

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18. The lab results from DM’s October 2, 2013, thyroid testing are not hand-dated and signed by Respondent and the records do not reflect whether DM was called about the results until she herself called on October 18, 2013.

19. Respondent’s diagnosis of DM was inadequate, incomplete and difficult to understand. The Respondent should have referred DM to an endocrinologist.

20. The standard of care when changing a patient from levothyroxine to compounded thyroid replacement requires baseline labs and close follow up. Respondent failed to provide this.

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Section 458.331(1)(t), Florida Statutes (2013)

21. Petitioner realleges and incorporates paragraphs one (1) through twenty (20) as if fully set forth herein.

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23. Respondent fell below the minimum standard of care in her treatment of Patient DM in one or more of the following ways:

a. By failing to order baseline labs and more frequent laboratory testing to evaluate the patient's hypothyroidism; and/or

- b. By failing to perform baseline labs prior to advising DM to wean herself off of her thyroid medication; and/or
- c. By failing to notify DM of the abnormal results of her thyroid testing; and/or
- d. By failing to timely follow up on DM's significantly abnormal lab results; and/or
- e. By failing to adequately to diagnose or treat DM's thyroid condition; and/or
- f. By failing to refer DM to an endocrinologist.

24. Based on the foregoing, Respondent violated Section 458.331(1)(t)1., Florida Statutes (2013).

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Section 458.331(1)(m), Florida Statutes (2013)

25. Petitioner realleges and incorporates paragraphs one (1) through twenty (20) as if fully set forth herein.

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ordering, supervising, or billing for each diagnostic or treatment procedure and that justify the course of treatment of the patient, including, but not limited to, patient histories; examination results; test results; records of drugs prescribed, dispensed, or administered; and reports of consultations and hospitalizations.

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b. By maintaining medical records that are missing entirely or that are extremely brief, or incomplete; and/or

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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.

[Signatures appear on the following page.]

SIGNED this _____ day of _____, 2015.

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

Diane K. Kiesling
Assistant General Counsel
Florida Bar 233285
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. 8127
(850) 245-4684 fax
E-Mail: diane.kiesling@flhealth.gov

DKK

PCP:

PCP Members:

DOH v. Jane M. Harrington, M.D., Case No. 2013-17313

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.

Charles Kent Powers, Jr., M.D.

3100 17th Street
St. Cloud, FL 34769

August 9, 2014

Tony Hannah
Department of Health, PSU

c/o Abbason and Associates, Inc.
127 W. Fairbanks Avenue #452
Winter Park, FL 32789

Regarding: DOH v JMH, MD
Case Number: 2013-17313

Dear Tony Hannah,

Complaint submitted by DM (59F) alleging subject physician provided substandard care from August 2013 through October 2013. DM alleged that subject failed to disclose the outcome of laboratory testing in a timely manner resulting in DM not receiving the appropriate care needed to resolve her medical issues. DM requested additional testing be performed and subject allegedly refused and discharged DM from her care.

Questions:

1. I do not know the subject.
2. I provide similar primary care services in a family medicine office.
3. The physician care fell below the standard of care and there were serious medical record issues. The physician should have performed baseline labs and more frequent lab testing to evaluate the patient's hypothyroidism. The physician does not show documentation of timely follow-up on seriously abnormal lab results. The record keeping is consistently inadequate. The notes on the patient are missing, extremely brief, inadequate, or incomplete. The office notes when present lack major portions like "subjective" and "objective" and simple details of a physical examination. The office notes suggest a complete lack of attention to detail and an adequate care plan.
4. The interaction between the patient and this physician was obviously quite strained. The investigator's written information indicates that the physician lacked a willingness to take time to discuss the case. The physician's office notes were extremely brief, pages 42, 43, 44. On page 43, the exam is listed simply as "all normal." No exam listed for October 25, 2013, page 44. Contained within the record is a consultation (from another physician) for November 29, 2012, pages 54, 55 and 56, showing a more appropriate office note in regard to completeness and detail. In reviewing the record, I did not see the office note for August 26, 2013. Office visit records for August 2013 were again requested and two pages were subsequently received: a normal Pap dated "collected 8/25/13" and an apparent portion of an office note for 8/26/13 that lacks a "subjective" and "objective" but listed a "plan" for "anxiety & fatigue". There was no office note received pertaining to the collection of the Pap sample. The medical records were inadequate and incomplete. I do see office notes for October 31, 2012, January 10, 2013 or October 25, 2013. This physician should have performed labs in August prior to changing the

patient's thyroid medication in order to obtain a baseline understanding of the patient's level of thyroid replacement. Labs performed on October 2, 2013, show profound hypothyroidism with a TSH of 97 and a free T4 of 0.16. I find that these lab results are not hand-dated and signed by the physician, and I cannot find any information in the record clarifying when (or if) the patient was advised of the results or refuting the patient's complaint that she did not receive the results until she called herself on October 18, to get the result.

5. The physician's diagnosis of the patient was inadequate, incomplete and difficult to follow.

6. Given the level of difficulty communicating between the patient and the physician, the patient should have been referred to endocrinology.

7. Changing the patient from levothyroxine to compounded thyroid replacement was not advisable without baseline labs and close follow-up.

8. The subject did not dispense any inappropriate medications. There is debate within the medical community concerning the proper use of animal-derived thyroid replacement medication versus using levothyroxine or Synthroid. Animal-derived thyroid replacement medication now represents a very small percentage of thyroid prescriptions written.

9. The record keeping is inadequate. The notes on the patient are missing, extremely brief, inadequate, or incomplete. The notes when present lack major portions like "subjective" and "objective" and simple details of physical examination. The office notes suggest a complete lack of attention to detail.

10. I did not receive any billing records.

11. Given the strained relationship, the patient should have quickly been referred to endocrinology to care for her hypothyroidism.

12. I did not receive any expert opinions.

13. Not applicable.

14. The patient's complaint about finding underwear mixed with the cloth gowns is concerning. It is unusual for a physician to personally launder patient medical gowns at their home residence, but I am not aware of the DOH regulations concerning this.

15. Dr. Harrington should have a formal process to address how she receives laboratory results, notifies the patient, and arranges patient follow up. Fortunately, the patient called back within 10 days, avoiding any subsequent serious health consequence.

16. In regard to the patient's concern about HIPAA violation, I do see page 83 appears to be records from a different patient. It is unclear to me whether these were inadvertently filled in the patient's chart or were added to records sent to the Department of Health in the copying process. However, it is possible that page 82, listed as page 2, could be this visit.

Summary: The physician care fell below the standard of care and there were serious medical record issues for what should have been a relatively simple office case. The patient's complaints against this doctor reflect poor doctor/patient relationship, poor communication between the doctor and patient. The physician reportedly is laundering patient gowns for her office at her home residence which is highly unusual. The physician's care plan, medical record keeping and documentation bring up major concerns. The physician's thought process and lack of detail for caring for the patient's hypothyroidism are worrisome. The physician should have performed baseline labs and more frequent lab testing to evaluate the patient's hypothyroidism. The physician does not show documentation of timely follow-up on seriously abnormal lab results. The notes on the patient are missing, extremely brief, inadequate, or incomplete. The office notes when present lack major portions like "subjective" and "objective" and simple details of a

physical examination. The office notes suggest a complete lack of attention to detail and an adequate care plan.

If you have any further questions, please call (407) 766-0882 to schedule a telephone conference.

Sincerely,

A handwritten signature in black ink, appearing to be 'C. Powers, Jr.', written in a cursive style.

Charles Kent Powers, Jr., M.D.

CHARLES K. POWERS, Jr., M.D.
3100 17th Street
St. Cloud, Florida 34769
Telephone (407) 892-6617, FAX (407) 891-9046

Board Certification

American Board of Family Practice
1991, 1998, 2005

Date of Birth

October 5, 1961

License

State of Florida License #ME56498
Expiration 1/31/2015

Current Position

President
Private Practice: Family Practice St. Cloud
D/B/A ProHealth Family Physicians
3100 17th Street, St. Cloud, Florida 34769
7264 Harmony Square Drive, Harmony, Florida
901 East Oak Street, Kissimmee, Florida
7/1991 – Present

Courtesy Clinical Assistant Professor of
Medicine/Family Medicine/Community
Medicine/Nursing
University of Florida 1997 – Present
Florida State University 2001 – Present
University South Florida 2010 – Present

Medical Director
Wound Healing & Hyperbaric Center
2912 17th St. St. Cloud, FL 34769

Active Staff
St. Cloud Regional Medical Center
2906 17th St. St. Cloud, FL 34769

Previous Positions

Chief of Staff/Chairman Leadership
St. Cloud Regional Medical Center
1999-01; 2001-05

Chairman Credential Committee
St. Cloud Regional Medical Center 2007 - 09

Medical Director
St. Cloud Healthcare Center - 1999

Chief, Department of Medicine
St. Cloud Hospital - 1997 - 1999

Emergency Room Physician (part-time)
St. Cloud Hospital (ORHS)
St. Cloud, Fl.34769
01/1991 – 2005

Silver Spurs Rodeo, Rodeo Physician
Kissimmee, Florida 2/1992 - Present

Emergency Room and House Physician
Memorial Hospital – Flagler
Bunnell, Fl 10/1989 – 6/1991

Infield Track Physician
Daytona International Speedway
Daytona Beach, Fl 1/1988 – 6/1991

Cardiac Rehabilitation Program Physician
Halifax Medical Center, Daytona Beach, Fl
6/1989 – 6/1990

Co-Director
Wilker / Powers Center for Clinical Studies
D/B/A: ProHealth Clinical Studies
3100 17th Street, St. Cloud, Florida 34769
1997 – 2012

Training

Family Practice Residency Program
Halifax Medical Center, Daytona Bch, FL
7/88 – 6/91

Education

Doctorate of Medicine
University of Alabama School of Medicine
Birmingham, AL 6/1984 – 6/88

Postgraduate: Psychology
University of Alabama at Birmingham
Birmingham, AL 1983

B.S. Major: Biology and Chemistry
Troy University, Troy, AL 7/1979 – 6/83

Military

U.S. Army Medical Corps – COL
US Army Reserves 1989 – Present
Commander 7235th MSU 2009-12
Operation Iraqi Freedom War Veteran
Operation Enduring Freedom

Memberships

Fellow American Academy of Family Practice 99
Florida Academy of Family Practitioners
Amer. Assoc. for the Study of Headache 1999
National Stroke Association 1999-2000
Florida Medical Association 2002-03, 2003-04

Publications

Manuscript: Evaluation of Migraineurs' for
Preferences for Naratriptan over Conventional
First Line Agents
American Family Medicine
2000; 9:753-757

Poster: Reasons for Preferring Naratriptan as
First Line for Migraine Therapy, AASH 6/12/99
Headache Update - 7/21/99

Awards

Orlando/Osceola Sentinel, Readers Choice Award
Overall Doctor - 1995, 2005
Who's who in Medicine and HealthCare - 2002
Army Commendation Medal, AAM

Powers C.
March 20, 2013

Mission:

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Governor

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

Vision: To be the Healthiest State in the Nation

PERSONAL AND CONFIDENTIAL

February 24, 2013

Abbason & Associates, Inc.
% Kim Mullian
127 W. Fairbanks Avenue, #452
Winter Park, FL 32789

RE: DOH v. Jane M. Harrington MD; Complaint No. 2013-17313

Dear Expert,

Thank you very much for agreeing to review the above referenced case. The Department of Health is currently reviewing allegations that the medical professional referenced above may have failed to provide appropriate medical care such as is expected of a medical practitioner in the State of Florida.

Please review this case and return your opinion within 30 calendar days from receipt of the file. If you are unable to complete your review within the requested timeframe, please call me at (850) 245-4444, ext. *8157.

REVIEW MATERIALS

The following materials are being provided by the Department for your review:

Final Investigative Report dated 06/28/2013, Exhibits 1-10

If you cannot read any material parts of the medical records or information provided, or if additional information (interviews, medical records, X-rays, etc.) is required before you can render an opinion, please send me an email (tony_hannah@doh.state.fl.us) or fax (850-245-4684, outlining your needs.

AFTER YOUR REVIEW

Please sign your opinion and mail it along with the original Work Authorization and Invoice form to my attention at the address below.

Department of Health - Prosecution Services Unit
Attention: Tony Hannah
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265

You should retain this letter and the enclosed materials pending notification from the Department regarding the disposition of this matter. The exception to this is that any x-rays, slides, videos, or photographs that accompanied the case should be returned to DOH with your opinion.

Please be advised that your testimony may be needed at a later date should a formal hearing be necessary to resolve the allegations in this case. You will be notified first of the decision by the Panel and second, if an Administrative Complaint is filed, by the litigation attorney assigned to the case.

CONFIDENTIALITY

Materials submitted are confidential and should not be discussed with anyone except members of the Department legal staff, unless prior approval from the Department is secured. Should any other party contact you regarding this case, please contact me immediately.

The Department would like to thank you in advance for your time and effort spent in the review of this matter.

Sincerely,

Tony Hannah
Administrative Assistant
Prosecution Services Unit
Expert Witness Office

Case Name: Jane M. Harrington MD;
Complaint No. 2013-17313

REPORT GUIDELINES

Your opinion should be prepared on letterhead and include your name and best contact information (should the need arise for follow-up questions or discussion of your review) and the case name and number.

The patients name is confidential - use only the initials of the patient any time a reference to the patient is required in your report or any future correspondence.

Identify any publications/written material used in reaching your opinion and include a copy of such material with your completed opinion.

Do not include a penalty recommendation.

QUESTIONS

Before answering the following questions, please provide a brief but adequately detailed overview of the patient's condition and the treatments and evaluations provided by the Subject. Such an overview should include discussion of the examination, diagnostic testing, diagnosis, and treatment that were utilized in the care of this patient.

1. Do you know the Subject, the Complainant, and/or have direct knowledge of the circumstances surrounding this case? If during the course of your review, you discover any direct or indirect knowledge of the Subject, the Complainant, and/or circumstances surrounding this case, you must cease your review and call Tony Hannah at (850) 245-4444, ext. *8157 immediately.
2. Do you currently perform or have you performed within the last year, the examination/test/procedure/etc. or prescribe the medications that are at issue in this case? Did you perform the examination/test/procedure/etc. or prescribed the medications that are issue in this case at the time the incident occurred? If you do not currently perform the examination/test/procedure/etc., or have not done so within the last year or at the time of the incident in question, you must cease your review and call Tony Hannah at (850) 245-4444, ext. *8157 immediately.

For the following questions, the Boards have requested that references to medical records should include a citation to the page number relied upon in forming your opinion and a copy of the referenced medical records should be submitted with your completed opinion.

3. Did the Subject meet the applicable standards of care outlined in the Florida Statutes in his/her examination, diagnosis, and treatment of the patient?

If in your opinion the Subject fell below the standard of care, please state what the standard of care requires under the circumstance(s) and be specific as to what the Subject should have done and why. Please make sure to include what the Subject failed to do

4. Did the Subject adequately assess the patient's complaints and symptoms? Was a complete assessment of the patient's condition completed to include appropriate lab testing, x-rays and examinations? Was a complete and proper history and physical examination documented by the Subject? Please explain in detail your answer to this question.
5. Was the Subject's diagnosis of the patient's condition appropriate, adequate, accurate, and timely? Please explain in detail your answer to this question.
6. Did the patient's complaints/condition call for the use of specialized consultations for diagnosis and/or treatment? If so, did the Subject appropriately and timely refer the patient for such consultations? Please explain in detail your answer to this question.
7. Was the appropriate plan or treatment for the patient's condition identified and pursued by the Subject? Please explain in detail your answer to this question.
8. Did the Subject prescribe, dispense, inject, or administer legend drugs or any substance to the patient that was inappropriate, in an inappropriate manner, or in excessive or inappropriate quantities? Please explain in detail your answer to this question.
9. Do the medical records maintained by the Subject accurately and completely document and justify the course of treatment utilized in the care of the patient? Is the patient's history and examination complete? Are all test results, records of drugs prescribed, dispensed or administered, and reports of consultation and/or hospitalization included in the patient's medical records? Are there any identifiable deficiencies or problems with the medical records maintained by the Subject? Are Subject's entries in the medical records legible? Please explain in detail your answer to this question.
10. Do the billing records (if enclosed) for services provided reflect appropriate tests/testing? Are fees within acceptable range? Is there any indication of fraud in the practice of medicine? Please explain in detail your answer to this question.
11. What other steps, if any, could Subject have taken to deal with this problem more effectively? Please explain in detail your answer to this question.
12. Please comment on Subject's response or expert opinion on behalf of Subject if included in the materials for your review.
13. A formal response from Dr. Harrington regarding the alleged interactions between her and this patient's complaint.
14. Explanation to the behavioral complaint that is brought forth by the patient.
15. The statement on handling of patient's laboratory results.
16. Clarification of the apology that was forwarded to that patient.

After you have answered the above questions, please add a CONCLUSION/SUMMARY, which clearly states whether the Subject failed to meet or met the required standard of care or the requirements established by Florida or Federal law.

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regulatory board in its investigation, prosecution, and appeal of disciplinary proceedings. The
records shall not be available to the public as part of the record of investigation for and
prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.



STATE OF FLORIDA

DEPARTMENT OF HEALTH



INVESTIGATIVE REPORT

Office: Area VIII-Fort Myers	Date of Case: 11/4/2013	Case Number: 201317313
Subject: JANE MARGARET HARRINGTON, MD 720 Banyan Blvd Naples, Fl. 34102 (239) 285-6630	Source: DM	
Related Case(s): None	Date and Type of Report: 07/15/2014 SUPPLEMENTAL-1	

Alleged Violation: 458.331(1)(g)(q)(t)(nn); and 456.072(1)(k)(dd)(gg) F.S.

Synopsis: This investigation is predicated upon a receipt of a request from IRENE LAKE, Program Operations Administrator, requesting additional patient medical records, received July 14, 2014.

INVESTIGATOR NOTE: On July 15, 2014 at 10:35am, Investigator DIANE DIROCCO contacted JANE HARRINGTON'S office to confirm the receipt for additional patient records. Investigator DIROCCO spoke with KAREN who stated she was in receipt of the request from the "investigative services." KAREN asked if only one office visit was needed. Investigator DIROCCO confirmed the date of August 26, 2013. KAREN reviewed DM's file and stated DM did present to HARRINGTON on that date for a pap smear. KAREN stated she would provide the record by the end of the day.

Exhibits:

- S1-1: Request for additional patient records.....p.2
- *S1-2: Request to JANE HARRINGTON, MD, for DM's patient records with certification from August 26, 2013, dated July 14, 2014.....pp 3-8
- *S1-3: Additional records for DM received from HARRINGTON on July 15, 2014.....pp 9-15

* Exhibits contain information which identifies patient(s) by name and are sealed pursuant to section 456.057(9)(a) Florida Statute.

Investigator/Date: 7/15/14 <i>Diane R. DiRocco</i> Diane R. DiRocco, Medical Quality Assurance Investigator, Fi76	Approved By/Date: 7/14/14 <i>Judy Nichols</i> Judy Nichols Investigations Manager, Fi58
--	--

Distribution: HQ/ISU Page 1

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14 JUL 17 AM 9:11

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Rick Scott
Governor

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

Vision: To be the Healthiest State in the Nation

PSU REQUEST FORM

FROM: Irene Lake, POA for _____, Esq.	TO: ISU Diane DiRocco
Date: 07/14/2014	TO: CSU
Phone #: 850-245-4660	CC: Judy Nichols

Case Number: 2013-17313	Board: ME	Status: 67
Subject: Jane M. Harrington, MD	HL Code: hl87b	
Requested Completion Date: 8/15/14		

(PSU) TYPE OF REQUEST: (describe details below)

Process Service* (**Activity Code 160**)

Additional Information Requested (**Activity Code 145**)

Deficiency in Investigative Work (**Activity Code 150**)

Details: The patient indicates that she presented to the Subject on August 26, 2013. The expert has requested office records for this visit.

*The following additional information is needed for each service request:

Last Known Address _____ Last Known Name & Phone Number: _____

Last Known Place of Employment & Address if Known: _____

Has Contact Been Made With This Individual? YES No ; If Yes, When? _____

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Was this case originally worked by CSU or in an area office different from where this service request is being sent? YES ** No NOTE: All process service requests need to be sent to appropriate field office.

****IF YES, please send a copy of the original Investigative Report without attachments.**

(ISU/CSU) RESPONSE:

Process Service Completed (Activity Code 161) Process Service NOT Completed (Activity Code 162)

Additional Info Sent to Legal (Activity Code 156)

Supp. Investigation Request Cancelled (Activity Code 157)

Email to:

<u>Pensacola</u>	<u>Tallahassee</u>	<u>Alachua</u>	<u>Jacksonville</u>	<u>St. Pete</u>	<u>Tampa</u>	<u>Orlando</u>	<u>Ft. Myers</u>	<u>West Palm</u>	<u>Ft. Lauderdale</u>	<u>Miami</u>
	<u>Consume</u>									
	<u>Services</u>	<u>ULA</u>								

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prosecution in disciplinary proceedings made available to the public by the department or the
appropriate board.



STATE OF FLORIDA

DEPARTMENT OF HEALTH

INVESTIGATIVE REPORT

Office: Ft. Myers		Date of Case: 11/04/2013		Case Number: ME 2013-17313	
Subject: JANE MARGARET HARRINGTON, MD 720 Banyan Blvd Naples, Fl. 34102 (239) 285-6630			Source: DM		
Prefix: ME	License #: 95540	Profession: Medical Doctor	Board: Medicine	Report Date: 1/3/2014	
Period of Investigation: 11/18/2013 – 1/3/2014			Type of Report: FINAL		
<p>Alleged Violation: 458.331 (1) The following acts constitute grounds for denial of a license or disciplinary action... (g) Failing to perform any statutory or legal obligation... (q) Prescribing, dispensing, administering, mixing, or otherwise... (t) Notwithstanding... (nn) Violating any provision of this chapter or chapter 456... 456.072 (1) The following acts shall constitute grounds for which the disciplinary actions... (k) Failing to perform any statutory or legal obligation placed upon a licensee... (dd) Violating any provision of this chapter... (gg) Engaging in a pattern of practice when prescribing medicinal drugs...</p> <p>Synopsis: This investigation is predicated upon a receipt of a report, case summary and attachments (exhibit #1) submitted by DM (59yoa/female) alleging that JANE MARGARET HARRINGTON MD, in Naples, provided substandard care from August 2013 through October 2013. DM alleged that HARRINGTON failed to disclose the outcome of laboratory testing in a timely manner resulting in DM not receiving the appropriate care needed to resolve her medical issues. DM requested additional testing be performed and HARRINGTON refused and discharged DM from her care.</p> <p>HARRINGTON was notified of the investigation by letter, dated November 18, 2013 (Exhibit #2) and was provided the case summary and attachments (Exhibit #1).</p> <p>A department computer records revealed HARRINGTON is currently licensed as a medical doctor; with clear and active status.</p> <p>The source of the case is the patient; therefore a patient notification letter was not required.</p> <p>HARRINGTON is not represented by an attorney at the time of this report.</p> <p>HARRINGTON denied the allegations of providing substandard care to DM.</p>					
Related Complaint(s): None					
Investigator/Date: 1/3/2014 <i>Diane R. DiRocco</i> Diane R. DiRocco Medical Quality Assurance Investigator, FI76			Approved By/Date: <i>1-8-14</i> <i>Judy Nichols</i> Judy Nichols Investigation Manager, FI58		
Distribution: HQ/ISU					Page 1

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JAN 17 AM 5:13

Received
Investigative Services
JAN 16 2014
DOWNS
Tallahassee, FL

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* 3. Copy of Status 30 letter, dated November 19, 201321

* 4. Copy of request for DM'S medical records from JANE HARRINGTON MD, dated November 22, 2013..... 22 - 27

* 5. DM's medical records received from HARRINGTON MD, on November 22, 2013.... 28 - 80

* 6. Copy of fax received on November 26, 2013, from DM containing additional information regarding complaint..... 81 - 83

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***EXHIBITS CONTAIN INFORMATION WHICH IDENTIFIES PATIENT(S) BY NAME AND ARE SEALED PURSUANT TO SECTION 456.057(10)(a), FLORIDA STATUTES**

****These records are sealed pursuant to Section 456.057(10)(a), Florida Statutes and copies of same are not maintained in the Ft. Myers Investigative Services office**

*****This exhibit contains confidential records concerning reports of abuse, neglect or exploitation of the vulnerable adult, including reports made to the central abuse hotline, and is sealed pursuant to section 415.107(1), Florida Statutes**

INVESTIGATIVE DETAILS**SUMMARY OF EXHIBITS/RECORDS/DOCUMENTS**

Exhibit 1 is the case summary and attachments. Attachments include patient statement and medical records.

Statement of DM: DM stated her concerns for substandard medical care provided to her by JANE MARGARET HARRINGTON, MD that is a violation of infection control putting patients at risk; as well as patient neglect and abandonment.

On August 26, 2013, DM presented to HARRINGTON for a routine PAP (Papanicolaou test); during that visit, DM started to change into a gown when a pair of underwear fell from the gown. DM assumed it was a dirty gown and she got another clean gown. DM stated there was a medical student present at the time of the examination. DM said she advised HARRINGTON of what happened with the gown and HARRINGTON seemed irritated with DM. According to DM, HARRINGTON advised her that she washes the gowns at her home and somehow HARRINGTON'S personal laundry was mixed in the gowns. HARRINGTON assured DM that the gowns are clean.

DM stated at the visit of August 26, 2013, she complained of back pain to HARRINGTON and requested a MRI (magnetic resonance imaging) be performed. DM stated she also discussed thyroid issues and the need for laboratory testing of her thyroid. DM said HARRINGTON discussed homeopathic thyroid medication, at the request of DM, and instructed her to wean off the prescribed thyroid medication. At this time, HARRINGTON did not order laboratory testing of the thyroid.

DM stated in September 2013, DM called HARRINGTON'S office saying she is increasingly feeling ill and requested a prescription for laboratory work to be mailed to DM. On October 2, 2013 DM presented for laboratory testing for her thyroid. DM stated she had to call HARRINGTON'S office on October 18, 2013 to inquire about the results of her blood testing and stated she was feeling worse. DM stated HARRINGTON called the next day, stating DM'S TSH (thyroid stimulating hormone) level was 97.4 and should not be over 4. HARRINGTON advised DM that "they had to talk" and gave DM an appointment a week later.

On October 25, 2013 presented to HARRINGTON for the laboratory review of the thyroid testing. DM stated she felt that HARRINGTON should have contacted her as soon as there was an indication of a medical problem with her TSH level being so high. DM stated HARRINGTON did not want to repeat the thyroid testing because it would cost HARRINGTON \$800.00. DM stated her insurance would have paid for the testing to be repeated, not HARRINGTON. DM stated she had to ask HARRINGTON for a prescription for thyroid medication as HARRINGTON was walking out the door. DM said HARRINGTON provided her sample thyroid medication that was the incorrect dosage needed by DM. DM stated HARRINGTON'S response was that she did not have any "150mg" and stated "do not bill this patient for the visit."

DM stated she was very upset that she was leaving HARRINGTON'S office without the correct medication. DM stated she had to ask the office manager to call in a prescription to DM'S

pharmacy. DM stated that the office manager apologized for the medication not being ordered by HARRINGTON.

According to DM, HARRINGTON had left several voice messages on DM'S telephone admitting she was at fault and that HARRINGTON'S anger was misdirected and that DM misunderstood HARRINGTON.

Exhibit 2 is a copy of Notification letter, dated November 18, 2013.

Exhibit 3 is a copy of the Status 30 letter, dated November 19, 2013.

Exhibit 4 is the request for DM'S medical records from JANE HARRINGTON MD, dated November 22, 2013.

Exhibit 5 is DM'S medical records received from HARRINGTON on November 22, 2013.

Medical Records Contain: Office notes revealed: On October 31, 2012, DM presented to HARRINGTON as a new patient. DM stated she suffers from chronic fatigue. DM provided laboratory testing reviewed from previous provider.

On October 23, 2013, DM presented to HARRINGTON again, as a new patient. Records from 2013 contain: Patient information form completed by DM; acknowledgement of receipt of notice of privacy practices signed by DM on October 23, 2013; history and physical of DM dated November 23, 2013; and a copy of MRI (magnetic resonance imaging) performed at Radiology Regional Center dated August 29, 2013 with findings of multilevel degenerative disc disease with disc protrusions. A copy of a MRI of the lumbar spine without contrast, dated July 17, 2012, ordered by another provider was included and the results revealed lumbar spine demonstrating moderate left and mild to moderate right neural foraminal stenosis at L4-L5 secondary to grade 1 anterolisthesis, a mild broad-based disk bulge, as well as advanced facet and ligamentum flavum hypertrophy.

HARRINGTON'S Office Visit Notes from January 10, 2013 through October 25, 2013.

Copies of Laboratory testing of thyroid from previous provider dated January 27, 2012; laboratory thyroid testing dated February 3, 2012; copy of complete blood count testing dated January 27, 2012; copy of complete blood count testing dated September 14, 2012.

Copies of Laboratory testing, complete blood count, ordered by HARRINGTON dated October 24, 2012; and additional laboratory testing performed on November 1, 2012.

Copy of report, dated November 29, 2012 from Florida Cancer Specialists for consultation requested by HARRINGTON of DM'S Macrocytosis Monoclonal Gammopathy and Fatigue/ Malaise: MD presented to Florida Cancer Specialist for hematological evaluation due to exhaustion, dry itchy skin, shortness of breath, and muscle and joint pain. Examination revealed mildly elevated MCV (mean cell volume) that can be associated with anemia secondary to vitamin B12 or folic acid deficiency. DM is receiving monthly B12 injections. Another possible explanation for the elevated count is that DM drinks 2 to 3 glasses of wine per day.

Copy of normal EKG taken on January 10, 2013 at HARRINGTON'S office.

Copy of mammogram screening ordered by HARRINGTON on February 11, 2013. No mammographic evidence of malignancy.

Copy of Pap Smear ordered by HARRINGTON on August 28, 2013, results were negative.

On January 10, 2013, DM presented complete physical examination-examination stated all normal, no rectal masses; patient diagnosis: Thyroiditis. Medications prescribed for thyroid condition and depression.

On October 25, 2013, DM presented to HARRINGTON upset and needed medication; record reflexed the "office dropped the ball" DM was given medication samples and prescription for Synthroid. On October 31, 2013, DM presented to HARRINGTON

Exhibit 6 is a fax received from DM containing additional information regarding the complaint. Copy of visit copy provided by DM, had another patient's information charted in DM'S file. It was not dated but clearly another patient.

Exhibit 7 is the confidential index.

INTERVIEW OF DM (PATIENT/SOURCE)

On November 26, 2013, Investigator DIANE DIROCCO telephonically interviewed DM. DM stated she did not have any additional information to add to her complaint; however, DM stated that she wanted to add that HARRINGTON also violated HIPPA (Health Insurance Portability and Accountability Act). DM stated that HARRINGTON provided her patient documentation with another patient's name on her file. DM stated she brought it to the attention of HARRINGTON who made "light of it" by saying "we are both medical professionals."

DM stated she was stunned with the lack of concern and medical care she received from HARRINGTON. DM stated that she has found another physician to treat her hypothyroidism and had an appointment in the beginning of December, and hoped to get her thyroid under control and back to normal levels. DM stated she would provide that physician's information at a later date.

INTERVIEW OF JANE MARGARET HARRINGTON, MD (LICENSE #95540)

Employment:
720 Banyan Blvd
Naples, Fl. 34102
(239) 285-6630

On November 26, 2013, Investigator DIANE DIROCCO telephonically interviewed JANE MARGARET HARRINGTON, MD. HARRINGTON stated that "there is her side of the story, the patient's side of the story, and the truth is somewhere in the middle."

HARRINGTON stated there was no medical student present as DM indicated in her complaint. HARRINGTON said if she has a patient that is unruly she will have another staff member present during a patient's examination. HARRINGTON stated that the laboratory had repeated the thyroid testing on October 2, 2013 and that is noted on the laboratory itself; HARRINGTON stated that is

why she did not have the test repeated. HARRINGTON told Investigator DIROCCO to read the laboratory results of that information is noted on the results.

Investigator DIROCCO asked HARRINGTON what her policy and procedure was regarding contacting patients with testing results. HARRINGTON stated if there are abnormal results, she will contact the patient and request the patient come into the office to discuss the results. HARRINGTON began to get irritated with Investigator DIROCCO attempting to ask a question. HARRINGTON answered Investigator DIROCCO by stating it is her policy to call the patient to come into the office to discuss the results.

HARRINGTON went on discussing DM'S laboratory results and told Investigator DIROCCO not to comment. HARRINGTON did not allow Investigator DIROCCO to ask many more questions. HARRINGTON stated that DM is not qualified to make a determination or conclusions that she provided substandard care. HARRINGTON stated that DM was fired from her job at her former employer and questioned DM'S ability to perform as a social worker.

HARRINGTON stated she is busy and now has to take the time to defend her license. HARRINGTON stated she would provide a written statement and that she is going through the complaint and answering each allegation.

INVESTIGATOR NOTE: The laboratory report dated November 1, 2013 that HARRINGTON had referred to being repeated by the laboratory itself sent to HARRINGTON a partial report then the final report. The reports do not indicate the report was repeated twice by the laboratory.

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Rick Scott
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John H. Armstrong, MD, FACS
State Surgeon General & Secretary

Vision: To be the Healthiest State in the Nation

November 18, 2013

CONFIDENTIAL TO:

JANE MARGARET HARRINGTON
720 Banyan Blvd
Naples Florida 34102

Case Number: 2013-17313

Dear Dr. Harrington:

We are currently investigating the enclosed document received by the Department of Health. This investigation was initiated after it was determined that you may have violated your Practice Act.

Within **45 days** of receiving this letter, you may:

- * submit a **written response** to the address below; or
- * call our office to schedule an **interview at 239-344-0898**

Please provide a copy of your **curriculum vitae** and identify your **specialty** even if you choose not to submit a response. Include the above-referenced case number in any correspondence that you send.

Florida law requires that this case and all investigative information remain confidential until 10 days after the Probable Cause Panel has determined that a violation occurred or you give up the right to confidentiality. Therefore, the contents of the investigation cannot be disclosed to you or the general public. You may make a written request for a copy of the investigative file and it will be sent to you when the investigation is complete. You may submit an additional written response to the information in the investigative file within 45 days of receipt.

You are not required to answer any questions or give any statement, and you have the right to be represented by an attorney. It is not possible to estimate how long it will take to complete this investigation because the circumstances of each investigation differ.

The mission of the Department of Health is to protect, promote & improve the health of all people in Florida through integrated state, county and community efforts. If you have any questions please call us at (239)344-0898. In addition, if you have any concerns or suggestions about our complaint process, please fill-out our *Customer Concerns or Suggestions* form at www.floridashealth.com/mqa/survey.html.

Sincerely,

Diane R. DiRocco
Medical Quality Assurance Investigator

/DRD

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10)(a)All patient records obtained by the department and any other documents
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