

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**PETITIONER,**

**v.**

**CASE NO. 2012-01987**

**JOHN LUTHER LENTZ, JR., M.D.,**

**RESPONDENT.**

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**ADMINISTRATIVE COMPLAINT**

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

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

2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 82437.

3. Respondent's address of record is 15200 Emerald Coast Parkway, St. Maarten Unit 506, Destin, Florida 32541.

4. At all times material to this Complaint, Respondent was Board certified in Family Medicine.

5. On or about March 20, 2011, S.H. contacted the Respondent by e-mail regarding her twenty-three year old daughter, C.H.

6. On or about March 20, 2011, C.H. was a chiropractic student at Life University, located in Marietta, Georgia.

7. On or about March 20, 2011, S.H. informed the Respondent that C.H. had tested negative for Lyme disease during the previous week.

8. On or about March 20, 2011, the Respondent requested a copy of the Lyme disease test results of C.H. from S.H.

9. The Respondent received a copy of C.H.'s negative Lyme disease test report from blood collected on or about March 16, 2011.

10. On or about March 22, 2011, the Respondent documented his assessment of patient C.H. as Lyme disease and chronic fatigue syndrome. Lyme disease is an infectious disease caused by the bacteria *Borrelia burgdorferi*.

11. On or about March 22, 2011, the Respondent, prescribed CD57, C3a, C4a, and eosinophilic cationic protein laboratory tests of patient C.H.'s blood.

12. During all times material to this complaint, Respondent did not prescribe an immunoassay test or a Western blot test for *Borrelia burgdorferi* to patient C.H.

13. On or about April 18, 2011, the Respondent prescribed the antibiotics Omnicef (cefdinir) and azithromycin to patient C.H.

14. On or about April 25, 2011, patient C.H. presented to the Respondent in his office for examination for the first and only time.

15. On or about April 25, 2011, the Respondent added the antibiotic Flagyl (metronidazole) and Interfase Plus Prothera, an enzyme formulation, to patient C.H.'s medications.

16. On or about June 10, 2011, the Respondent, prescribed CD57, C3a, C4a, and eosinophilic cationic protein laboratory tests of patient C.H.'s blood.

17. On or about July 2, 2011, the Respondent diagnosed patient C.H., with Babesiosis. Babesiosis is a parasitic disease of the blood caused by infection with *Babesia*.

18. Babesia infection is diagnosed by identification of Babesial parasites in a blood smear or by PCR amplification of Babesial DNA.

19. During all times material to this complaint, Respondent did not prescribe a blood smear examination for Babesial parasites or PCR amplification for Babesial DNA for patient C.H.

20. On or about July 9, 2011, the Respondent added Artemesin (artemesinin, an antimalarial), Hepapro (nutritional supplement), Mepron (atovaquone, an antiparasitic), heparin injections (anticoagulant), magnesium oxide (antacid, laxative, dietary supplement), and omega 3 fatty acids to patient C.H.'s treatment.

21. On or about July 12, 2011, patient C.H. presented to J.R., M.D., in Atlanta, Georgia.

22. On or about July 12, 2011, patient C.H. reported the Respondent's diagnoses of Lyme disease and Babesiosis to Dr. J.R.

23. On or about July 12, 2011, patient C.H. underwent Western blot blood analysis for Lyme disease ordered by Dr. J.R.

24. On or about July 14, 2011, the Western blot test result was negative.

25. At all times material to this Complaint, Patient C.H. did not have a medical condition that justified the antibiotic therapy prescribed by the Respondent.

26. Respondent prescribed inappropriate antibiotics in excessive amounts for inappropriate periods of time to patient C.H.

27. At all times material to this Complaint, patient C.H. did not have a medical condition that justified the Respondent prescribing the anticoagulant heparin.

28. Respondent inappropriately prescribed heparin to patient C.H.

29. At all times material to this Complaint, patient C.H. did not have a medical condition that justified the Respondent prescribing antimalarial medication to patient C.H.

30. Respondent inappropriately prescribed antimalarial medication to patient C.H.

31. At all times material to this Complaint, patient C.H. did not have a medical condition that justified the Respondent prescribing antiparasitic medication to patient C.H.

32. Respondent inappropriately prescribed antiparasitic medication to patient C.H.

33. At all times material to this Complaint, patient C.H. did not have a medical condition that justified the Respondent prescribing enzyme formulations, supplements, antacids, and/or laxatives to patient C.H.

34. Respondent inappropriately prescribed enzyme formulations, supplements, antacids, and/or laxatives to patient C.H.

35. Respondent did not refer patient C.H. to a specialist in the diagnosis and treatment of infectious diseases such as Lyme disease and Babesiosis at any time during Respondent's care and treatment of patient C.H.

36. The standard of care required Respondent to obtain an immunoassay test and/or a Western blot test that provided objective laboratory test results confirming the presence of *Borrelia burgdorferi* antibodies to make an evidence based diagnosis of Lyme disease, obtain objective laboratory test results identifying Babesial parasites in a blood smear or by PCR amplification of Babesial DNA to make an evidence based diagnosis of Babesiosis, refer patient C.H. to an infectious diseases specialist for evaluation of patient C.H. and, if confirmed, the treatment of Lyme disease and/or Babesiosis, and not prescribe the antibiotics,

antimalarial, antiparasitic, anticoagulant heparin, antacids, laxatives, enzyme formulations, and supplements as prescribed by the Respondent.

### **COUNT I**

37. Petitioner re-alleges paragraphs one (1) through thirty-six (36) as if fully set forth herein.

38. Section 458.331(1)(t), Florida Statutes (2010-2011), provides that committing medical malpractice as defined in Section 456.50, Florida Statutes, constitutes grounds for disciplinary action by the Board of Medicine. The Board shall give great weight to the provisions of Section 766.102, Florida Statutes, when enforcing Section 458.331(1)(t), Florida Statutes. Medical Malpractice is defined in Section 456.50, Florida Statutes, as the failure to practice medicine in accordance with the level of care, skill, and treatment recognized in general law related to health care licensure. Section 766.102, Florida Statutes, provides that the prevailing professional standard of care for a given health care provider shall be that level of care, skill, and treatment which, in light of all relevant surrounding circumstances, is recognized as acceptable and appropriate by reasonably prudent similar health care providers.

39. Respondent failed to practice medicine with 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 in violation of Section 458.331(1)(t), Florida Statutes (2010-2011), in the care and treatment of patient C.H. in one or more of the following ways:

- a. By diagnosing Lyme disease without objective laboratory test results from immunoassay test and/or a Western blot test;
- b. By diagnosing Babesiosis without objective laboratory test results from a blood smear examination for Babesial parasites or PCR amplification for Babesial DNA;
- c. By prescribing inappropriate and excessive antibiotic therapy without medical justification;
- d. By prescribing the anticoagulant heparin without medical justification.
- e. By prescribing antimalarial medication without medical justification;

- f. By prescribing antiparasitic medication without medical justification;
- g. By prescribing antacids, laxatives, enzyme formulations, and supplements without medical justification;
- h. By failing to obtain a complete medical history;
- i. By failing to perform adequate physical examinations; and/or
- j. By failing to refer patient C.H. to specialists.

40. Based on the foregoing, Respondent has violated Section 458.331(1)(t), Florida Statutes (2010-2011), by committing medical malpractice.

### **COUNT II**

41. Petitioner re-alleges paragraphs one (1) through thirty-six (36) as if fully set forth herein.

42. Section 458.331(1)(m), Florida Statutes (2010-2011), 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.

43. On or about the date set forth above, Respondent failed to keep medical records that justified the course of treatment of patient C.H. in one or more of the following ways:

- a. By failing to document a complete medical history;
- b. By failing to document adequate physical examinations;  
and/or
- c. By failing to document referrals to specialists.

44. Based on the foregoing, Respondent violated Section 458.331(1)(m), Florida Statutes (2010-2011), by failing to keep medical records that justified the course of treatment of patient C.H.

### **COUNT III**

45. Petitioner re-alleges and incorporates paragraphs one (1) through four (4) as if fully set forth herein.

46. Respondent provided care and treatment to patient C.H. from on or about March 20, 2011, to on or about June 9, 2011.

47. On or about March 22, 2011, Respondent suspected patient C.H. had Lyme disease.

48. On or about March 22, 2011, Respondent diagnosed patient C.H. as having Lyme disease.

49. Section 381.031(1), Florida Statutes (2010-2011), provides, in part, that any practitioner licensed in this state to practice medicine that diagnoses or suspects the existence of a disease of public health significance shall immediately report the fact to the Department of Health.

50. Rule 64D-3.029, Florida Administrative Code, provides, in part, that Lyme disease is a disease of public health significance that must be reported the next business day.

51. Respondent failed to timely report Respondent's diagnosis or suspicion of Lyme disease for patient C.H. to the Department of Health.

52. Section 458.331(1)(g), Florida Statutes (2010-2011), provides that failing to perform any statutory or legal obligation placed upon a licensed physician licensed under Chapter 458 constitutes grounds for disciplinary action by the Board of Medicine.

53. Based on the foregoing, Respondent violated Section 458.331(1)(g), Florida Statutes (2010-2011), by violating Section 381.031(1), Florida Statutes (2010-2011), and Rule 64D-3.029, Florida Administrative Code.

WHEREFORE, 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 8 day of November, 2013.

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

  
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JBF/ks

PCP Date: November 8, 2013

PCP Members: Dr. Avila, Dr. Orr, and Ms. Goersch

## **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.**