



KENNETH HOELTERHOFF AND MARGARET HOELTERHOFF v. D. L. VIGDERMAN

375 So. 2d 575 (1979) | Cited 0 times | District Court of Appeal of Florida | May 18, 1979

This is an appeal from an order dismissing with prejudice the appellants' fifth amended complaint. Despite the verbiage and conclusions, this complaint alleges at a minimum the following facts: Dr. D. L. Vigderman was called in as a consulting osteopathic physician to examine and treat for compensation Lawrence F. Hoelterhoff, a minor. He improperly diagnosed the patient's condition and negligently directed the administration of insulin and an excessive amount of dextrose, both of which were contraindicated by the patient's symptoms. He also negligently prescribed an excessive amount of enumerated drugs and too great a volume of liquid over a short period of time. Dr. Vigderman's improper diagnosis and treatment constituted a departure from the applicable standard of care, and the foregoing medications directly resulted in convulsions and other injuries permanent in nature. These allegations were sufficient to state a cause of action for malpractice. See *Balbontin v. Porias*, 215 So.2d 732 (Fla.1968).

REVERSED.

GRIMES, C. J., and SCHEB and RYDER, JJ., concur.

ON MOTION FOR REHEARING

Per Curiam.

Appellee contends that because there was no allegation of the specific malady actually suffered by the patient, the fifth amended complaint failed to state a cause of action for erroneous diagnosis under the rationale of *Hill v. Boughton*, 146 Fla. 505, 1 So.2d 610 (1941). Assuming the principles of *Hill* are still applicable despite the liberalizing of pleading standards which has occurred since 1941, the subject complaint, nevertheless, contained sufficient allegations of negligent treatment to withstand a motion to dismiss.

Motion denied.

GRIMES, C. J., and SCHEB and RYDER, JJ., concur.

