

FILED

Department of Professional Regulation
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

S. Wilson

DEPARTMENT OF PROFESSIONAL
REGULATION,

CLERK _____

Petitioner,

DATE 2-12-92

v.

DPR CASE NUMBER: 90-08466
LICENSE NUMBER: ME 0003956

DANIEL O. HAMMOND, M.D.,

Respondent.

_____ /

FINAL ORDER

THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on February 8, 1992, in Ft. Lauderdale, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Consent Agreement.

This Final Order takes effect upon filing with the Clerk of the Department.

DONE AND ORDERED this 8th day February, 1992.

BOARD OF MEDICINE



ZACHARIAH P. ZACHARIAH, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been provided by certified U.S. Mail to Daniel O. Hammond, M.D., P.O. Box 530702, Miami, Florida 33153 and Lee Sims Kniskern, Esquire, 100 Almeria Avenue, Suite 360, P.O. Box 144635, Coral Gables, Florida 33114-4635 and by interoffice delivery to Larry G. McPherson, Jr., Chief Medical Attorney, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this _____ day of _____, 1992.

DOROTHY J. FAIRCLOTH
Executive Director

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

v.

DPR CASE NO. 90-08466

DANIEL O. HAMMOND, M.D.,

Respondent.

CONSENT AGREEMENT

Daniel O. Hammond, M.D., referred to as the "Respondent," and the Department of Professional Regulation, referred to as "Department," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 0003956.
2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.
3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. FINE. The Board shall impose an administrative fine in the amount of \$1,500.00 against the Respondent. The fine shall be paid by the Respondent to the Executive Director of the Board within sixty (60) days of its imposition by Final Order of the Board.

3. REPRIMAND. The Respondent shall receive a reprimand from the Board of Medicine.

4. OBLIGATIONS. Respondent shall within thirty (30) days of the filing of the Final Order of the Board in this case enter into a contract with the Physician's Recovery Network and comply with the terms thereof.

5. It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

6. Respondent shall appear before the Board at the meeting of the Board where

this Agreement is considered. Respondent, in conjunction with the consideration of this Agreement by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff.

7. Should this Agreement be rejected, no statement made in furtherance of this Agreement by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment purposes.

8. Respondent and the Department fully understand that this joint Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

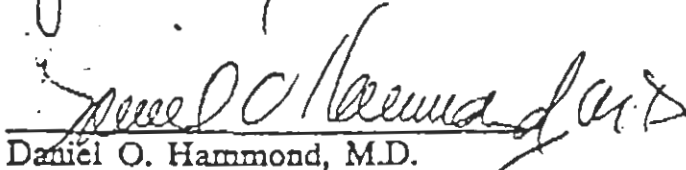
9. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

10. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this matter.


11. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement.

Furthermore, should this joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

SIGNED this 2 day of January, 1991-1992


Daniel O. Hammond, M.D.

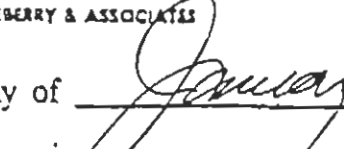
Sworn to and subscribed
before me this 2 day
of January, 1992



NOTARY PUBLIC

NOTARY PUBLIC, STATE OF FLORIDA AT LARGE
MY COMMISSION EXPIRES JANUARY 04, 1994
BONDED THRU HUGGEBERRY & ASSOCIATES

My Commission Expires:

APPROVED this 13 day of January, 1991.


George Stuart
Secretary


By: Larry G. McPherson, Jr.
Chief Attorney
Medical Section

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 90-08466

DANIEL O. HAMMOND, M.D.

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against DANIEL O. HAMMOND, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0003956. Respondent's last known address is Post Office Box 530702, Miami, Florida 33153.

3. The Respondent is board certified in obstetrician and gynecology.

4. On or about January 26, 1990, the Respondent removed the right ovary from Patient H.S., a thirty-eight (38) year old female,

in a surgical procedure performed at a Medical Center.

5. On or about January 28, 1990, the Respondent examined Patient H.S. in her room at the Medical Center and performed a pelvic examination. A nurse was present.

6. After the examination the Respondent told the nurse to leave and then asked Patient H.S. if he could kiss her. The Respondent then touched Patient H.S.'s lips and asked Patient H.S. if he could caress her breast. Patient H.S. refused the advance and the Respondent left the room.

7. Patient H.S. then reported Respondent's sexual advances to her subsequent treating physician.

8. On or about September 21, 1990, the Respondent told Petitioner's Investigation that he recalled the incident with Patient H.S. and stated that he had been indiscreet with Patient H.S.

COUNT ONE

9. Petitioner realleges and incorporates paragraphs one (1) through eight (8), as if fully set forth herein this Count One.

10. Subject attempted to or did exercise influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity when Respondent kissed Patient #1 and asked to caress her breast.

11. Based on the foregoing, the Respondent has violated Section 458.331(1)(j), Florida Statutes, by exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity.

COUNT TWO

12. Petitioner realleges and incorporates paragraphs one (1) through eight (8), and ten (10), as if fully set forth herein this Count Two.

13. Sexual misconduct in the practice of medicine, as defined in Section 458.329, Florida Statutes, means the violation of the physician-patient relationship through which the physician used said relationship to induce or attempt to induce the patient to engage, or to engage, or attempt to engage the patient, in sexual activity outside the scope of the practice or the scope of generally accepted examination or treatment of the patient.

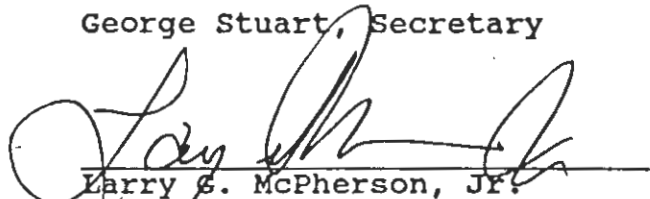
14. Based upon the foregoing, the Respondent has violated Section 458.331(1)(x), Florida Statutes, by violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the

Respondent on probation, and/or any other relief that the Board
deems appropriate.

SIGNED this 15 day of OCTOBER, 1991.

George Stuart, Secretary


Larry G. McPherson, Jr.
Chief Medical Attorney

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK _____

DATE 10-16-91

COUNSEL FOR DEPARTMENT:

Larry G. McPherson, Jr.
Chief Medical Attorney
Department of Professional Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750
Florida Bar #788643
LAQP/LGM/tb
PCP: October 3, 1991
Burt, Campbell and Basisht