

STATE OF FLORIDA
DEPARTMENT OF HEALTH

BOARD: Medicine
CASE NUMBER: 1996-13052
COMPLAINT MADE BY: Patient V.H.
DATE COMPLAINTS RECEIVED: September 24, 1996
COMPLAINT MADE AGAINST: Richard Morales
6809 Azul Court
Jacksonville, Florida 32210
INVESTIGATED BY: James Nunez
REVIEWED BY: John E. Terrel/jlm
STAFF RECOMMENDATION: Dismiss (PL-82)

NOTICE OF DISMISSAL/CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Respondent violated Chapter 458.331(1)(g), (j), (t) and (x) two counts, Florida Statutes, by failing to perform a statutory legal obligation, exercising influence within a physician-patient relationship for purposes of engaging in sexual activity, failing to practice medicine with that level of care, skill and treatment and violated a rule of the board or department.

THE FACTS: On or about March 1, 1995, Patient V.H., a female, presented to the Respondent for treatment of migraine headaches. Patient V.H. informed the Respondent that she had a history of being sexually abused and had undergone psychotherapy. Respondent treated Patient V.H.'s headaches and released her. On or about May 5, 1996, Patient V.H. was involved in car accident and presented to Respondent's office on or about May 9, 1996, with complaints of her migraine

headaches returning. During this visit, Respondent suggested that pictures be taken for legal action because of the accident. Respondent took pictures of Patient V.H.'s nude torso and breasts. Thereafter, Patient V.H. requested a copy of the pictures but Respondent has never responded or provided Patient V.H. with the pictures. On or about May 15, 1996, Respondent suggested to Patient V.H. that he needed to examine her chest muscles. During this examination, Respondent had Patient V.H. lie down. As the examination progressed, Respondent put his hand between Patient V.H.'s legs and then down into her panties and rubbed Patient V.H.'s clitoris, labia and vaginal opening.

Respondent's license to practice medicine was delinquent on January 31, 1998, and due to Respondent's inability or lack of willingness to renew such, has subsequently become null and void as of February 19, 2000.

Based on the foregoing, the Department has determined that it does not have jurisdiction to proceed in this case.

THE LAW: Pursuant to Section 456.073(2), Florida Statutes, the Department, by and through the Agency for Health Care Administration, pursuant to the provisions of Section 20.43(3), Florida Statutes, finds that it does not have jurisdiction to proceed in this case.

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

DONE and ORDERED this 8th day of November, 2000.

Robert G. Brooks, M.D., Secretary


Kathryn L. Kasprzak
Chief Medical Attorney
Agency for Health Care Administration

JET/jlm
PCP: November 3, 2000