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STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2005-05672
2005-54682
2005-63123

ANTHONY JOHN READING, M.D.,

RESPONDENT.



ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Anthony John Reading, 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, and Chapters 456 and 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was licensed to practice medicine within the State of Florida pursuant to Chapter 458, Florida Statutes, having been issued license number ME 28226 on April 13, 1976.

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3. Respondent is board certified in Psychiatry and Neurology by the American Board of Psychiatry and Neurology.

4. Respondent's address of record is 3202 Magnolia Islands Boulevard, Panama City Beach, Florida 32408.

5. At all times material to this order, Respondent was a professor employed by the University of South Florida ("USF"), College of Medicine, and practiced psychiatry at the USF Psychiatry Clinic ("Clinic") located in Tampa, Florida.

FACTS RELATED TO PATIENT T.L.
CASE NO. 2005-05672

6. In or around February and March 2003, T.L., a 36 year-old female, was a patient at the Clinic and was diagnosed as suffering from major depression and anxiety.

7. On or about February 12, 2003, Patient T.L. began seeing Respondent at the Clinic for panic attacks.

8. Patient T.L. was upset and crying at the end of the session.

9. Respondent hugged Patient T.L. after both Patient T.L. and Respondent arose from their chairs.

10. Respondent brushed the sides of Patient T.L.'s breasts with his open palms as Respondent extended his arms around Patient T.L.'s torso.

11. Patient T.L. became uncomfortable due to Respondent's unwanted touching and left.

12. On or about March 3, 2003, at the end of the second session, Respondent began to embrace Patient T.L. tightly and again brushed Patient T.L.'s breasts.

13. Over the next few moments, Respondent pulled back slightly and conversed with Patient T.L. while maintaining a loose hug around the patient, then retightened his hug around Patient T.L.

14. Respondent drew back from the hug again, and while maintaining his left arm around Patient T.L.'s waist, Respondent grasped Patient T.L.'s left breast in Respondent's right hand.

15. Respondent commented that Patient T.L. was "not an unattractive woman."

16. Patient T.L. quickly left the office, and the police were contacted.

COUNT ONE

17. Petitioner realleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth herein.

18. Section 456.072(1)(u), Florida Statutes (2002)(2003), sets forth grounds for disciplinary action for engaging or attempting to engage in sexual misconduct as defined and prohibited by Section 456.063(1), Florida Statutes (2002)(2003).

19. Section 456.063(1), Florida Statutes (2002)(2003), states that sexual misconduct in the practice of a health care profession means violation of the professional relationship through which the health care practitioner uses such relationship to engage or attempt to engage the patient or client in, or to induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession. Sexual misconduct in the practice of a health care profession is prohibited.

20. Section 458.331(1)(j), Florida Statutes (2002)(2003), sets forth grounds for disciplinary action by the Board of Medicine for exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with her physician.

21. Respondent exercised influence within the patient-physician relationship for purposes of engaging Patient T.L. in sexual activity, or used his professional relationship to engage or attempt to engage Patient T.L., or to induce or attempt to induce Patient T.L. to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession, in one or more of the following ways:

(a) By brushing Patient T.L.'s breasts while hugging Patient T.L. on or about February 12, 2003;

(b) By brushing Patient T.L.'s breasts while hugging Patient T.L. on or about March 3, 2003;

(c) By grasping Patient T.L.'s breast while holding on to Patient T.L. on or about March 3, 2003;

(d) By making comments to Patient T.L. about Patient T.L.'s attractiveness on or about March 3, 2003.

22. Based on the foregoing, Respondent violated 456.072(1)(u), Florida Statutes (2002), and/or violated Section 458.331(1)(j), Florida Statutes (2002), by engaging or attempting to engage Patient T.L. in sexual

misconduct, or by exercising influence within the patient-physician relationship for purposes of engaging Patient T.L. in sexual activity, when Respondent brushed Patient T.L.'s breasts while hugging the patient on or about February 12, 2003; or when Respondent brushed Patient T.L.'s breasts while hugging the patient on or about March 3, 2003; or when Respondent grasped Patient T.L.'s breast while holding Patient T.L. on or about March 3, 2003; or when Respondent made comments to Patient T.L. about Patient T.L.'s attractiveness on or about March 3, 2003, while Patient T.L. was under the care and treatment of Respondent.

COUNT TWO

23. Petitioner realleges and incorporates paragraphs one (1) through sixteen (16) as if fully set forth herein.

24. Section 458.331(1)(nn), Florida Statutes (2002)(2003), sets forth grounds for disciplinary action by the Board of Medicine for violating any provision of Chapter 456 or Chapter 458, or any rules adopted pursuant thereto.

25. Rule 64B8-9.008, Florida Administrative Code (F.A.C.), provides that:

(1) Sexual contact with a patient is sexual misconduct and is a violation of Sections 458.329 and 458.331(1)(j), F.S.

(2) For purposes of this rule, sexual misconduct between a physician and a patient includes, but is not limited to:

(a) Sexual behavior or involvement with a patient including verbal or physical behavior which

(1) May reasonably be interpreted as romantic involvement with a patient regardless of whether such involvement occurs in the professional setting or outside of it;

(2) May reasonably be interpreted as intended for the sexual arousal or gratification of the physician, the patient or any third party; or

(3) May reasonably be interpreted by the patient as being sexual.

26. Section 458.329, Florida Statutes (2002)(2003), states:

The physician-patient relationship is founded on mutual trust. Sexual misconduct in the practice of medicine means violation of the physician-patient relationship through which the physician uses that 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 practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of medicine is prohibited.

27. Respondent engaged in sexual misconduct in one or more of the following ways:

(a) By brushing Patient T.L.'s breasts while hugging Patient T.L. on or about February 12, 2003;

(b) By brushing Patient T.L.'s breasts while hugging Patient T.L. on or about March 3, 2003;

(c) By grasping Patient T.L.'s breast while holding on to Patient T.L. on or about March 3, 2003;

(d) By making comments to Patient T.L. about Patient T.L.'s attractiveness on or about March 3, 2003.

28. Based on the foregoing, Respondent violated Section 458.331(1)(nn), Florida Statutes (2002), by committing sexual misconduct in violation of Rule 64B8-9.008, F.A.C., and/or by violating Section 458.329, Florida Statutes (2002), when Respondent violated the physician-patient relationship with Patient T.L. by using said relationship to induce or attempt to induce Patient T.L. to engage, or to engage or attempt to engage Patient T.L. in sexual activity outside the scope of generally accepted examination or treatment.

FACTS RELATED TO PATIENT G.B.
CASE NO. 2005-54682

29. In or around September 2002, Patient G.B., a 35 year-old female, began seeing Respondent as a patient at the Clinic and was diagnosed as suffering from depression.

30. By her third visit with Respondent, Patient G.B. became uncomfortable with Respondent because of Respondent's eye contact and staring at Patient G.B.'s chest area.

31. At her fourth visit with Respondent, at the end of the session, Respondent rolled his chair toward Patient G.B., leaned in toward Patient G.B.'s face, then looked down at Patient G.B.'s chest and said, "Oh, I like that."

32. During one of the following sessions, Patient G.B. was sitting on the couch and crying when Respondent sat down on the couch next to her, hugged her, and Respondent started fondling Patient G.B.'s left breast.

33. Patient G.B. pushed away Respondent who claimed that he was trying to make Patient G.B. feel better.

34. Patient G.B. tried to skip sessions; however, Respondent called Patient G.B. on her cell phone and made statements about not being able to help himself because Patient G.B. was so beautiful, that this was the

first time this ever happened, and that Patient G.B. did not want Respondent because he was an old man.

35. Thereafter, Patient G.B. brought either her sons or a friend to future sessions with Respondent.

36. During a subsequent session with Respondent, Respondent pulled Patient G.B. to him and kissed Patient G.B. on her lips.

37. Patient G.B. told Respondent to stop and he commented that he was sorry but could not help it because Patient G.B. was so pretty.

38. In or around April 2003, Patient G.B. was admitted to a hospital because she was suicidal.

39. Upon returning to Respondent's care, after three or four visits, the fondling and kissing restarted at the end of the sessions. The fondling would occur while Respondent was hugging Patient G.B.

40. In or around September 2003, during a session, Respondent fondled Patient G.B.'s breast under her blouse and brassiere.

41. Respondent then unbuttoned Patient G.B.'s blouse, removed Patient G.B.'s brassiere, and fondled both of her breasts with both of his hands.

42. On the second to last visit, during a session, Respondent again fondled Patient G.B.'s breast under her blouse and brassiere.

43. On or about December 16, 2003, Patient G.B.'s last visit occurred with Respondent.

44. During that session, Respondent placed Patient G.B.'s hand on Respondent's penis over his pants.

45. Respondent again unbuttoned Patient G.B.'s blouse, pulled up her brassiere, and fondled the patient's breast.

46. Respondent commented to Patient G.B. that the patient should not tell anybody about these incidents of inappropriate sexual conduct.

COUNT THREE

47. Petitioner realleges and incorporates paragraphs one (1) through five (5), paragraphs eighteen (18) through twenty-one (21), and paragraphs twenty-nine (29) through forty-six (46), as if fully set forth herein.

48. Respondent exercised influence within the patient-physician relationship for purposes of engaging Patient G.B. in sexual activity, or used his professional relationship to engage or attempt to engage Patient G.B., or to induce or attempt to induce Patient G.B. to engage in, verbal or

physical sexual activity outside the scope of the professional practice of such health care profession, in one or more of the following ways:

(a) By making comments to Patient G.B. about Patient G.B.'s breasts;

(b) By fondling Patient G.B.'s breast(s);

(c) By placing Patient G.B.'s hand on Respondent's penis over Respondent's pants;

(d) By making comments to Patient G.B. about Patient G.B.'s attractiveness.

49. Based on the foregoing, Respondent violated 456.072(1)(u), Florida Statutes (2002)(2003), and/or violated Section 458.331(1)(j), Florida Statutes (2002)(2003), by engaging or attempting to engage Patient G.B. in sexual misconduct, or by exercising influence within the patient-physician relationship for purposes of engaging Patient G.B. in sexual activity, when Respondent made comments to Patient G.B. about Patient G.B.'s breasts; or when Respondent fondled Patient G.B.'s breast(s); or when Respondent placed Patient G.B.'s hand on Respondent's penis over

Respondent's pants; or when Respondent made comments to Patient G.B. about Patient G.B.'s appearance, while Patient G.B. was under the care and treatment of Respondent.

COUNT FOUR

50. Petitioner realleges and incorporates paragraphs one (1) through five (5), paragraphs twenty-four (24) through twenty-six (26), and paragraphs twenty-nine (29) through forty-six (46), as if fully set forth herein.

51. Respondent engaged in sexual misconduct in one or more of the following ways:

(a) By making comments to Patient G.B. about Patient G.B.'s breasts;

(b) By fondling Patient G.B.'s breast(s);

(c) By placing Patient G.B.'s hand on Respondent's penis over Respondent's pants;

(d) By making comments to Patient G.B. about Patient G.B.'s attractiveness.

52. Based on the foregoing, Respondent violated Section 458.331(1)(nn), Florida Statutes (2002)(2003), by committing sexual misconduct in violation of Rule 64B8-9.008, F.A.C., and/or by violating Section 458.329, Florida Statutes (2002)(2003), when Respondent violated the physician-patient relationship with Patient G.B. by using said relationship to induce or attempt to induce Patient G.B. to engage, or to engage or attempt to engage Patient G.B. in sexual activity outside the scope of generally accepted examination or treatment.

FACTS RELATED TO PATIENT S.C.
CASE NO. 2005-63123

53. From in or around January 2002, Patient S.C., a 30 year-old female, began seeing Respondent as a patient at the Clinic.

54. Patient S.C. saw Respondent approximately four (4) times a year, ending in or around December 2003, when Respondent retired from USF.

55. In or about the end of 2001, towards the end of her session with Respondent, Respondent hugged Patient S.C. as Patient S.C. stood to leave Respondent's office.

56. As Respondent was embracing Patient S.C., Respondent placed his hands inside of Patient S.C.'s jacket and grazed both of the patient's breasts with his hands.

57. At Patient S.C.'s next visit with Respondent, when Patient S.C. stood to leave at the end of the session, Respondent leaned close to Patient S.C. to kiss the patient on the mouth, but the patient turned her head resulting in Respondent kissing Patient S.C. on the cheek.

58. On the third incident, as Patient S.C. stood to leave and was gazing out the window, Respondent approached Patient S.C. from behind and grabbed the Patient S.C. around her ribcage.

59. Respondent rubbed his pelvis against Patient S.C.'s buttocks, and Patient S.C. felt Respondent's erection poking her.

60. Patient S.C. broke away from Respondent and left his office.

61. On one or more occasions during Patient S.C.'s sessions with Respondent, Respondent would have Patient S.C. remove her jacket and twirl while Respondent commented that Patient S.C. was attractive.

COUNT FIVE

62. Petitioner realleges and incorporates paragraphs one (1) through five (5), paragraphs eighteen (18) through twenty-one (21), and paragraphs fifty-three (53) through sixty-one (61), as if fully set forth herein.

63. Respondent exercised influence within the patient-physician relationship for purposes of engaging Patient S.C. in sexual activity, or used his professional relationship to engage or attempt to engage Patient S.C., or to induce or attempt to induce Patient S.C. to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession, in one or more of the following ways:

- (a) By grazing Patient S.C.'s breast(s) with Respondent's hand(s) on one or more occasions;
- (b) By kissing Patient S.C.;
- (c) By rubbing Respondent's pelvic region and/or his penis against Patient S.C.'s buttocks through Respondent's clothing;

(d) By having Patient S.C. remove her jacket and twirl around for him, on one or more occasions, while commenting on Patient S.C.'s attractiveness.

64. Based on the foregoing, Respondent violated 456.072(1)(u), Florida Statutes (2002)(2003), and/or violated Section 458.331(1)(j); Florida Statutes (2002)(2003), by engaging or attempting to engage Patient S.C. in sexual misconduct, or by exercising influence within the patient-physician relationship for purposes of engaging Patient S.C. in sexual activity, when Respondent grazed Patient S.C.'s breasts with Respondent's hands on one or more occasions; or when Respondent kissed Patient S.C.; or when Respondent rubbed Respondent's pelvic region and/or his penis against Patient S.C.'s buttocks through Respondent's clothing, while Patient G.B. was under the care and treatment of Respondent.

COUNT SIX

65. Petitioner realleges and incorporates paragraphs one (1) through five (5), paragraphs twenty-four (24) through twenty-six (26), and paragraphs fifty-three (53) through sixty-one (61), as if fully set forth herein.

66. Respondent engaged in sexual misconduct in one or more of the following ways:

(a) By grazing Patient S.C.'s breast(s) with Respondent's hand(s) on one or more occasions;

(b) By kissing Patient S.C.;

(c) By rubbing Respondent's pelvic region and/or his penis against Patient S.C.'s buttocks through Respondent's clothing;

(d) By having Patient S.C. remove her jacket and twirl around for him, on one or more occasions, while commenting on Patient S.C.'s attractiveness.

67. Based on the foregoing, Respondent violated Section 458.331(1)(nn), Florida Statutes (2002)(2003), by committing sexual misconduct in violation of Rule 64B8-9.008, F.A.C., and/or by violating Section 458.329, Florida Statutes (2002)(2003), when Respondent violated the physician-patient relationship with Patient S.C. by using said relationship to induce or attempt to induce Patient S.C. to engage, or to engage or attempt to engage Patient S.C. in sexual activity outside the scope of generally accepted examination or treatment.

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

SIGNED this 29th ^{November} ~~day of September~~, 2005.

M. Rony Francois, M.D., M.S.P.H., Ph.D.
Secretary, Department of Health

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Jhenna McKown
DATE 11-30-05

April Dawn M. Skilling
April Dawn M. Skilling
Assistant General Counsel
Florida Bar No. 0805165
DOH, Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
(850) 414-8126 Office
(850) 414-1989 Facsimile

ADMS/

Reviewed and approved by: DKE (initials) 9/14/05 (date)

PCP: Waived per Voluntary Relinquishment signed by Respondent
PCP Members: _____ on Nov 15, 2005

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Sections 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 any other discipline imposed.

STATE OF FLORIDA
DEPARTMENT OF HEALTH

PRACTITIONER REGULATION
LEGAL

2005 NOV 29 AM **FILED**

DEPARTMENT OF HEALTH,

DEPARTMENT OF HEALTH
DEPUTY CLERK

Petitioner,

CLERK *Jheusa McKown*

v.

DOH Case Nos.: 2005-05672

2005-54682

ANTHONY JOHN READING, M.D.,

2005-63123

DATE 11-29-05

Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent, Anthony John Reading, M.D., license number ME 28226, hereby voluntarily relinquishes his license to practice medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to the above cases. Respondent understands that acceptance by the Board of Medicine (Board) of this Voluntary Relinquishment shall be construed as action against his license pursuant to Section 456.072(1)(f), Florida Statutes.

2. Respondent agrees to never reapply for licensure under Chapter 458, Florida Statutes.

3. Respondent is currently under an Order of Emergency Suspension issued September 7, 2005, and shall hereby continue to comply with the terms of said order until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

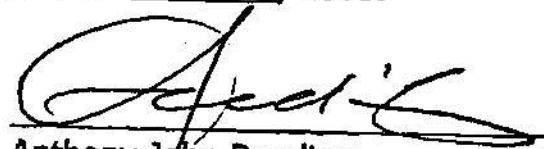
4. In order to expedite consideration and resolution of this action by ~~the Board in a public meeting, Respondent, being fully advised of the~~ consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding each of the above-listed complaint numbers, the investigative reports of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the records and complaints become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10) Florida Statutes.

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

6. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

7. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board or any of its members, from further participation, consideration, or resolution of these proceedings should the terms of this Voluntary Relinquishment not be accepted by the Board.

DATED this 15th day of NOVEMBER, 2005.


Anthony John Reading

STATE OF FLORIDA
COUNTY OF: BAY

Before me, personally appeared ANTHONY READING, whose
identity is known to me by DRIVER'S LICENSE (type of
identification) and who, under oath, acknowledges that his signature appears
above. Sworn to and subscribed before me this 15th day of
November, 2005.


NOTARY PUBLIC

My Commission Expires:



Teresa M. Nurnery
MY COMMISSION # DD173272 EXPIRES
December 22, 2006
BONDED THROUGH TROY FARM INSURANCE, INC.

By: Sheresa McKown
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NOS.: 2005-05672
2005-54682
2005-63123
LICENSE NO.: ME0028226

ANTHONY JOHN READING, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on February 3, 2006, in Fort Lauderdale, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice medicine in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a physician in the State of Florida.

Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that Respondent's Voluntary Relinquishment of his license to practice medicine in the State of Florida is hereby ACCEPTED, and shall constitute discipline upon Respondent's license.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 14 day of FEBRUARY,

2006.

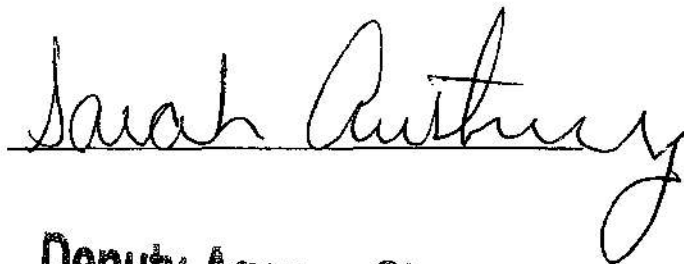
BOARD OF MEDICINE



Larry McPherson, Jr., Executive Director
for MAMMEN P. ZACHARIAH, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to ANTHONY JOHN READING, M.D., 3202 Magnolia Islands Boulevard, Panama City Beach, Florida 32408; to Michael Brown, Esquire, Allen Dell, Attorneys At Law, 202 S. Rome Avenue, Tampa, Florida 33606; and by interoffice delivery to Denise O'Brien and Dana Baird, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 15 day of February, 2006.



Deputy Agency Clerk