

STATE OF FLORIDA
DEPARTMENT OF HEALTH

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK: *[Signature]*
DATE: 3/14/08

BOARD: Board of Medicine
CASE NUMBER: 2006-32020
COMPLAINANT:
COMPLAINT MADE AGAINST: Ely D. Pelta, M.D.
5551 N. University Dr.
Suite 102
Coral Springs, FL 33067
DATE OF COMPLAINT: October 9, 2006
INVESTIGATOR: Katherine F. Rosenblatt
Investigation Specialist
REVIEWED BY: Warren James Pearson
Assistant General Counsel
RECOMMENDATION: Dismiss (DL-4099)

NOTICE OF DISMISSAL/CLOSING ORDER
ON RECONSIDERATION

THE COMPLAINT: Complainant alleges that the Subject violated Section 458.331(1)(j), Florida Statutes (2003)(2004)(2005), by exercising influence within a patient-physician relationship for purposes of engaging the patient in sexual activity, Section 458.331(1)(t), Florida Statutes (2003)(2004)(2005) for gross and repeated malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, Section 458.331(1)(nn),

Florida Statutes (2003)(2004)(2005)(2006) for violating Rule 64B8-9.008, Florida Administrative Code (2003)(2004)(2005)(2006) by having sexual involvement with a patient.

THE FACTS: Respondent treated Patient A.N. during the period of approximately April 2004 through August 8, 2006 for anxiety, depression and alcohol abuse. Patient A.N. alleged that there was an ongoing sexual relationship during the majority of her treatment by Respondent.

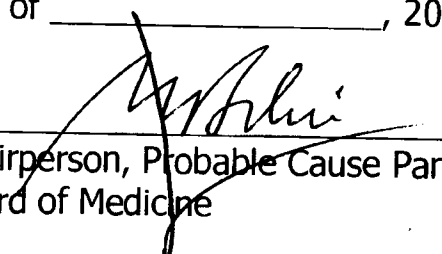
Respondent filed a complaint with the Department of Health upon learning of the alleged sexual nature of the relationship between Respondent and Patient A.N.

An Administrative Complaint ("AC") was filed in this case on July 27, 2007, charging Respondent with violations of Section 458.331(1)(j), Florida Statutes (2003)(2004)(2005), Section 458.331(1)(t), Florida Statutes (2003)(2004)(2005) and Section 458.331(1)(nn), Florida Statutes (2003)(2004)(2005)(2006) for violating Rule 64B8-9.008, F.A.C. (2003)(2004)(2005)(2006). However, since the filing of the AC, upon advice by her attorney, Patient A.N. has withdrawn cooperation with the Department of Health and has indicated that she would be unwilling/unable to testify. Without the testimony of Patient A.N., the Department believes that at this time there is insufficient evidence to support prosecution of the allegation that Respondent entered into an inappropriate sexual relationship with Patient A.N.

THE LAW: Pursuant to Section 456.073(2), Florida Statutes, the Department, pursuant to the provisions of Section 20.43(3), Florida Statutes, finds that there is insufficient evidence to support the prosecution of the allegation that a violation of Chapter 458, Florida Statutes, or the rules promulgated thereunder has occurred.

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

DONE AND ORDERED this _____ day of _____, 2007.



Chairperson, Probable Cause Panel
Board of Medicine

PCP:
Members: