

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

Case Number 2020-04497

IFTIKHAR RASUL, M.D.,

RESPONDENT.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health hereby files this Administrative Complaint before the Board of Medicine against Respondent Iftikhar Rasul, M.D. and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to section 20.43, Florida Statutes; chapter 456, Florida Statutes; and chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed physician within the State of Florida, having been issued license number ME 88613.

3. Respondent's address of record is 6150 Metrowest Boulevard, Suite 101, Orlando, Florida 32835.

4. On November 27, 2017, Patient EL ("EL"), a then 19-year-old adult female, presented to Respondent at Serene Behavioral Health Psychiatry, in Orlando, Florida, to establish psychiatric care.

5. EL reported a history of anxiety with manic episodes since the age of 14.

6. Respondent diagnosed EL with Bipolar Disorder Type 1 and prescribed her Wellbutrin and lithium.

7. From November 27, 2017, to June 25, 2019 ("the treatment period"), EL saw Respondent regularly for management of her Bipolar Disorder and medications.

8. During the treatment period, EL tolerated the prescribed medications well, without any side effects.

9. On June 25, 2019, EL presented to Respondent for a follow-up visit.

10. During the visit, Respondent advised EL that he wanted to take her blood pressure.

11. Respondent had never taken EL's blood pressure during any of her previous appointments.

12. After taking EL's blood pressure, Respondent then moved his hand into EL's bra and touched EL's left breast and nipple.

13. Section 456.072(1)(v), Florida Statutes (2018), subjects a licensee to discipline for engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), Florida Statutes (2020).

14. Section 456.063(1), Florida Statutes (2018), defines sexual misconduct in the practice of a health care profession as a violation of the professional relationship through which the health care practitioner uses such relationship to engage or attempt to engage the patient or client, or an immediate family member, guardian, or representative of 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.

15. Respondent used his professional relationship with EL to engage or attempt to engage EL in, or to induce or attempt to induce EL to engage in, verbal or physical sexual activity outside the scope of the Respondent's

professional practice as a physician, by touching EL's breast and nipple during the appointment on June 25, 2019.

16. Based on the foregoing, Respondent violated section 456.072(1)(v), Florida Statutes (2018), by engaging or attempting to engage in sexual misconduct, as defined and prohibited in section 456.063(1).

WHEREFORE, the 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 the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

[signature on following page]

SIGNED this 8th day of January 2021.

Scott A. Rivkees, M.D.
State Surgeon General

Corynn Alberto

Corynn Alberto
Assistant General Counsel
Florida Bar Number 68814
Florida Department of Health
Office of the General Counsel
4052 Bald Cypress Way, Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 558-9843
Facsimile: (850) 245-4684
Email: Corynn.Alberto@flhealth.gov

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Annelle Marcus*
DATE: JAN 08 2021

PCP Date: January 8, 2021

PCP Members: Steven Falcone, M.D.; Kevin Cairns, M.D.

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 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. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.

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 to any other discipline imposed.