

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,
PETITIONER,

v.

Case No's.: 2022-40855
2022-40854

IFTIKHAR RASUL, M.D.,
RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, the Department of Health (Department) files this Administrative Complaint before the Board of Medicine (Board) against Respondent, Iftikhar Rasul, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to section 20.43, Florida Statutes (2022); and chapters 456 and 458, Florida Statutes (2022).

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

3. At all times material to this Complaint, Respondent's address of record was 6150 MetroWest Boulevard, Suite 101, Orlando, Florida 32835.

4. At all times material to this Complaint, Respondent was the

Founder and Medical Director of Professional Psychiatric Associates, Inc., doing business as Serene Behavioral Health Services (Serene) in Orlando, Florida.

5. At all times material to this Complaint, Respondent practiced medicine at Serene.

Facts Related to Patient A.B.¹

6. On or about October 12, 2018, Patient A.B., a then 25-year-old woman, presented to Respondent at Serene to establish psychiatric care.

7. Respondent diagnosed Patient A.B. with recurrent major depressive disorder² and panic disorder with claustrophobia.

8. From October 12, 2018, through November 2, 2020, Patient A.B. regularly saw Respondent for management of her diagnoses and medications.

9. On November 2, 2020, Patient A.B. presented to Respondent for a follow-up appointment.

10. During this appointment, Respondent advised Patient A.B. that

¹ Facts related to Patient A.B. are addressed in DOH v. Iftikhar Rasul, M.D., DOH Case No.: 2022-40855.

² Major depressive disorder is a mental condition characterized by persistently depressed mood or loss of interest in activities, resulting in significant impairment in daily life. *What is Depression*, American Psychiatric Association, <https://www.psychiatry.org/patients-families/depression/what-is-depression> (last visited March 21, 2023).

he wanted to check her heart rate utilizing a stethoscope.

11. Respondent used an ungloved hand to move the chestpiece³ underneath Patient A.B.'s shirt and bra.

12. Respondent then pulled Patient A.B.'s shirt and bra away from her body and exposed her breasts and nipples to Respondent's view.

13. Under the guise of checking Patient A.B.'s heart rate, Respondent touched, grabbed, cupped, and/or rubbed Patient A.'s breast with his hand and/or fingers.

14. Respondent had no bona fide medical purpose to place his hand underneath Patient A.B.'s bra; to expose Patient A.B.'s breasts and nipples; or to touch, grab, cup, and/or rub Patient A.B.'s breast.

Facts Related to Patient D.D.⁴

15. On or about July 11, 2022, Patient D.D., a then 27-year-old woman, presented to Respondent at SBHS to establish psychiatric care.

16. Respondent diagnosed Patient D.D. with history of combined type attention-deficit hyperactivity disorder, depressive disorder, and anxiety.

³ The chestpiece, also known as the head, is round in shape and is the central part of the device. This is the part of the instrument placed against a patient's body. It is responsible for detecting, capturing, and transferring sounds to the headset.

⁴ Facts related to Patient D.D. are addressed in DOH v. Iftikhar Rasul, M.D., DOH Case No.: 2022-40854. Administrative Complaint Iftikhar Rasul, M.D. Case No's.: 2022-40855 & 2022-40854

17. From July 11, 2022, through October 3, 2022, Patient D.D. regularly saw Respondent for management of her diagnoses and medications.

18. On October 3, 2022, Patient D.D. presented to Respondent for a follow-up appointment.

19. During this appointment, Respondent informed Patient D.D. that he wanted to check her heart rate using a stethoscope.

20. Respondent initially placed the chestpiece on the center of Patient D.D.'s chest.

21. Respondent then informed Patient D.D. that he couldn't hear her heartbeat, and that he needed to place the chestpiece on her ribs to listen to her heart rate.

22. Respondent used an ungloved hand to move the stethoscope chestpiece⁵ underneath Patient D.D.'s shirt and bra.

23. Respondent then pulled Patient D.D.'s shirt and bra away from her body exposing her breasts and nipples to Respondent's view.

24. Under the guise of checking Patient D.D.'s heart rate, Respondent touched, grabbed, cupped, and/or rubbed Patient D.D.'s breast

⁵ The chestpiece is placed against a patient's chest and consists of three parts: the diaphragm, the bell, and the stem.

and nipple with his hand and/or fingers.

25. Patient D.D. immediately reported this incident to law enforcement.

26. Patient D.D. participated in a controlled call⁶ with law enforcement.

27. During this controlled call, after Patient D.D. expressed that she was uncomfortable during the October 3, 2022, appointment, because Respondent pulled her shirt and touched her breast, Respondent responded and said to Patient D.D. "you have a nice tits [sic]." Patient D.D. responded, "Sorry?" Respondent, responded "I said, you have a nice tits [sic]."

28. Respondent had no bona fide medical purpose to place his hand underneath Patient D.D.'s bra; to expose Patient D.D.'s breasts and nipples; to touch, group, grab, cup, and/or rub Patient D.D.'s breast or nipple; or to comment on Patient D.D.'s breasts.

COUNT I

29. Petitioner realleges and incorporates paragraphs 1-14 as if fully set forth herein.

⁶ An investigative technique where the alleged victim places a recorded call to the suspect at the direction of law enforcement.

30. Section 456.072(1)(v), Florida Statutes (2020), authorizes discipline against a physician for engaging or attempting to engage in sexual misconduct as defined and prohibited in section 456.063(1), Florida Statutes (2020).

31. Section 456.063(1) 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, 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.

32. Section 458.331(1)(j), Florida Statutes (2020), authorizes discipline 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 his or her physician.

33. Section 458.329, Florida Statutes (2020), provides that:

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 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. Sexual misconduct in the practice of medicine is prohibited.

34. Rule 64B8-9.008(1), F.A.C., provides, in pertinent part, that sexual contact with a patient is sexual misconduct and is a violation of section 458.329 and 458.331(1)(j).

35. Rule 64B8-9.008(2), F.A.C., provides that sexual misconduct between a physician and a patient includes, but it 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.

(b) Sexual behavior or involvement with a patient not actively receiving treatment from the physician, including verbal or physical behavior or involvement which meets any one or more of the criteria in paragraph (2)(a), above, and which:

1. Results from the use or exploitation of trust, knowledge, influence, or emotions derived from the professional relationship,
2. Misuses privileged information or access to privileged information to meet the physician's personal or sexual needs, or

3. Is an abuse or reasonably appears to be an abuse of authority or power.

36. Rule 64B8-9.008(4), F.A.C., provides that:

The determination of when a person is a patient for purposes of this rule is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the physician and the person. The fact that a person is not actively receiving treatment or professional services from a physician is not determinative of this issue. A person is presumed to remain a patient until the patient physician-relationship is terminated.

37. Respondent used the physician-patient relationship and/or exercised influence within the physician-patient relationship to engage or attempt to engage Patient A.B. in sexual activity outside of the scope of professional practice by:

- a. placing his hand underneath Patient A.B.'s bra;
- b. touching, grabbing, cupping, and/or rubbing Patient A.B.'s breast; and/or
- c. pulling Patient A.B.'s shirt and bra away from her body and exposing her breasts and/or nipples.

38. Based on the foregoing, Respondent violated section 456.072(1)(v) as defined and prohibited in section 456.063(1) and/or

violated section 458.331(1)(j) as defined and prohibited in section 458.329 and/or rule 64B8-9.008.

COUNT II

39. Petitioner realleges and incorporates paragraphs 1-5 and 15–27 as if fully set forth herein.

40. Section 456.072(1)(v), Florida Statutes (2022), authorizes discipline against a physician for engaging or attempting to engage in sexual misconduct as defined and prohibited in section 456.063(1), Florida Statutes (2022).

41. Section 456.063(1) 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, 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.

42. Section 458.331(1)(j), Florida Statutes (2022), authorizes discipline 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 his or her physician.

43. Section 458.329, Florida Statutes (2022), provides that:

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 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. Sexual misconduct in the practice of medicine is prohibited.

44. Rule 64B8-9.008(1), F.A.C., provides, in pertinent part, that sexual contact with a patient is sexual misconduct and is a violation of section 458.329 and 458.331(1)(j).

45. Rule 64B8-9.008(2), F.A.C., provides that sexual misconduct between a physician and a patient includes, but it 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.

(b) Sexual behavior or involvement with a patient not actively receiving treatment from the physician, including verbal or physical behavior or involvement which meets any one or more of the criteria in paragraph (2)(a), above, and which:

1. Results from the use or exploitation of trust, knowledge, influence, or emotions derived from the professional relationship,
2. Misuses privileged information or access to privileged information to meet the physician's personal or sexual needs, or
3. Is an abuse or reasonably appears to be an abuse of authority or power.

46. Rule 64B8-9.008(4), F.A.C., provides that:

The determination of when a person is a patient for purposes of this rule is made on a case-by-case basis with consideration given to the nature, extent, and context of the professional relationship between the physician and the person. The fact that a person is not actively receiving treatment or professional services from a physician is not determinative of this issue. A person is presumed to remain a patient until the patient physician-relationship is terminated.

47. Respondent used the physician-patient relationship and/or exercised influence within the physician-patient relationship to engage or attempt to engage Patient D.D. in sexual activity outside of the scope of professional practice by:

- a. placing his hand underneath Patient D.D.'s bra;

- b. touching, grabbing, cupping, and/or rubbing Patient D.D.'s breast and/or nipple;
- c. pulling Patient D.D.'s shirt and bra away from her body and exposing her breasts and/or nipples; and/or
- d. commenting on Patient D.D.'s breasts.

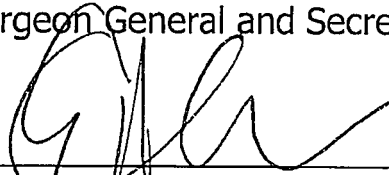
48. Based on the foregoing, Respondent violated section 456.072(1)(v) as defined and prohibited in section 456.063(1) and/or violated section 458.331(1)(j) as defined and prohibited in section 458.329 and/or rule 64B8-9.008.

[Remainder of page intentionally left blank.]

WHEREFORE, Petitioner respectfully requests that the Board 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, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 24th, day of April, 2023.

Joseph A. Ladapo, MD, PhD
Surgeon General and Secretary



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FILED

**DEPARTMENT OF HEALTH
DEPUTY CLERK**

CLERK: *Elizabeth Eubanks*

DATE: April 24, 2023

PCP Meeting: 4/21/23

PCP Members: El-Bahri, Vila, & Romanello

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 any other discipline imposed.