

FILED DATE - **AUG 26 2024**  
Department of Health

By: Amy L. Camarero  
Deputy Agency Clerk

**STATE OF FLORIDA  
BOARD OF OSTEOPATHIC MEDICINE**

**DEPARTMENT OF HEALTH**

Petitioner,  
vs. Case No: 2022-39050  
License No.: OS 16162

**RIZWAN SIKANDAR KHAN, D.O.,**

Respondent.  
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**FINAL ORDER**

This matter came before the Florida Board of Osteopathic Medicine (Board) at a duly-noticed public meeting on August 9, 2024, in Lake Buena Vista, Florida, for a hearing not involving disputed issues of material fact pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Pursuant to the Administrative Complaint, attached hereto as Exhibit A, it was alleged that Respondent, Rizwan Sikandar Khan, D.O., violated specific sections of Chapters 456 and 459, Florida Statutes. Petitioner was represented by Sarah Corrigan, Assistant General Counsel, Florida Department of Health. Respondent was present and was represented by Rickey L. Strong, Esq.

On January 24, 2023, Petitioner filed an Administrative Complaint against the Respondent alleging violations of Section 459.015(1)(b), Florida Statutes (2022), and Section 456.072(1)(w), Florida Statutes (2022). Service of the Administrative Complaint was made upon Respondent pursuant to Section 120.60(5), Florida Statutes. Respondent filed an Election of Rights requesting a hearing pursuant to Section 120.57(2), Florida Statutes. Petitioner has filed a Motion for Hearing Not Involving Disputed Issues of

Material Facts and Final Order, and a Motion to Assess Costs in Accordance with Section 456.072(4). Respondent has not filed a response to either motion.

The prosecuting attorney offered the investigative file into evidence to prove the facts as alleged in the Administrative Complaint. The investigative file was received into evidence and the Board finds that the uncontested facts adequately support the allegations. After a complete review of the record in this matter, including consideration of the Administrative Complaint, any written evidence or testimony, and any mitigating or aggravating circumstances, the Board makes the following findings and conclusions.

#### **FINDINGS OF FACT**

The allegations of fact set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the findings of fact of the Board. There is competent, substantial evidence to support the Board's findings and conclusions.

#### **CONCLUSIONS OF LAW**

The Petitioner's Motion for Hearing Not Involving Disputed Issues of Material Fact is granted.

The conclusions of law alleged and set forth in the Administrative Complaint are approved, adopted, and incorporated herein by reference as the conclusions of law by the Board.

The violations set forth warrant disciplinary action by the Board.

Based upon the Findings of Fact, the Board concludes that Respondent violated Section 459.015(1)(b), Florida Statutes (2022), and Section 456.072(1)(w), Florida Statutes (2022).

The Board is empowered by Sections 459.015(2) and 456.072(2), Florida Statutes, to impose a penalty against Respondent.

THEREFORE, IT IS ORDERED AND ADJUDGED:

1. **Reprimand.** The Respondent's license to practice osteopathic medicine in the State of Florida is hereby reprimanded.
2. **Fine.** The Respondent shall pay a fine of \$5,000.00 within thirty (30) days of this Final Order.
3. **Restriction on Practice.** The Respondent shall practice only telemedicine. The Respondent may petition the Board to lift this practice restriction after his Georgia osteopathic medical license is free and clear. The Board reserves jurisdiction to impose additional terms and conditions, if any, at the time it considers lifting this restriction.

#### **RULING ON MOTION TO ASSESS COSTS**

The Board reviewed the Petitioner's Motion to Assess Costs and imposes the costs associated with this case in the amount of \$235.69. Said costs are to be paid within thirty (30) days from the date this Final Order is filed.

**Payment of Fine and Costs.** Payment of all fine and costs shall be made within thirty days of the date of the filing of this Final Order to the Board of Osteopathic Medicine and mailed to: DOH-Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, Florida 32314-6320, Attention: Osteopathic Compliance Officer.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 26th day of August, 2024.

BOARD OF OSTEOPATHIC MEDICINE

*Stephanie Webster*

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Stephanie Webster, Executive Director  
*on behalf of* Tiffany DiPietro, D.O., Chair

#### NOTICE OF RIGHT TO JUDICIAL REVIEW

A party who is adversely affected by this Final Order is entitled to judicial review pursuant to Section 120.68, Florida Statutes. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Notice of Appeal with the Agency Clerk of the Department of Health, and a second copy, accompanied by filing fees prescribed by law, with the District Court of Appeal, First District, or with the District Court of Appeal in the Florida appellate district where the party resides. The Notice of Appeal must be filed within thirty (30) days of rendition of the Order to be reviewed.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail to Rizwan Sikandar Khan, D.O., 226 Pebblebrook Lane, Columbus, GA 31904; and Rickey L. Strong, Esq., Howell, Buchan & Strong, 2898-6 Mahan Dr., Tallahassee, FL 32308; and by email to Donna C. McNulty, Special Counsel - Assistant Attorney General, at [Donna.McNulty@myfloridalegal.com](mailto:Donna.McNulty@myfloridalegal.com); and Sarah Corrigan, Assistant General Counsel, at [Sarah.Corrigan@flhealth.gov](mailto:Sarah.Corrigan@flhealth.gov); this 26<sup>th</sup> day of August, 2024.

*Amy L. Canaway*  
**Deputy Agency Clerk**

## Exhibit A

### STATE OF FLORIDA DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

Case No.: 2022-39050

RIZWAN SIKANDAR KHAN, D.O.,

Respondent.

\_\_\_\_\_ /

#### ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, files this Administrative Complaint before the Board of Osteopathic Medicine against Respondent, Rizwan Sikandar Khan, D.O., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of osteopathic medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 459, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed osteopathic physician within the state of Florida, having been issued license number OS 16162.

3. Respondent's address of record is 226 Pebblebrook Lane, Columbus, Georgia 31904.

**Exhibit A**

4. At all times material to this Complaint, Respondent was also a licensed physician<sup>1</sup> in the state of Georgia, license number 63251.

5. On or about September 6, 2022, the Georgia Composite Medical Board (Georgia Board), the licensing authority regulating the practice of osteopathic medicine in Georgia, took action against Respondent's Georgia physician license via acceptance of a Public Consent Order.

6. Pursuant to the Public Consent Order, the Georgia Board placed Respondent's license on probation for three (3) years; imposed a \$5,000.00 fine; and publicly reprimanded Respondent.

7. Respondent's probation included, among other terms, a practice restriction that limited Respondent to treating only male patients; a workplace restriction that required Respondent to have his workplace approved by the Georgia Board; a requirement that Respondent see a psychiatrist at least quarterly, who shall then report to the Board as to Respondent's ability to practice safely with respect to sexual boundary issues; and a requirement that Respondent continue treatment with his psychotherapist.

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<sup>1</sup> The State of Georgia does not distinguish between allopathic physicians and osteopathic physicians in licensing; however, Respondent's training and practice in Georgia was in osteopathic medicine.

8. The Public Consent Order found that Respondent resigned his hospital privileges following allegations that Respondent had improper intimate contact with a patient.

9. Respondent did not provide updated information to the Department of Health for his Florida practitioner profile to disclose the September 6, 2022 action taken by the Georgia Board within fifteen (15) days.

### **Count I**

10. Petitioner re-alleges and incorporates by reference paragraphs one (1) through nine (9), as if fully set forth herein.

11. Section 459.015(1)(b), Florida Statutes (2022), provides that having a license or the authority to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions, constitutes grounds for disciplinary action by the Board of Osteopathic Medicine. The licensing authority's acceptance of a physician's relinquishment of a license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges



against the physician's license, shall be construed as action against the physician's license.

12. On or about September 6, 2022, the Georgia Board, the licensing authority regulating the practice of osteopathic medicine in Georgia, took action against Respondent's Georgia physician license via acceptance of a Public Consent Order.

13. Based on the foregoing, Respondent violated section 459.015(1)(b).

### **Count II**

14. Petitioner re-alleges and incorporates by reference paragraphs one (1) through nine (9), as if fully set forth herein.

15. Pursuant to section 456.041(1)(a), Florida Statutes (2022), the Department of Health shall compile information submitted pursuant to section 456.039, Florida Statutes, into a practitioner profile for the applicant or licensee submitting the information.

16. Pursuant to section 456.039(1)(a)8., Florida Statutes (2022), an applicant or licensee must provide a description of any final disciplinary action taken within the previous ten (10) years against him or her by the

agency regulating the profession that he or she is or has been licensed to practice, whether in the state of Florida or any other jurisdiction.

17. Section 456.042, Florida Statutes (2022), provides that a practitioner must submit updates of required information within fifteen (15) days after the final activity that renders such information a fact. An updated profile is subject to the same requirements as an original profile.

18. Section 456.072(1)(w), Florida Statutes (2022), provides that failing to comply with the requirements for profiling and credentialing, including, but not limited to, failing to provide initial information, failing to timely provide updated information, or making misleading, untrue, deceptive, or fraudulent representations on a profile, credentialing, or initial or renewal licensure application, is grounds for discipline by the Board of Osteopathic Medicine.

19. Respondent failed to timely provide updated information for his Florida practitioner profile to disclose the September 6, 2022 action of the Georgia Board within fifteen (15) days.

20. Based on the foregoing, Respondent violated section 456.072(1)(w).

WHEREFORE, the Petitioner respectfully requests that the Board of Osteopathic Medicine enters 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.

SIGNED this 24th day of January, 2023.

Joseph A. Ladapo, MD, PhD  
State Surgeon General

*Holly Cauley*

Holly Cauley  
Assistant General Counsel  
Florida Bar No. 0365040  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
Tallahassee, Florida 32399-3265  
(850) 558-9812 Telephone  
(850) 245-4683 Facsimile  
Holly.Cauley@flhealth.gov

FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK: *Bridget Coates*  
DATE: JAN 24 2023 \_ \_ \_ \_

PCP Date: January 24, 2023

PCP Members: Dr. Joel Rose, D.O., Dr. William Kirsh, D.O.

### **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.