

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2017-23491

OM PARKASH KAPOOR, M.D.,

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

Petitioner Department of Health (Department) files this Administrative Complaint before the Board of Medicine (Board) against Respondent Om Parkash Kapoor, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Chapters 20.43, Florida Statutes (2017); Chapter 456, Florida Statutes (2017); and Chapter 458, Florida Statutes (2017).
2. At all times material to this Complaint, Respondent was licensed to practice medicine within the State of Florida, having been issued license number ME 101418.
3. At all times material to this Complaint, Respondent's address of

record was 820 Prudential Drive, Suite 515, Jacksonville, Florida 32207.

2. At all times material to this Complaint, Respondent practiced medicine at the Baptist Medical Center's Infectious Disease Clinic, located in Jacksonville, Florida.

3. On or about December 14, 2017, Patient M.V., a 34-year-old male, presented to Respondent for treatment.

4. Respondent had previously diagnosed Patient M.V. with Lyme disease.¹

5. Respondent indicated to Patient M.V. that he needed to examine Patient M.V.'s lower extremities for a rash and instructed Patient M.V. to remove his pants and underwear.

6. Patient M.V. removed his pants and underwear and leaned over the examination table as instructed to do so by Respondent.

7. Respondent examined Patient M.V.'s buttocks, the back of his legs, and under his scrotum.

8. Respondent asked Patient M.V. to "spread [his] butt cheeks," and Patient M.V. complied by spreading his butt cheeks apart with his hands.

¹ Lyme disease is a tick-borne illness with characteristic symptoms including fever, headache, fatigue, and a characteristic skin rash called erythema migraines.

9. Respondent began breathing heavily and moaned.
10. Patient M.V. felt a wet, sticky substance on the back of his leg.
11. Respondent turned around and observed Respondent masturbating his exposed penis and ejaculating into a napkin.
12. Respondent told Patient M.V. that he would have to return to Respondent again if he wanted to stay well. Dr. Kapoor added, "I will make sure that you don't die, my attractive young man."
13. Section 458.331(1)(j), Florida Statutes (2017), subjects a licensee to 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.
14. Respondent exercised influence within a patient-physician relationship for the purpose of engaging Patient M.V. in sexual activity in one or more of the following ways:
 - a. Asking Patient M.V. to "spread [his] butt cheeks;"
 - b. Exposing his penis in Patient M.V.'s presence;
 - c. Masturbating in Patient M.V.'s presence;
 - d. Ejaculating on Patient M.V.; and/or

e. Calling Patient M.V. an "attractive young man."

18. Based on the foregoing, Respondent violated Section 458.331(1)(j), Florida Statutes (2017).

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 10th day of February, 2018.


Celeste Philip, M.D., M.P.H.
Surgeon General and Secretary



Kristen M. Summers
Assistant General Counsel
FL DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar Number 112206
(T) (850) 558-9909
(F) (850) 245-4662
(E) Kristen.Summers@flhealth.gov

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK. 
DATE 2-16-18

PCP Meeting: February 16, 2018

PCP Members: Dr. Ashkar, Dr. Averhoff, and Ms. Goersch

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.

