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STATE OF FLORIDA  
BOARD OF MEDICINE

Final Order No. DOH-16-2293-~~FOF~~MQA

FILED DATE DEC 08 2016

Department of Health

By: Angel Suckers  
Deputy Agency Clerk

DIVISION OF  
ADMINISTRATIVE SERVICES HEALTH,  
DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2014-13686  
DOAH CASE NO.: 16-1595PL  
LICENSE NO.: ME0016903

ROBERT DEHGAN, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(1), Florida Statutes, on November 4, 2016, in Jacksonville, Florida, for the purpose of considering the Administrative Law Judge's Recommended Order. Exceptions to the Recommended Order, and Response to Exceptions to the Recommended Order (copies of which are attached hereto as Exhibits A, B, and C, respectively) in the above-styled cause. Petitioner was represented by Chad Dunn, Assistant General Counsel. Respondent was present and represented by Thomas R. Brown, Esquire.

Upon review of the Recommended Order, the argument of the parties, and after a review of the complete record in this case, the Board makes the following findings and conclusions.

### RULING ON EXCEPTIONS

The Board reviewed and considered the Respondent's Exceptions to the Recommended Order and ruled as follows:

1. The Board declined to rule on Respondent's Exceptions 1, 2, and 3, because the exceptions failed to clearly identify the disputed portion of the Recommended Order by page or paragraph number as required by Section 120.57(1)(k), F.S.

2. Respondent's Exception 4, to paragraphs 74, 77, 78, and 79 of the Recommended Order, are denied for the reasons stated by the Petitioner in its written and oral Response to Respondent's Exceptions and because Respondent is asking the Board to improperly reweigh the evidence that was presented during the evidentiary hearing before Division of Administrative Hearing (DOAH).

### FINDINGS OF FACT

1. The findings of fact set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

2. There is competent substantial evidence to support the findings of fact.

### CONCLUSIONS OF LAW

1. The Board has jurisdiction of this matter pursuant to Section 120.57(1), Florida Statutes, and Chapter 458, Florida Statutes.

2. The conclusions of law set forth in the Recommended Order are approved and adopted and incorporated herein by reference.

PENALTY

Upon a complete review of the record in this case, the Board determines that the penalty recommended by the Administrative Law Judge be REJECTED. The Board bases its rejection of the penalty upon the finding by the Administrative Law Judge of a violation of Section 458.331(1)(j), F.S. The Board determined that inclusion of a professional boundaries course and a permanent restriction of treating female patients is necessary because of the ALJ's finding of sexual misconduct. Specifically, the testimony of Patient A.S., as set forth in the transcript on page 95, relating to her inability to trust doctors; and the testimony of Patient C.T., as set forth in the transcript on pages 179-180, relating to her inability to trust doctors. Since these incidents point to multiple episodes of inappropriate contact with patients and at least two patients' resulting inability to trust physicians, the Board finds that the addition of a professional boundaries course and the complete restriction of treating female patients is warranted.

WHEREFORE, IT IS HEREBY ORDERED AND ADJUDGED:

1. Respondent shall pay an administrative fine in the amount of \$30,000.00 to the Board within 30 days from the date

the Final Order is filed. Said fine shall be paid by money order or cashier's check.

2. Respondent's license to practice medicine in the State of Florida is hereby **SUSPENDED** for a period of three (3) years.

3. Following the period of suspension set forth above, Respondent shall be placed on probation for a period of five (5) years. The terms and conditions of Respondent's probation shall be set at the time Respondent appears before the Board and has his license to practice medicine reinstated.

4. Respondent's license is **permanently** restricted as follows: Respondent shall not examine or treat any female patients.

5. Respondent shall document the completion of five hours of continuing medical education (CME) in the area of medical ethics within one year from the date the Final Order is filed. These hours shall be in addition to those hours required for biennial renewal of licensure. Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Unless otherwise approved by the Board or the Chairperson of the Probation Committee, said continuing education courses shall consist of a formal live lecture format.

6. Respondent shall document the completion of five hours of continuing medical education (CME) in the area of

professional boundaries within one year from the date the Final Order is filed. These hours shall be in addition to those hours required for biennial renewal of licensure. Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Unless otherwise approved by the Board or the Chairperson of the Probation Committee, said continuing education courses shall consist of a formal live lecture format.

7. Respondent shall be and hereby is REPRIMANDED by the Board.

RULING ON PETITIONER'S MOTION TO BIFURCATE COSTS AND RETAIN JURISDICTION

The Board reviewed the Petitioner's Motion to Bifurcate Costs and Retain Jurisdiction and GRANTED the Petitioner's Motion.

**(NOTE: SEE RULE 64B8-8.0011, FLORIDA ADMINISTRATIVE CODE. UNLESS OTHERWISE SPECIFIED BY FINAL ORDER, THE RULE SETS FORTH THE REQUIREMENTS FOR PERFORMANCE OF ALL PENALTIES CONTAINED IN THIS FINAL ORDER.)**

DONE AND ORDERED this 22<sup>nd</sup> day of November,

2016.

BOARD OF MEDICINE


Claudia Kemp  
Claudia Kemp, J.D., Executive Director  
For Sarvam TerKonda, M.D., 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 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 Final Order has been provided by **Certified Mail** to ROBERT DEHGAN, M.D., 220 Paseo Terraza, #307, St. Augustine, Florida 32095; to Thomas R. Brown, Esquire, The Brown Firm, 6277 Dupont Station Court East, Suite 3, Jacksonville, Florida 32217; to Lisa Shearer Nelson, Administrative Law Judge, Division of Administrative Hearings, The DeSoto Building, 1230 Apalachee Parkway, Tallahassee, Florida 32399-3060; by email to Louise Wilhite-St. Laurent, Deputy General Counsel, Department of Health, at [Louise.Stlaurent@flhealth.gov](mailto:Louise.Stlaurent@flhealth.gov); and by email to Edward A. Tellechea, Chief Assistant Attorney General, at [Ed.Tellechea@myfloridalegal.com](mailto:Ed.Tellechea@myfloridalegal.com) this 8<sup>th</sup> day of December, 2016.

  
**Deputy Agency Clerk**

**Certified Article Number**

9414 7266 9904 2090 7646 52

**SENDERS RECORD**

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Robert Dehgan, M.D.  
220 Paseo Terraza  
#307  
St. Augustine, FL 32095

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**Certified Article Number**

9414 7266 9904 2090 7646 45

**SENDERS RECORD**



Thomas R. Brown, Esq.  
The Brown Firm  
6277 Dupont Station Court East  
Suite 3  
Jacksonville, FL 32217

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Reg. Mail to  
Admin. Law Judge  
Lisa Shearer Nelson