

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

CASE NO.: 2015-19489

ROBERT FIETSAM, JR., M.D.,

RESPONDENT.

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ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, by and through its undersigned counsel, files this Administrative Complaint before the Board of Medicine against the Respondent, Robert Fietsam, Jr., 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; 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 67888.

3. Respondent's address of record is 2711 Letap Court, Suite 101, Land O'Lakes, Florida 34638.

4. At all times material to this Complaint, the Respondent was employed as a physician at the Manatee County Jail in Palmetto, Florida.

5. From on or about March 9, 2014, to on or about March 19, 2014, Respondent engaged in a series of personal phone calls with Patient S.E., a female inmate at the Manatee County Jail, that were intimate and sexual in nature.

6. Respondent engaged or attempted to engage Patient S.E. in, or induced or attempted to induce Patient S.E. to engage in, verbal or physical sexual activity outside the scope of the professional practice of medicine in one or more of the following ways:

- a. On several occasions, Respondent referred to Patient S.E. as "beautiful";
- b. On several occasions, Respondent told Patient S.E. that he loves her;
- c. Respondent suggested that Patient S.E. report that she had gotten a tampon stuck inside of her so that he could see her for a medical appointment;

- d. Thereafter, Respondent referred to looking for the tampon and said that it was "fun";
 - e. Respondent referred to himself as Patient S.E.'s lover;
 - f. Respondent referred to the tightness of Patient S.E.'s vagina;
 - g. Respondent referred to being aroused during Patient S.E.'s breast exam;
 - h. Respondent stated that he wants to be with Patient S.E. and hold her and kiss;
 - i. Respondent asked Patient S.E. if she would be ok with having sex once per day and asked her about the maximum times she has had sex in one day;
 - j. Respondent stated to Patient S.E. that he had knowledge of another physician who had been disciplined in another state for "fraternizing" with an inmate; and/or
 - k. Respondent spoke to Patient S.E. about fitting her into the medical appointment schedule so that he could see her.
7. Section 456.072(1)(v), Florida Statutes (2013), 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.

8. Section 456.063(1), Florida Statutes (2013), defines sexual misconduct in the practice of a health care profession as the violation of the professional relationship through which the health care practitioner uses such relationship to engage or attempt to engage the patient, 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.

9. Respondent used his professional physician-patient relationship with Patient S.E. to engage or attempt to engage Patient S.E. in, or to induce or attempt to induce Patient S.E. to engage in, verbal or physical sexual activity outside the scope of the professional practice of medicine.

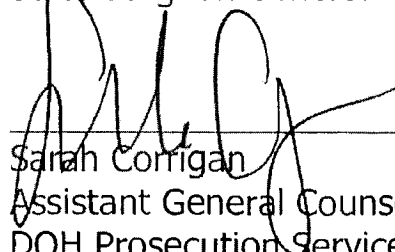
10. Based on the foregoing, Respondent has violated Section 456.072(1)(v), Florida Statutes (2013), by engaging or attempting to engage in sexual misconduct.

WHEREFORE, 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.

SIGNED this 19 day of AUGUST, 2016.

Celeste Philip, MD, MPH
State Surgeon General



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FILED
Department Of Health
Deputy Clerk
Angel Sanders
CLERK
DATE **AUG 22 2016**

SEC/
PCP: August 19, 2016
PCP Members: S. Ramesh, M.D., J. Tootle

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.

Please be advised that mediation under Section 120.573, Florida Statutes, is not available for administrative disputes involving this agency action.

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.