

STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF BUSINESS AND
PROFESSIONAL REGULATION,

Petitioner,

v.

DPR Case No. 92-07155

KEITH E. HAYNES, M.D.,

Respondent.

AMENDED ADMINISTRATIVE COMPLAINT

COMES NOW, the Petitioner, Department of Business and Professional Regulation, hereinafter referred to as "Petitioner," and files this Amended Administrative Complaint before the Board of Medicine against Keith E. Haynes, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, and Chapters 455 and 458, Florida Statutes.

2. Respondent is and has been at all times material hereto licensed to practice medicine in the State of Florida, having been issued license number ME 0014004. Respondent's last known address is 180 S.E. 5th Avenue (U.S. Highway 1 S.), P.O. Box 2557, Delray, Florida 33494-2557.

3. Respondent was the treating psychiatrist for Patient K.P., a male patient (date of birth June 6, 1973), from on or about March 1988, to on or about May 1992.

4. Respondent treated Patient K.P. for depression, rage reactions, and a variety of other emotional and behavioral problems.

5. During the period of time from on or about June 6, 1989, to on or about April 28, 1992, Respondent engaged in numerous sexual acts, including oral sex, with Patient K.P. in Respondent's home, office, and other locations. During most of these sexual encounters, Patient K.P. was under the age of eighteen (18).

6. During the same period of time as stated above, Respondent allowed Patient K.P. to reside in his home on numerous occasions, ranging from overnight to week-long periods.

7. According to Section 458.329, Florida Statutes, sexual misconduct in the practice of medicine means violation of the patient-physician 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.

COUNT ONE

8. Petitioner realleges paragraphs one (1) through seven (7) above, as if fully set forth herein this Count One.

9. Respondent exercised influence within a patient-physician relationship for purposes of engaging a patient in sexual activity when Respondent engaged in sexual activities, including oral sex, with Patient K.P. in Respondent's home and office.

10. Based upon the preceding allegations, Respondent violated Section 458.331(1)(j), Florida Statutes, by 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 physician.

COUNT TWO

11. Petitioner realleges paragraphs one (1) through seven (7), and nine (9) above, as if fully set forth herein this Count Two.

12. Respondent failed to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in that Respondent engaged in sexual activities, including oral sex, with Patient K.P., and allowed Patient K.P. to reside in his home on numerous occasions ranging from overnight to week-long periods.

13. Based on the preceding allegations, Respondent violated Section 458.331(1)(t), Florida Statutes, by gross or repeated malpractice or the failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT THREE

14. Petitioner realleges paragraphs one (1) through seven (7), nine (9), and twelve (12) above, as if fully set forth herein this Count Three.

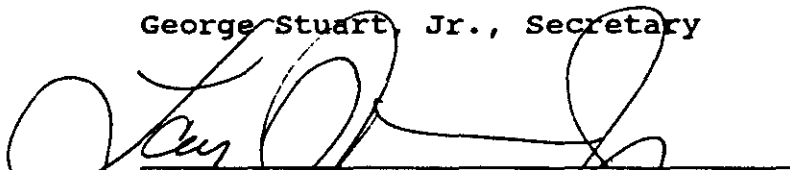
15. Respondent has violated Section 458.329, Florida Statutes, by engaging in sexual activities, including oral sex, with Patient K.P..

16. Based on the preceding allegations, Respondent violated Section 458.331(1)(x), Florida Statutes, by violating any provision of this chapter, a rule of the board or department, or a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department.

WHEREFORE, Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 18 day of August, 1993.

George Stuart, Jr., Secretary


BY: Larry G. McPherson, Jr.
Chief Medical Attorney

FILED
Department of Business and Professional Regulation
DEPUTY CLERK

CLERK Ronda A. Ham
DATE 8-19-93

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STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION
BOARD OF MEDICINE

AGENCY FOR HEALTH CARE
ADMINISTRATION, BOARD
OF MEDICINE,

Petitioner,

v.

KEITH E. HAYNES, M.D.

Respondent.

_____ /

Final Order No. AHCA-94-206 Date 8-22-94

FILED

Agency for Health Care Administration
AGENCY CLERK

By: Brandon J. Moore
R.S. Power, Agency Clerk
Deputy Agency Clerk

CASE NO: 92-07155
LICENSE NO: ME 0014004

FINAL ORDER

THIS MATTER came before the Board of Medicine pursuant to Section 120.57(2), Florida Statutes, on August 7, 1994, in Orlando, Florida. At the hearing, Petitioner was represented by Arthur Skafidas, Senior Medical Attorney. Respondent was present and represented by Carey Haughwout, Esquire. The parties have been properly noticed of the hearing. Respondent did not dispute the allegations of fact in the Administrative Complaint, and requested an informal hearing pursuant to Section 120.57(1), Florida Statutes. Accordingly, the facts are not contested. Upon consideration of the Administrative Complaint filed against Respondent, Request for Informal Hearing, and the arguments presented, and having been otherwise fully advised in its premises, the Board of Medicine makes the following findings and conclusions:

FINDINGS OF FACT

1. On August 19, 1993, the Agency for Health Care Administration filed an Amended Administrative Complaint against Keith E. Haynes, seeking to take disciplinary action against his license to practice medicine in the State of Florida.

2. Thereafter, the Respondent requested an informal hearing before the Board of Medicine.

3. The Board adopts as its findings of fact the allegations set forth in paragraphs 1-7, 9-10, 12-13, and 15-16 of the Amended Administrative Complaint filed in this cause and which is attached to this Final Order and incorporated herein by reference.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the parties and subject matter of this case pursuant to Section 120.57(2), Florida Statutes and Chapter 458, Florida Statutes.

2. Based upon the foregoing Findings of Fact, Respondent violated Section 458.331(1)(j), 458.331(1)(t) and 458.331(1)(x), Florida Statutes and having determined that violations exist, it is appropriate for the Board to impose disciplinary action against the license of Keith E. Haynes.

DISPOSITION

WHEREFORE, it is hereby ORDERED and ADJUDGED that Respondent

¹Effective July 01, 1994, the Board of Medicine was transferred from the Department of Business and Professional Regulation to the Agency for Health Care Administration pursuant to Section 20.42, Florida Statutes.

has violated Sections 458.331(1)(s), (t) and (x), Florida Statutes, and Respondent's license to practice medicine in the State of Florida is hereby REVOKED.

This Final Order becomes effective upon its filing with the Clerk of the Agency for Health Care Administration.

NOTICE

The Parties are hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the Clerk of the Agency for Health Care Administration and by filing one copy of a Notice of Appeal and the appropriate filing fee with the District Court of Appeal within thirty (30) days of the date this Final Order is filed.

DONE and ORDERED this 18 day of August, 1994.

BOARD OF MEDICINE


EDWARD A. DAUER, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been forwarded by U.S. Mail to Keith E. Haynes, M.D., 180 S.E. 5th Avenue, US Highway 1 South, P.O. Box 2557, Delray Beach, Florida 33494-2557, Carey Haughwout, Esquire, 324 Datura Street, Suite 250, West Palm Beach, Florida 33401 and by hand delivery to Larry G. McPherson, Jr., Chief Medical Attorney, 1940 North Monroe Street, Tallahassee, Florida 32399-0792 on this _____ day of _____, 1994.

Marm Harris, Ed.D.
Executive Director