

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2015-27897

DOMINGO CERRA-FERNANDEZ, M.D.,

Respondent.

_____ /

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Domingo Cerra-Fernandez, 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 40308.

3. Respondent's address of record is 1515 E. Silver Springs Blvd., Ocala, Florida 34470.

4. Respondent is Board Certified in Psychiatry.
5. Respondent treated Patient M.W. from 2002 to April 2012 for depression, anxiety, anorexia, bulimia, and other issues.
6. In or around October 2011, Respondent requested that he and Patient M.W. start a romantic relationship, and she agreed.
7. Respondent and Patient M.W. had inappropriate contact by email, text, and telephone while dating from October 2011 through April 2012.
8. In October 2011, Respondent requested that Patient M.W. inform his office that she did not want to be treated by Respondent anymore.
9. Respondent's records indicate on October 20, 2011, that Patient M.W. was going to find another physician in her healthcare network, and she was requesting that Respondent write her prescriptions for thirty (30) days.
10. However, they did not follow Respondent's plan.
11. Instead, Respondent continued to treat Patient M.W. from October 2011 through April 2012, while also maintaining a romantic relationship with her .
12. Respondent stopped providing prescriptions in April 2012, when Patient M.W. located another psychiatrist.

13. Section 456.072(1)(v), Florida Statutes (2011), provides that the Board of Medicine may take disciplinary action for engaging or attempting to engage in sexual misconduct as defined and prohibited in Section 456.063(1), Florida Statutes (2011).

14. Section 456.063(1), Florida Statutes (2011), 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 client . . . 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.

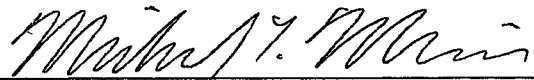
15. From October 2011 through April 2012, Respondent used his professional physician-patient relationship as a treating psychiatrist for Patient M.W. to engage or attempt to engage Patient M.W. in, or to induce or attempt to induce Patient M.W. to engage in, verbal or physical sexual activity outside the scope of the professional practice of medicine.

16. Based on the foregoing, Respondent violated Section 456.072(1)(v), Florida Statutes (2011).

WHEREFORE, the 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 20 day of February, 2017.

Celeste Philip, MD, MPH
Surgeon General and Secretary



Michael E. Morris
Assistant General Counsel
Florida Bar No. 0081493
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
Tallahassee, Florida 32399-3265
Telephone: (850) 245-4640, Ext. 8114
Fax: (850) 245-4684
E-Mail: michael.morris@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: *Angel Sanders*
DATE: **FEB 20 2017**

MEM/ep
PCP Date: February 17, 2017
PCP Members: Fuad Ashkar, M.D., Bernardo Fernandez, M.D., Brigitte 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 to any other discipline imposed.