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Department of Health

By: Angel Sanchez

Deputy Agency Clerk

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

IN RE: The Emergency Restriction of the License of  
Ioan Pop, M.D.  
License Number: ME 89336  
Case Number: 2013-09499

**ORDER OF EMERGENCY RESTRICTION OF LICENSE**

John H. Armstrong, MD, FACS, State Surgeon General and Secretary of Health, ORDERS the Emergency Restriction of the license of Ioan Pop, M.D. ("Dr. Pop"), to practice as a physician in the State of Florida. Dr. Pop holds license number ME 89336. His address of record is 1356 Monroe Street, Hollywood, Florida 33019. The following Findings of Fact and Conclusions of Law support the emergency restriction of Dr. Pop's license to practice as a physician in the State of Florida.

**FINDINGS OF FACT**

1. The Department of Health ("Department") is the state agency charged with regulating the practice of medicine, pursuant to Chapters 20, 456 and 458, Florida Statutes (2012).

2. At all times material to this Order, Dr. Pop was licensed to practice medicine in the State of Florida pursuant to Chapter 458, Florida Statutes (2012), and was authorized to prescribe controlled substances

classified under schedules two through five of Section 893.03, Florida Statutes (2012), to patients. Dr. Pop is a Diplomat of the American Board of Psychiatry and Neurology.

3. At all times material to this Order, Dr. Pop was employed at Mount Sinai Medical Center in Miami Beach, Florida.

4. On or about April 27, 2013, A.S. was admitted to Mount Sinai Medical Center under the provisions of the Florida Baker Act, as outlined in Chapter 394, Florida Statutes. A.S. was involuntarily committed under the Baker Act for a suicide attempt.

5. Dr. Pop was A.S.'s treating psychiatrist at Mount Sinai Medical Center during her commitment under the Baker Act.

6. On or about April 30, 2013, Dr. Pop and A.S. were alone in A.S.'s hospital room. Dr. Pop kissed A.S. on the mouth while holding her face.

7. A.S. reported that Dr. Pop asked her questions regarding tantric sex. A.S. also reported that she attempted to pull away from Dr. Pop's grasp while he was kissing her, she told him to "please stop." A.S. stated she was fearful of rejecting Dr. Pop because he was the only physician who could authorize her release under the Baker Act.

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8. On or about May 1, 2013, Dr. Pop released A.S. from Mount Sinai Medical Center.

9. A.S. received three telephone calls from Dr. Pop on May 1, 2013, after she was released from Mount Sinai Medical Center. A.S. contacted the Miami Beach Police Department at approximately 9:30 p.m. on May 1, 2013, to report that Dr. Pop kissed her against her will while she was at Mount Sinai Medical Center.

10. Miami Beach Police Officer K. met with A.S. At approximately 10:20 p.m., Dr. Pop called A.S. and A.S. put her cellular phone on speakerphone in the presence of Officer K. Dr. Pop asked A.S. not to discuss the incident at the hospital with anyone. Dr. Pop then stated that he liked A.S.'s "anatomy" and that he liked her tongue very much.

11. On or about May 6, 2013, Dr. Pop went to the Miami Beach Police Department. Miami Beach Police Officer E. read Dr. Pop his Miranda rights, and Dr. Pop waived the presence of an attorney. In a sworn recorded statement, Dr. Pop admitted to kissing A.S.

12. On or about June 18, 2013, Dr. Pop was interviewed by a Department investigator. Dr. Pop stated that A.S. asked him into her room, placed her hand on his waist and got close to him. Dr. Pop then

placed his right hand on A.S.'s face and a kiss occurred. Dr. Pop expressed a belief that he had not done anything in violation of hospital policy, protocol, or Florida law.

13. Dr. Pop also provided a handwritten statement to the Department investigator stating his version of the events. In that statement, Dr. Pop stated that there was no "gesture [or] expression . . . from her that could mean that kissing her [was] against her will," and "she did not manifest any reaction of fight or flight typical for stress" after Dr. Pop kissed her.

14. Although Dr. Pop initially stated he did not believe he did anything wrong by kissing A.S., Dr. Pop stated that his telephone call to A.S. was only for the purpose of apologizing for his actions.

15. Physicians maintain a position of trust with respect to their patients. Physicians often examine patients alone in closed rooms. Many times, patients may be sedated or under the influence of medications when examined by physicians. As a result, patients are placed into isolated, vulnerable settings in which they can be easily abused. This is especially true in the context of involuntary and voluntary psychiatric admissions to a

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hospital. Dr. Pop abused the trust A.S. placed in him as a physician when he used his position to engage in sexual misconduct with her.

16. By engaging in sexual contact with A.S., Dr. Pop demonstrated a lack of good judgment and a disregard for his ethical responsibilities as a physician and for his patients. Dr. Pop also believed that even a consensual kiss with A.S. did not violate any laws or rules governing his practice. Dr. Pop's disregard for the well-being of A.S., for his ethical responsibilities as a physician, and for the laws of the State of Florida demonstrate that Dr. Pop's violations of the laws governing the practice of medicine are likely to continue. As such, Dr. Pop presents an immediate, serious danger to the health, safety and welfare of the general public.

17. Dr. Pop took advantage of a patient undergoing one of the most serious forms of mental health treatment. A.S. was in an unstable mental state during her stay at Mount Sinai Medical Center after her suicide attempt. Dr. Pop violated his position of trust with A.S. when he kissed her against her will in her hospital room. Dr. Pop continued to violate the physician-patient boundaries by telephoning A.S. four times on the same day she was released from her Baker Act placement at Mount Sinai Medical Center. For these reasons, Dr. Pop poses a danger to every female patient

whom he treats. Accordingly, nothing short of the immediate restriction of Dr. Pop's license to practice medicine would be sufficient to protect the public from the danger presented by Dr. Pop.

### CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes (2012) and Chapter 458, Florida Statutes (2012).

2. Section 458.331(1)(j), Florida Statutes (2012), subjects a physician to discipline, including restriction, for "[e]xercising 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."

3. Dr. Pop violated Section 458.331(1)(j) by exercising his influence as the physician authorized to release A.S. from her involuntary commitment under the Baker Act for the purposes of engaging in sexual activity with A.S., namely kissing A.S. A.S. was incapable of giving consent to this activity with Dr. Pop.

4. Section 458.331(1)(nn), Florida Statutes (2012), subjects a physician to discipline, including restriction, for violating any provision of Chapter 458 or Chapter 456, or any rules adopted pursuant thereto.

5. Section 458.329, Florida Statutes (2012), defines sexual misconduct in the practice of medicine as the

violation of the physician-patient 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.

Section 458.329 prohibits sexual misconduct in the practice of medicine.

6. Dr. Pop violated Section 458.331(1)(nn), Florida Statutes (2012), by violating Section 458.329, Florida Statutes (2012), when he used the physician-patient relationship with A.S. to engage A.S. in sexual activity, by kissing her, outside the scope of the practice of medicine.

7. Section 120.60(6), Florida Statutes (2012), authorizes the Department to restrict a physician's license if the Department finds that the physician presents an immediate, serious danger to the public health, safety or welfare.


8. Dr. Pop's continued ability to examine and treat female patients constitutes an immediate, serious danger to the health, safety, or welfare of the public and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Section 120.60(6), Florida Statutes (2012), it is **ORDERED THAT:**

1. The license of Ioan Pop, M.D., license number ME 89336, is hereby immediately restricted to prohibit him from treating female patients.

2. A proceeding seeking formal discipline of the license of Ioan Pop, M.D., to practice as a physician will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2012).

**DONE and ORDERED** this 24<sup>th</sup> day of July, 2013.

  
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John H. Armstrong, MD, FACS  
State Surgeon General and  
Secretary of Health



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