


FILED DATE **FEB 17 2014**

Department of Health

BY:   
Deputy Agency Clerk

STATE OF FLORIDA  
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2013-09499  
LICENSE NO.: ME0089346

IOAN POP, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on February 7, 2014, in Kissimmee, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice medicine in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a physician in the State of Florida.

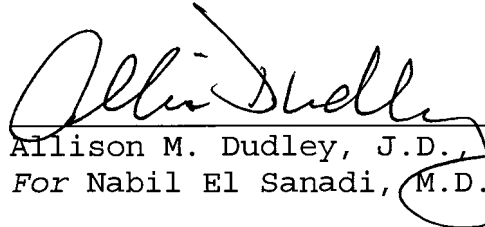
Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that Respondent's Voluntary Relinquishment of his license to practice medicine in the State of Florida is hereby ACCEPTED, and shall constitute discipline upon Respondent's license.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 14<sup>th</sup> day of February, 2014.

BOARD OF MEDICINE

  
Allison M. Dudley, J.D., Executive Director  
For Nabil El Sanadi, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to IOAN POP, M.D., 1356 Monroe Street, Hollywood, Florida 33019; to Rosemarie Antonacci-Pollock, Esquire, 135 San Lorenzo Avenue, Suite 500, Coral Gables, Florida 33146; and by interoffice delivery to Doug Sunshine, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 17<sup>th</sup> day of February, 2014.



**Deputy Agency Clerk**

**FILED**

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH  
DEPUTY CLERK

CLERK: *Bridget Coates*

DATE: 11-25-13

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case Number 2013-09499

IOAN POP, M.D.

Respondent.

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**VOLUNTARY RELINQUISHMENT OF LICENSE**

Respondent, IOAN POP, M.D., license number ME 89346, hereby voluntarily relinquishes Respondent's license to practice medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes. As with any disciplinary action, this relinquishment will be reported to the National Practitioner Data Bank as disciplinary action. Licensing authorities in other states may impose discipline in their jurisdiction based on discipline taken in Florida.

2. Respondent agrees to never reapply for licensure as a Medical Doctor in the State of Florida.

3. Respondent agrees to voluntarily cease practicing medicine immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain

from the practice of Medicine until such time as this Voluntary Relinquishment is presented to the Board and the Board Issues a written final order in this matter.

4. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment and of the Final Order of the Board incorporating this Voluntary Relinquishment.

5. Petitioner and Respondent hereby agree that upon the Board's acceptance of this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 20 day of November, 2013.

STATE OF Florida  
COUNTY OF Broward

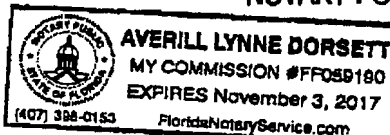
IOAN POP  
IOAN POP, M.D.  
DOH Case Number 2013-09499

Before me, personally appeared IOAN POP, MD, whose identity is known to me or who produced FLA. DRIVERS LICENSE (type of identification) and who, under oath, acknowledges that his signature appears above.

Sworn to and subscribed before me this 20 day of November, 2013.

Averill Lynne Dorsett  
NOTARY PUBLIC

My Commission Expires:



17652

**STATE OF FLORIDA  
DEPARTMENT OF HEALTH**

**DEPARTMENT OF HEALTH,**

**Petitioner,**

**v.**

**CASE NUMBER 2013-09499**

**IOAN POP, M.D.,**

**Respondent.**

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**ADMINISTRATIVE COMPLAINT**

COMES NOW, Petitioner, Department of Health (Department), by and through its undersigned counsel, and files this Administrative Complaint before the Board of Medicine against Respondent, Ioan Pop, M.D., and in support thereof alleges:

**FINDINGS OF FACT**

1. Petitioner 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 Complaint, Respondent was licensed to practice medicine in the State of Florida pursuant to Chapter

458, Florida Statutes (2012), having been issued license number ME 89346.

3. Respondent's address of record is 1356 Monroe Street, Hollywood, Florida 33019.

4. At all times material to this Complaint, Respondent was employed at Mount Sinai Medical Center in Miami Beach, Florida.

5. 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.

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

7. On or about April 30, 2013, Respondent and A.S. were alone in A.S.'s hospital room.

8. Respondent kissed A.S. on the mouth. Respondent also held A.S.'s face with his hand.

9. Respondent asked A.S. questions regarding sex.

10. On or about May 1, 2013, Respondent authorized A.S.'s release from Mount Sinai Medical Center.

11. On or about May 1, 2013, Respondent called A.S. four times after A.S. was released from Mount Sinai Medical Center.

12. The fourth time Respondent called A.S., at approximately 10:20 p.m. on May 1, 2013, Respondent asked A.S. not to discuss with anyone the events between Respondent and A.S. that occurred at Mount Sinai Medical Center.

13. Also during the final telephone call to A.S., Respondent stated that he liked A.S.'s anatomy and that he liked her tongue very much.

#### **COUNT I**

14. Petitioner realleges and incorporates by reference the allegations in paragraphs one through thirteen, as if fully set forth herein.

15. Section 458.331(1)(j), Florida Statutes (2012), subjects a physician to discipline for "[e]xercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity."

16. Section 458.331(1)(j), Florida Statutes (2012), further states that "[a] patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician."

17. Respondent violated Section 458.331(1)(j), Florida Statutes (2012), by exercising influence over A.S. for the purposes of engaging in

sexual activity with A.S., namely kissing A.S. and touching her face. A.S. was incapable of giving consent to this activity with Respondent.

18. Based on the foregoing, Respondent violated Section 458.331(1)(j), Florida Statutes (2012), by exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity.

### **COUNT II**

19. Petitioner realleges and incorporates by reference the allegations in paragraphs one through thirteen, as if fully set forth herein.

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

21. 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.



22. Respondent 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, or attempted sexual activity, in one or more of the following ways:

- a. by kissing A.S., outside of the scope of the practice of medicine,
- b. by touching A.S.'s face, outside of the scope of the practice of medicine,
- c. by calling A.S. on the telephone, outside of the scope of the practice of medicine,
- d. by speaking to A.S. about tantric sex, outside of the scope of the practice of medicine, and/or
- e. by speaking to A.S. about "liking" her anatomy or tongue, outside of the scope of the practice of medicine.

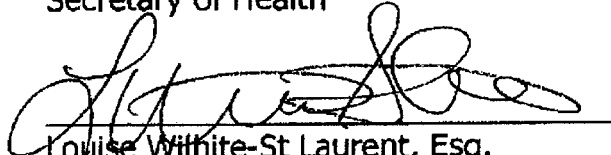
23. Based on the foregoing, Respondent violated Section 458.331(1)(nn), Florida Statutes (2012), by violating Section 458.329, Florida Statutes (2012), by committing sexual misconduct by violating the physician-patient relationship by using the relationship to induce or attempt

to induce A.S. to engage, or engaging or attempting to engage A.S., in sexual activity outside the scope of the practice of medicine.

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 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<sup>th</sup> day of September, 2013.

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



Louise Withite-St Laurent, Esq.  
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Assistant General Counsel  
Prosecution Services Unit  
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FILED  
DEPARTMENT OF HEALTH  
DEPUTY CLERK  
CLERK *Angel Sanders*  
DATE SEP 23 2013

PCP: September 20, 2013  
PCP Members: Georges El-Bahri, M.D.; Steven Rosenberg, M.D.

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**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.**

**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.**