

FILED DATE - JUL 15, 2020
Department of Health**STATE OF FLORIDA
DEPARTMENT OF HEALTH**By: Bridget Coates
Deputy Agency Clerk

IN RE: Emergency Restriction of the License of
Saeed Akhatar Khan, M.D.
License No.: ME 77602
Case No.: 2020-22166

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Scott A. Rivkees, M.D., State Surgeon General, ORDERS the emergency restriction of the license of Saeed Akhatar Khan, M.D., (Dr. Khan) to practice medicine in the State of Florida. Dr. Khan holds license number ME 77602. His address of record is 2257 Highway 441 N, Suite A, Okeechobee, Florida 34972. The following findings of fact and conclusions of law support the emergency restriction of Dr. Khan's license to practice medicine 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 (2019). Section 456.073(8), Florida Statutes (2019), authorizes the Department to summarily restrict Dr. Kahn's license to practice medicine in the State of Florida, in accordance with section 120.60(6), Florida Statutes (2019).

2. At all times material to this Order, Dr. Khan was licensed as a medical doctor in the State of Florida, pursuant to chapter 458, having been issued license number ME 77602.

3. On April 26, 2005, Patient T.B., a 54-year-old female, began seeing Dr. Khan for medical treatment.

4. While treating Patient T.B., Dr. Khan gave Patient T.B. his personal cellular phone number. Dr. Khan periodically called Patient T.B. in the afternoon for long, non-clinical conversations.

5. Dr. Khan admitted to Patient T.B. that he called her often because he was attracted to her.

6. On February 19, 2020, Patient T.B. posted a status to her Facebook wall indicating that she was about to undergo a medical diagnostic test. Dr. Khan commented and wished her luck. Patient T.B. responded by requesting to come see him at this office to discuss her upcoming surgery.

7. On February 25, 2020, Patient T.B. presented to Dr. Khan's office to discuss her upcoming surgery.

8. When Patient T.B. presented to his office, Dr. Khan instructed his staff members to leave.

9. After discussing Patient T.B.'s surgery, Dr. Khan asked Patient T.B. to scratch his back.

10. After Patient T.B. scratched his back, Patient T.B. stated she had to leave. Dr. Khan followed her to the door and pulled down one side of her shirt and bra, exposing her breast.

11. Dr. Khan placed his mouth on Patient T.B.'s breasts and sucked.

12. Dr. Khan then pulled down the remainder of Patient T.B.'s shirt and sucked on her other breast.

13. On May 4, 2020, Patient T.B. reported the assault to a deputy with the Okeechobee County Sherriff's Office (OCSO).

14. On May 21, 2020 Dr. Khan admitted to placing Patient T.B.'s breasts in his mouth during a controlled call and admitted to a deputy with OCSO that he placed one of Patient T.B.'s breasts in his mouth.

15. Dr. Khan was arrested and charged with misdemeanor battery. The case is still ongoing as of the date of this order.

16. Dr. Khan's conduct of exposing, placing his mouth on, and sucking on Patient T.B.'s breasts is outside of the scope of practice and not for a medically recognized diagnostic or treatment purpose.

17. Since media reports of Dr. Khan being accused of sexual misconduct, ten other patients have spoken out regarding Dr. Khan being inappropriate with them during office visits.

18. Physicians are entrusted by the public to provide treatment to

patients in a manner that is safe and to protect their patients from harm. Dr. Khan's actions towards his patient show that he does not have the judgment or moral character to hold a position of power or trust. Dr. Khan violated the patient-physician relationship when engaged in sexual activity with Patient T.B. Dr. Khan's continued unrestricted practice as a physician presents a risk of immediate and serious danger to the health, welfare, and safety of the public.

19. Dr. Khan's blatant disregard for the laws and rules regulating his profession indicates that his behavior is likely to continue. Because of this risk, Dr. Khan's continued unrestricted practice represents an immediate, serious danger to the public health and to patients under his care. Therefore, there are no less restrictive means than the terms outlined in this Order that will adequately protect the public.

20. As a result, nothing short of the immediate restriction of Dr. Khan's license to practice as a physician will adequately protect the public.

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 (2019), and chapter 458 as set forth above.

2. Section 456.072(1)(v), Florida Statutes (2019), authorizes discipline, including restriction, against a physician for engaging or attempting to engage in sexual misconduct.

3. Dr. Khan violated section 456.072(1)(v) by engaging or attempting to engage in sexual misconduct with Patient T.B. by inappropriately exposing and sucking on her breasts during an examination.

4. Section 458.331(1)(nn), Florida Statutes (2019), authorizes discipline for a violation of any provision of chapter 456 or 458 as well as any rules adopted pursuant thereto.

5. Rule 64B8-9.008, Florida Administrative Code, prohibits sexual misconduct with a patient, including verbal or physical behavior which may reasonably be interpreted as intended for the sexual arousal or gratification of the physician, the patient or any third party or may reasonably be interpreted by the patient as being sexual.

6. Dr. Khan violated section 458.331(1)(nn) by violating rule 64B8-9.008 by exposing and sucking on Patient T.B.'s breasts during an examination in a manner intended for the sexual arousal or gratification of the physician, the patient, or a third party and was interpreted by the patient as being sexual.

7. Section 120.60(6) authorizes the Department to summarily restrict the license of a physician upon a finding that the licensed physician presents an immediate, serious danger to the public health, safety, or welfare.

8. Dr. Khan's continued unrestricted practice as a medical doctor constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida, and this summary procedure is fair under the circumstances to adequately protect the public.

WHEREFORE, in accordance with section 120.60(6), it is **ORDERED THAT:**

1. The license of Saeed Akhatar Khan, M.D., license number ME 77602, is immediately restricted to prohibit Dr. Khan from treating and interacting with female patients.

2. A proceeding seeking formal discipline of the license of Saeed Akhatar Khan, M.D., to practice as a physician in the State of Florida will be promptly instituted and acted upon in compliance with sections 120.569 and 120.60(6).

DONE and ORDERED by the Department of Health on this 13th day of July, 2020.



Scott A. Rivkees, M.D.
State Surgeon General

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to sections 120.60(6) and 120.68, Florida Statutes, the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, and accompanied by a filing fee prescribed by law with the District Court of Appeal, and providing a copy of that Petition to the Department of Health within thirty (30) days of the date this Order is filed.