

IN THE MATTER
OF
OM KAPOOR, M.D.

COMMISSIONER'S
ORDER OF
SUMMARY
ACTION

TO: OM KAPOOR, M.D.


The undersigned, Howard A. Zucker, M.D., J.D., Commissioner of Health, pursuant to N.Y. Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that the duly authorized professional disciplinary agency of another jurisdiction, the State of Florida, Department of Health, has made a finding substantially equivalent to a finding that the practice of medicine by OM KAPOOR, M.D. (the Respondent), New York license number 233916, in that jurisdiction constitutes an imminent danger to the health of its people, as is more fully set forth in the "Order of Emergency Restriction of License" henceforth: "predicate action"), attached hereto as Appendix "A" and made a part hereof.

It is therefore:

ORDERED, pursuant to N.Y. Public Health Law §230(12)(b), that effective immediately, Respondent shall not practice medicine in the State of New York, or practice in any setting under the authority of Respondent's New York license.

Any practice of medicine in violation of this Order shall constitute Professional Misconduct within the meaning of N.Y. Educ. Law §6530(29) and may constitute unauthorized medical practice, a Felony defined by N.Y. Educ. Law §6512.


This Order shall remain in effect until the final conclusion of a hearing which shall commence within thirty days after the final conclusion of the disciplinary proceeding in the predicate action. The hearing will be held pursuant to the provisions of N.Y. Pub.

Health Law §230, and N.Y. State Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on a date and at a location to be set forth in a written Notice of Hearing or Notice of Referral Proceeding to be provided to the Respondent after the final conclusion of the proceeding in the predicate action. Said written Notice may be provided in person, by mail, or by other means. If Respondent wishes to be provided said written notice at an address other than that set forth above, Respondent shall so notify, in writing, both the attorney whose name is set forth in this Order, and the Director of the Office of Professional Medical Conduct, at the addresses set forth below.

Respondent shall notify the Director of the Office of Professional Medical Conduct, New York State Department of Health, Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719 via Certified Mail, Return Receipt Requested, of the final conclusion of the proceeding in the predicate action, immediately upon such conclusion.

THE NEW YORK PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
August 29, 2018


Howard A. Zucker, M.D., J.D.
Commissioner of Health
New York State Department of Health

Inquiries should be directed to:

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Appendix "A"

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**By: 

Deputy Agency Clerk

In Re: Emergency Restriction of the License of
Om Parkash Kapoor, M.D.
License No.: ME 101418
Case Number: 2017-23491

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Celeste Phillip, M.D., M.P.H., State Surgeon General, ORDERS the emergency restriction of the license of Om Parkash Kapoor, M.D., (Dr. Kapoor) to practice as a medical doctor in the State of Florida. Dr. Kapoor holds license number ME 101418. Dr. Kapoor's address of record is 820 Prudential Drive, Suite 515, Jacksonville, Florida 32207. The following Findings of Fact and Conclusions of Law support the emergency restriction of Dr. Kapoor's license to practice as a medical doctor 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 (2017). Section 456.073(8), Florida Statutes (2017), authorizes the State Surgeon General to summarily restrict Dr. Kapoor's license to practice medicine in the State of Florida, in accordance with Section 120.60(6), Florida Statutes (2017).
2. At all times material to this Order, Dr. Kapoor held a license to practice

as a medical doctor in the State of Florida, pursuant to Chapter 458, Florida Statutes.

3. At all times material to this Order, Dr. Kapoor practiced at the Baptist Medical Center's Infectious Disease Clinic, located in Jacksonville, Florida.

4. In 2012, the Jacksonville Sheriff's Office received a report from the Baptist Medical Center's Risk Manager alleging Dr. Kapoor engaged in sexual misconduct with a 20-year-old male patient.

5. This matter was not reported to the Department of Health.

6. In 2017, Patient M.V., 34-year-old male patient, presented to Dr. Kapoor for treatment over an approximately one-year period of time.

7. In July 2017, Dr. Kapoor diagnosed Patient M.V. with Lyme disease.¹

8. Patient M.V. presented to Dr. Kapoor periodically for examinations. During the examination, Dr. Kapoor examined Patient M.V.'s lower extremities for a rash caused by Lyme disease.

9. On December 14, 2017, Patient M.V. presented to Dr. Kapoor for a follow-up appointment.

10. Dr. Kapoor informed Patient M.V. that he tested positive for Lyme

¹ Lyme disease is a tick-borne illness with characteristic symptoms including fever, headache, fatigue, and a characteristic skin rash called erythema migrans.

disease again and would need to have another examination.

11. Dr. Kapoor directed Patient M.V. to remove his pants and underwear and to lean over the examination table.

12. Patient M.V. complied with Dr. Kapoor's request and placed his cellular phone screen-up on the examination table.

13. Dr. Kapoor approached Patient M.V. Before he began the exam, he flipped Patient M.V.'s cellular phone over so that the screen faced down.

14. Dr. Kapoor began to examine Patient M.V.'s buttocks, the back of his legs, and under his scrotum.

15. During the examination, Respondent asked Patient M.V. to "spread [his] butt cheeks." Patient M.V. complied with this request.

16. After several minutes, Patient M.V. heard Respondent breathe heavily and moan.

17. Patient M.V. then felt a wet substance on the back of his leg.

18. Patient M.V. turned around and saw Dr. Kapoor masturbating his exposed penis and ejaculating into a napkin. Dr. Kapoor threw the used napkin into the trash can.

19. Dr. Kapoor told Patient M.V. that he would have to return to Dr. Kapoor again if he wanted to stay well. Dr. Kapoor added, "I will make sure that

you don't die, my attractive young man."

20. Dr. Kapoor then rushed out of the room.

21. Patient M.V. took the napkin out of the garbage can and brought it to the Jacksonville Sheriff's Office.

22. On December 20, 2017, Dr. Kapoor was charged with battery and exposure of sexual organs in Duval County case number 2017-MM-19400. These charges are currently pending resolution.

23. Medical doctors are entrusted by the public to provide treatment to patients in a manner that is safe and to protect their patients from harm. Dr. Kapoor violated the trust that Patient M.V. placed in him by committing an egregious act of sexual misconduct. Patient M.V. presented to Dr. Kapoor for follow-up related to a diagnosis, something that all of Dr. Kapoor's infectious disease patients would have to do. Dr. Kapoor, under the guise of a routine examination, looked at Patient M.V.'s buttocks and genitals for his own sexual gratification, and then masturbated in Patient M.V.'s presence. Dr. Kapoor's conduct of masturbating and ejaculating on a patient was so brazen and with such a wanton disregard for the laws and rules regulating the practice of medicine, that any male patient that presents to Dr. Kapoor for any purpose, is in danger of harm within the confines of the examination room. Dr. Kapoor's

conduct is of a nature that is likely to continue as long as he continues to treat male patients without supervision.

24. Based on Dr. Kapoor's violation of the public trust and his egregious commission of sexual misconduct, there are no less-restrictive means other than the terms outlined in this Order that 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 (2017), and Chapter 458, Florida Statutes (2017), as set forth above.

2. Section 458.331(1)(j), Florida Statutes (2017), authorizes discipline, including restriction, against a medical doctor for 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 or her physician.

3. Dr. Kapoor violated Section 458.331(1)(j), Florida Statutes (2017), by engaging and attempting to engage Patient M.V. in sexual activity by:

a. Asking Patient M.V. to "spread his butt cheeks";

- b. Exposing his penis in Patient M.V.'s presence;
- c. Masturbating in Patient M.V.'s presence; and
- d. Ejaculating on Patient M.V.

4. Section 120.60(6), Florida Statutes (2017), authorizes the State Surgeon General to summarily restrict a medical doctor's license upon a finding that the medical doctor presents an immediate, serious danger to the public health, safety, or welfare.

5. Dr. Kapoor'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), Florida Statutes (2017), it is **ORDERED THAT**:

1. The license of Om Parkash Kapoor, M.D., to practice as a medical doctor, license number ME 101418, is immediately restricted to prohibit Om Parkash Kapoor, M.D., from treating and interacting with male patients without a healthcare professional holding a clear and active license with the Florida Department of Health physically present at all times when Dr. Kapoor is interacting with male patients.

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2. A proceeding seeking formal discipline of the license of Om Parkash Kapoor, M.D., to practice as a medical doctor in the State of Florida will be promptly instituted and acted upon in compliance with Sections 120.569 and 120.60(6), Florida Statutes (2017).

DONE and ORDERED this 1 day of Feb, 2018.



RV Celeste Phillip, M.D., M.P.H.
Surgeon General and Secretary

PREPARED BY:
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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.