

5. Robert A. Norman (the “Respondent”) of Tampa, Florida is an osteopathic physician holding application number 032-0050012, in the State of Vermont.
6. On or about April 30, 2009 the Office of Professional Regulation (“OPR”) received from the Respondent an application for licensure as an osteopathic physician in the State of Vermont. Included with this application was a disclosure indicating that the Respondent had disciplinary action taken against him in the States of Florida, Massachusetts, Maine and Michigan.
7. A review of the Respondent’s licensing file indicates that on or about January 22, 1991 the Florida Board of Osteopathic Medical Examiners (the “Florida Board”) entered a Final Order. Attachment A. This Final Order incorporates a Stipulation

and Administrative Complaint (the "Stipulation"). Id. The Stipulation prevented the Respondent from practicing in Florida based on two convictions of criminal battery in the State of Florida involving sexual misconduct with two separate patients in 1987. Id. The Stipulation also incorporated allegations in respect to the Respondent's sexual misconduct with a third patient that occurred in the State of Massachusetts in 1988. Id. In accordance with the Stipulation, before the Florida Board allowed Respondent to resume practice, the Respondent was required to: 1) demonstrate to the Florida Board that he could practice osteopathy with reasonable skill and safety; 2) obtain psychiatric and physical evaluations; and 3) submit a practice plan. Id.

8. The Respondent was subsequently reinstated and placed on probation by the Florida Board.
9. The Respondent's licenses in the States of Massachusetts, Maine and Michigan were all revoked based on the above referenced incidents. The Respondent has never sought to reinstate these licenses. The Respondent's license in the State of Colorado lapsed in 1985 and was never renewed.
10. The Florida probation conditions were successfully completed and lifted by the State of Florida. The Respondent's license in the State of Florida is currently "clear" (no disciplinary conditions or probation) and active. Attachment B.
11. Although the Respondent's official probation with the Florida Board ended, Respondent has continued to receive psychiatric care from a medical doctor and mental health therapy from a psychologist. Both of these practitioners are located in Florida.
12. The Respondent has practiced without further disciplinary action in the State of Florida since 1991.

Charges

13. By committing the above act(s), circumstance(s) and/or omission(s), the Respondent has engaged in unprofessional conduct, as outlined above in paragraphs 2-4.

Understandings

14. Respondent understands that the Board must review and accept the terms of this Stipulation and Consent Order. If the Board rejects any portion, the entire Stipulation and Consent Order shall be null and void.
15. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
16. Respondent voluntarily enters this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Stipulation and

Consent Order.

17. Respondent voluntarily waives his right to charges and a contested hearing before the Board.
18. Respondent is not under the influence of any drugs or alcohol at the time he signs this Stipulation and Consent Order.
19. The Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced his rights to a fair and impartial hearing in future proceedings if this agreement is not accepted by the Board.
20. The Respondent agrees and understands even if the Board accepts this Stipulation and Consent Order, it only addresses the Respondent's past discipline in Florida and the other states as indicated above. The Board's acceptance of this Stipulation and Consent Order does not confer a license on the Respondent. The Respondent must satisfy all prerequisites for licensure in the State of Vermont, including but not limited to education, examination and/or endorsement requirements before receiving an osteopath license in the State of Vermont.
21. The Respondent agrees that the Order set forth below may be entered by the Board.

CONSENT ORDER

Based upon the stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. Respondent's actions described above demonstrate grounds for discipline because the Respondent engaged in unprofessional conduct detailed in paragraphs 2-4 above. Although the Respondent has successfully rehabilitated himself, the severity of his past conduct requires this Board to **WARN** any license to practice Osteopathy that may be granted to the Respondent should he meet all other prerequisites for licensure.
- B. Should the Respondent be granted a license by this Board and should he relocate from Florida to Vermont to take up the practice of Osteopathy, within sixty (60) days of such relocation, the Respondent shall provide the Board with his plan to receive psychiatric and/or mental health therapy in the State of Vermont. This plan shall include the names and addresses of the practitioners that he plans to utilize in Vermont. If the Respondent does not plan on utilizing the services of a psychiatrist and/or a psychologist in the State of Vermont, the Board may require him to present information and/or testimony from the practitioners that he is currently utilizing in Florida in order to determine if the medical and/or psychological basis for discontinuing such treatment. Based on such presentation, if the Board feels that the health, safety or welfare of the public requires the Respondent to continue with medical and/or psychological treatment, it may condition his license to require said treatment pursuant to this Stipulation and Consent Order.

C. Notwithstanding any provision above, the Respondent must continue to meet all Board requirements for maintaining a license, license renewal and license reinstatement.

D. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. § 129(a). The Respondent understands that this Stipulation and Consent Order and all attachments hereto, since they are public records, may be disseminated accordingly. In particular, the Respondent recognizes that an electronic copy of this Stipulation and Consent Order shall appear on the Office of Professional Regulation website which is freely accessible to the public.

E. This Stipulation and Consent Order will remain part of the Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

Dated: 5/24/10

Dated: 5/24/10

Approved as to form:

Dated: 5/24/10

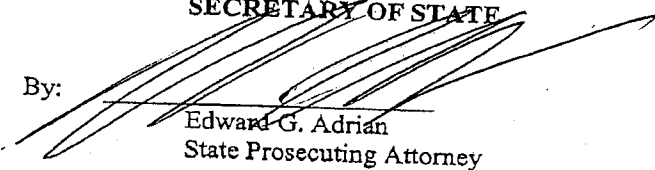
APPROVED AND SO ORDERED:

Dated: 6/3/2010

Date of Entry: 6/3/10
OS007.stip.wpd

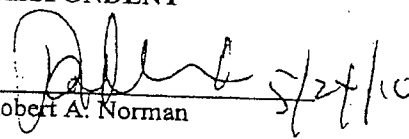
STATE OF VERMONT
SECRETARY OF STATE

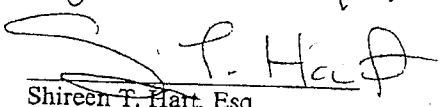
By:


Edward G. Adrian
State Prosecuting Attorney

ROBERT A. NORMAN
RESPONDENT

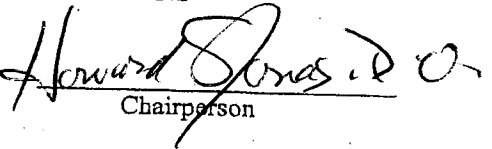
By:


Robert A. Norman


Shireen T. Hart, Esq.
Attorney for Respondent

VERMONT BOARD OF
OSTEOPATHIC PHYSICIANS AND
SURGEONS

By:


Chairperson

B03740-1/42

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**STATE OF VERMONT
SECRETARY OF STATE**

Dated: _____

By: _____

Edward G. Adrian
State Prosecuting Attorney

Dated: _____

5/19/2010

**ROBERT A. NORMAN
RESPONDENT**

By: _____

Robert A. Norman

Approved as to form:

Dated: _____

Shireen T. Hart, Esq.
Attorney for Respondent

APPROVED AND SO ORDERED:

**VERMONT BOARD OF
OSTEOPATHIC PHYSICIANS AND
SURGEONS**

Dated: _____

By: _____

Chairperson

Date of Entry: _____
OS007.stip.wpd

B03740-1/42

VERMONT SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF OSTEOPATHIC PHYSICIANS & SURGEONS

In re Robert A. Norman }
Docket No. 2010-26 (OS) }

ENTRY ORDER

In addition to the terms and conditions of the Consent Order entered on today's date, the Board orders incorporation of the following condition until further order of this Board:

When conducting any gynecological or breast examination, the Respondent shall have an adult female present in the exam room. If a patient objects to having a third party present for an examination, Respondent shall note the patient's objection in her medical record.

(- end -)

Vermont Board of Osteopathic Physicians & Surgeons:

By: Howard Jonas, D.O.
Howard Jonas, D.O.
Commission Chairperson

Date: 6/3/2010

OFFICE OF PROFESSIONAL REGULATION

DATE OF ENTRY: 6/3/10

FILED

Department of Professional Regulation
AGENCY CLERK

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

CLERK

DATE

1-25-91

DEPARTMENT OF PROFESSIONAL
REGULATION,
Petitioner,

-VS-

DPR. CASE NO. 0209236

ROBERT A. NORMAN, D.O.,
Respondent.

RECEIVED

MAY 05 2009

Secretary of State
Professional Regulation

FINAL ORDER

THIS MATTER came before the Board of Osteopathic Medical Examiners pursuant to Section 120.57(3), Florida Statutes, on December 8, 1991, in Ft. Lauderdale, Florida, for a determination of whether to accept the proposed settlement stipulation. The Petitioner was represented by Stephanie Daniel, Senior Attorney. The Respondent was not present and was not represented by legal counsel.

Upon consideration of the administrative complaint, (A copy of which is attached and incorporated herein by reference) the proposed settlement stipulation, the argument of the parties, and being otherwise fully advised in the premises, it is hereby ORDERED AND ADJUDGED:

1. The proposed settlement stipulation is hereby approved and adopted in toto and incorporated herein by reference. (A copy of which is attached)
2. Respondent will adhere to and abide by all the terms and conditions of the settlement stipulation.

Attachment A

3. This Final Order and its attachments shall be placed in and become a part of Respondent's official records and shall become effective upon filing with the Clerk of the Department of Professional Regulation.

DONE AND ORDERED this 22nd day of January, 1991.

BOARD OF OSTEOPATHIC MEDICINE

Angel F. Rivera, D.O.
ANGEL RIVERA, D.O.
CHAIRMAN, OSTEOPATHIC MEDICAL
EXAMINERS

NOTICE OF RIGHT TO APPEAL

Pursuant to Section 120.59, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by filing one copy of a Notice of Appeal with the Clerk of the Department of Professional Regulation and by filing the filing fee and a copy of a Notice of Appeal with the District Court of Appeal within thirty (30) days of the date when this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by Certified U.S. Mail to Robert A. Norman, D.O., 22 Mill Street, Suite 109, Arlington, Massachusetts 02174 and by hand delivery to Stephanie Daniel, Senior Attorney, 1940 North Monroe Street, Tallahassee, Florida 32399-0750 on or before 5:00 p.m., this 25th day of January, 1991.


William H. Buckhalt
EXECUTIVE DIRECTOR

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF OSTEOPATHIC MEDICAL EXAMINERS

DEPARTMENT OF PROFESSIONAL
REGULATION,

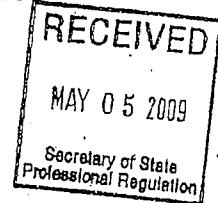
Petitioner,

vs.

Case No. 0109236

ROBERT A NORMAN, D.O.,

Respondent.



ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint against Robert A. Norman, D.O., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of osteopathic medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 459, Florida Statutes.

2. Respondent is, and has been at all times material to this action, a licensed osteopathic physician in the State of Florida, having been issued license number OS 0004442. Respondent's last known address is 22 Mill Street, Suite 109, Arlington Massachusetts 02174.

FACTS RELATED TO COUNT I

3. On April 7, 1988, Respondent entered a plea of nolo contendere and was adjudicated guilty on two counts of criminal battery in Case Nos. CTC 87-05216 MMANO-F and CTC 87-05217 MMANO-

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F in the County Court of Pinellas County, Florida. Respondent was sentenced to terms of twelve months' probation running concurrently with six months suspended jail sentence, and one thousand dollars fine for each of the two counts. Respondent also was to make restitution to the victims for the cost of uninsured psychiatric or psychological counseling, and that Respondent was to seek psychiatric evaluation and counselling.

4. The facts alleged in Case CTC 87-05216 were that during an examination and treatment of C.W. on or about March 6, 1987, Respondent inappropriately touched C.W.'s breasts, slipped his hands inside C.W.'s blue jeans and rubbed her buttocks and vaginal area, became aroused and rubbed himself against her leg and vaginal area, and forced C.W. to kiss him. Further, that Respondent made several telephone calls to C.W. following the events recited above, attempting to persuade her to attend "swingers' parties" with Respondent.

5. Case CTC 87-05217 involved allegations that Respondent, after initially treating B.W.M. for a shoulder and upper back injury in January 1987, Respondent came to her home several times, to "see how she was doing." On March 10, 1987, during an office visit, Respondent fondled B.W.M.'s breasts and massaged her genital area, and rubbed himself against her vaginal area.

COUNT I

6. Petitioner realleges paragraphs One (1) through Five (5) as though fully set forth in this Count I.

7. Respondent was adjudicated guilty of two counts of criminal battery for acts committed by Respondent in the practice

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of osteopathic medicine.

8. Based on the foregoing, Respondent has violated Section 459.015(1)(c), Florida Statutes, by being convicted or found guilty, regardless of adjudication, of a crime in any jurisdiction which directly relates to the practice of osteopathic medicine or to the ability to practice osteopathic medicine. Any plea of nolo contendere shall be considered a conviction for purposes of Chapter 459, Florida Statutes.

FACTS RELATED TO COUNT II

9. On March 9, 1989, the Board of Registration in Medicine of the Commonwealth of Massachusetts issued an order summarily suspending Respondent's license to practice osteopathic medicine in Massachusetts.

10. On June 6, 1989, following a full evidentiary hearing at which Respondent was represented by counsel and at which testimony was taken under oath, the Board issued a Final Decision and Order on Summary Suspension in Case No. 89-16-SU, continuing the suspension of Respondent's license upon findings that such suspension was necessary to protect the health, safety, and welfare of the public.

11. This Summary Suspension was based on sexual misconduct involving patients, including patients C.W. and B.W.M., referenced in Count I of this Complaint, and S.F. ("Patient A," "Patient B," and "Patient C," respectively, in the Massachusetts proceedings).

12. In the Massachusetts proceedings, Respondent was found to have fondled S.F.'s breasts, tickled and attempted to hug and

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kiss S.F. during examination and treatment at Respondent's office on April 28, 1988.

13. Further, Respondent was found to have falsely responded or attempted to conceal evidence of his convictions for sexual battery on his Massachusetts license renewal application, dated August 13, 1987. Respondent answered the question "Have you, at any time, been a defendant in a criminal proceeding other than minor traffic offenses?" by checking the box indicating "No," and writing "No felony," in the margin.

COUNT II

14. Petitioner realleges paragraphs One (1), Two (2), and paragraphs Nine (9) through Thirteen (13) as though fully set forth in this Count II.

15. Respondent's license was suspended by the Board of Registration in Medicine of the Commonwealth of Massachusetts, which is the licensing authority for osteopathic physicians in Massachusetts.

16. Based on the foregoing, Respondent has violated Section 459.015(1)(b), Florida Statutes, by having a license to practice osteopathic medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any state, territory, or country. The licensing authority's acceptance of a physician's relinquishment of license, stipulation, consent order, or other settlement, offered in response to or in anticipation of the filing of administrative charges against the physician, shall be construed as action against the physician's license.

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COUNT III

10. Petitioner realleges paragraphs One (1) through Five and as though fully set forth in this Count III.

11. By performing sexual acts upon C.W. and B.W.M. against the will of those patients during the examination and/or treatment of C.W and B.W.M., Respondent exercised influence within physician-patient relationships for purposes of engaging C.W. and B.W.M. in sexual activity.

12. Based on the foregoing, Respondent has violated Section 459.015(1)(m), Florida Statutes, by exercising influence within a physician-patient 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.

WHEREFORE, Petitioner respectfully requests the Board of Osteopathic Medical Examiners to enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 27th day of March, 1989.

FILED

Department of Professional Regulation
AGENCY CLERK

LARRY GONZALEZ
Secretary

Jul Cope

CLERK

DATE

3/30/90

Small
BY: Stephanie A. Daniel
Chief Medical Attorney

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Charlie Crist
Governor

Ana M. Viamonte Ros, M.D., M.P.H.
State Surgeon General

FLORIDA LICENSURE CERTIFICATION

Vermont Board of Osteopathic Physicians and Surgeons
26 Terrace St, Drawer 09
Montpelier, VT 05609

April 12, 2010

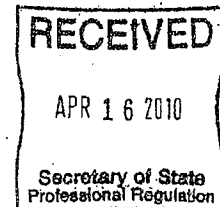
RE: ROBERT A NORMAN, D.O.

To Whom It May Concern:

This is to certify the records of the Department of Health indicating the following for the above referenced Health Care Practitioner:

LICENSE NUMBER:	OS4442
ORIGINAL CERTIFICATION:	07/30/1982
EXPIRATION DATE:	03/31/2012
CURRENT STATUS OF LICENSE:	Clear, ACTIVE
BOARD ACTION:	Yes

This license information was last updated on: 04/07/2010



To expedite the verification process, this is the standard format prepared for all Medical Doctors and Osteopathic Medical Doctors. The information above is the only verification document provided by the Department. A copy of this request is being forwarded to the Central Records Unit for research and response regarding the existence of any disciplinary activity. Any information resulting from this research will be provided to your office in a separate mailing.

Florida Department of Health
(850) 245-4191

Medical Quality Assurance
4052 Bald Cypress Way, Bin C01
Tallahassee, FL 32399-3253
www.doh.state.fl.us/mqa

Attachment B

RECEIVED
BUREAU OF LEGAL SERVICES
90 OCT 25 PM 3:28

STATE OF FLORIDA
DIVISION OF ADMINISTRATIVE HEARINGS

DEPARTMENT OF PROFESSIONAL
REGULATION,

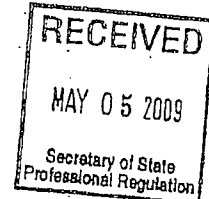
Petitioner,

vs.

DOAH CASE NO. 90-3444
DPR CASE NO. 0109236

ROBERT A. NORMAN, D.O.,

Respondent.



STIPULATION

Robert A. Norman, D.O., the Respondent, and the Department of Professional Regulation, referred to as Department, stipulate and agree to the following joint Stipulation and to the entry of a Final Order of the Board of Osteopathic Medical Examiners, referred to as Board, incorporating this Stipulation and agreement in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed osteopathic physician in the State of Florida having been issued license number OS 0004442.

2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 459, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint Administrative Complaint is attached hereto and incorporated by reference as Exhibit A.

3. Respondent neither admits nor denies the allegations of

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fact contained in the Administrative Complaint attached hereto as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed osteopathic physician, admits that in such capacity he is subject to the provisions of Chapters 455 and 459, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, constitute violations of Chapter 459, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapter 455, 459 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. The Board shall impose an administrative fine in the amount of \$2,000.00 against the Respondent. The fine shall be paid by the Respondent to the Executive Director of the Board within 120 days of the imposition by Final Order of the Board.

3. The Respondent shall receive a reprimand from the Board of Medicine.

4. Effective the date of filing of the Final Order incorporating the terms of this Stipulation, Respondent shall not practice in the State of Florida. Prior to resuming practice in the State of Florida Respondent shall appear before the Board and prove, by clear and convincing evidence that he is able to practice osteopathic medicine with reasonable skill and safety to

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patients.

Such proof shall include, but not be limited to, the following:

a. Satisfactory psychiatric and physical evaluations by physicians approved by the Board.

b. Respondent shall present a practice plan to the Board of Osteopathic Medical Examiners for Board approval. Said practice plan shall describe the practice location, the composition and type of practice, the average patient load (on a weekly basis), the average number of hours on a weekly basis during which the physician will be working, and the names of any physicians with whom Respondent will be working.

5. At the time Respondent is authorized by the Board to resume practice in Florida, the Board may in its discretion, place Respondent on a period of probation not to exceed five years, and may subject Respondent to such terms and conditions as the Board may deem appropriate at that time.

7. Respondent's license to practice osteopathic medicine shall be hereinafter restricted in that Respondent shall not treat any female patients without a female health care practitioner licensed by the Department of Professional Regulation present in the room.

8. Respondent agrees to the issuance of an emergency suspension order by the Secretary of the Department upon a finding of reasonable cause to believe the terms of the Stipulation, as incorporated by a Final Order, have been violated.

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9. It is expressly understood that this Stipulation is subject to the approval of the Board and the Department. In this regarding the foregoing paragraphs (and only the foregoing paragraphs of the Stipulated Facts, Stipulated Conclusions of Law and Stipulated Disposition) shall have no force and effect unless a Final Order is entered incorporating the terms of this Stipulation, by the Board.

10. Should this Stipulation be rejected, no statement made in furtherance of this Stipulation by the Respondent may be used as direct evidence against the Respondent in any proceeding. However, such statements may be used by the Petitioner for impeachment purposes.

11. Respondent and the Department fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or admissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

12. Upon the Board's adoption of this Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint Stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said Stipulation.

13. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear his own attorney's

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fees and cost resulting from prosecution and/or defense of this proceeding. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

14. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

SIGNED this 23rd day of October, 1990.

Robert A. Norman
Robert A. Norman, D.O.

Sworn to and subscribed
before me this 23 day
of October, 1990.

Notary Public
NOTARY PUBLIC

My Commission Expires:

Commission Expires Feb 15, 1996

APPROVED this _____ day of _____, 1990.

Lawrence A. Gonzalez
Secretary

By: Stephanie A. Daniel
Chief Attorney
Medical Section

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