STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2011-17608
LICENSE NO.: ME0088500

SEAN CHRISTOPHER ORR, M.D.,

Respondent.

________________________________ ______

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on August 2, 2013, in Deerfield Beach, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise full advised in the premises, the Board rejected the Settlement Agreement and offered a Counter Settlement Agreement which Respondent was given 7 days to accept. By correspondence dated August 14, 2013, counsel for Respondent timely accepted the Board’s Counter Settlement Agreement. The Counter Settlement Agreement incorporates the original Settlement Agreement with the following amendments:

2. Respondent shall document the completion of 5 hours of continuing medical education (CME) in the area of medical ethics within one year from the date the Final Order is filed. These hours shall be in addition to those hours required for biennial renewal of licensure. Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Unless otherwise approved by the Board or the Chairperson of the Probation Committee, said continuing education courses shall consist of a formal live lecture format.

3. Respondent's practice shall be permanently restricted as follows: Respondent shall not examine or treat any female patients without a female employee who is a health care practitioner licensed by the Department of Health present in the room.

4. Respondent's license to practice medicine in the State of Florida is hereby SUSPENDED for a period of one (1) year.

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the amendments set forth above. Accordingly, the parties shall adhere to and
abide by all the terms and conditions of the Settlement Agreement as amended.

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

DONE AND ORDERED this 15th day of Aug., 2013.

BOARD OF MEDICINE

[Signature]
Allison M. Dudley, J.D., Executive Director
For Zachariah P. Zachariah, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by Certified Mail to SEAN CHRISTOPHER ORR, M.D., 4411 Sunbeam Road, #5623, Jacksonville, Florida 32241; to John Saalfield, Esquire, Saalfield, Shad, et al., 245 Riverside Avenue, Suite 400, Jacksonville, Florida 32202; and by email to Susan M. Bird, Esquire, at sbird@saalfieldlaw.com; by email to the Professionals Resource Network (PRN) at admin@flprn.org; and by interoffice delivery to
Doug Sunshine, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3253 this 16th day of August, 2013.

Sean C. Orr  
4411 Sunbeam Rd., #5023  
Jacksonville, FL 32241

7012 3050 0002 3881 2772

John Saalfeld, Esq.

Deputy Agency Clerk
STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v.

DOH Case No. 2011-17608

SEAN CHRISTOPHER ORR, M.D.,

Respondent.

SETTLEMENT AGREEMENT

Sean Christopher Orr, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department" stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 88500.
2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint for purposes of these proceedings only.

**STIPULATED CONCLUSIONS OF LAW**

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

**STIPULATED DISPOSITION**

1. **Reprimand** - The Board shall reprimand the license of Respondent.

2. **Fine** - The Board of Medicine shall impose an administrative fine of ten thousand dollars and no cents ($10,000.00) against the license of Respondent, to
be paid by Respondent to Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty-days (30) from the date of filing of the Final Order accepting this Agreement. **All fines shall be paid by cashier check or money order.** The Board office does not have the authority to change the terms of payment of any fine imposed by the Board.

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.**

3. **Reimbursement of Costs** - Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for any costs incurred in the investigation and prosecution of this case. Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, and the Board's administrative cost directly associated with Respondent's probation, if any. The agreed upon amount of Department costs to be paid in this case is currently **nine thousand fifty-nine dollars and one cent ($9,059.01), but shall not exceed eleven thousand fifty-nine dollars and one cent**
($11,059.01). Respondent will pay costs to Payments, Department of Health, Compliance Management Unit, Bin C-76, P. O. Box 6320, Tallahassee, FL 32314-6320, within thirty-days (30) from the date of filing of the Final Order in this cause. **All costs shall be paid by cashiers check or money order.** Any post-Board costs, such as the costs associated with probation, are not included in this agreement.

**RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS/HER LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED TO IN THIS SETTLEMENT AGREEMENT, SPECIFICALLY: IF WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER, RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL SUCH WRITTEN CONFIRMATION IS RECEIVED BY RESPONDENT FROM THE BOARD.**

4. **Laws And Rules Course** - Respondent shall complete course, “Legal and Ethical Implications in Medicine Physician’s Survival Guide—Laws and Rules” administered by the Florida Medical Association, or a Board-approved equivalent, within eighteen (18) months of the date of filing of the Final Order of the Board. In addition, Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician’s recognition awards, documenting completion of this medical education course within eighteen (18) months of the date of filing of the Final Order incorporating this Agreement.
5. **Restriction Language**

   (A) **Restriction on Practice (PRN)** - Respondent shall enter into a contract with the PRN and shall cause the medical director of PRN to send the Board a copy of that contract. Respondent shall comply with all of the conditions of his contract with the PRN. Respondent shall participate and comply with all terms and recommendations with the Professional Resource Network (PRN). Respondent's practice is restricted in that Respondent may only practice medicine while in compliance with the terms of Respondent's contract with the Professionals Resource Network. Respondent shall execute a release for the PRN program to authorize the PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board as needed to monitor the progress of Respondent in the PRN program. Respondent shall cause the director of PRN to report to the Board any problems that may occur with Respondent and any violations of Chapter 458, Florida Statutes, which occur within thirty (30) days of the occurrence of any problems or violations of the law. Violation of the PRN contract shall constitute a violation of the terms of the Final Order.

**STANDARD PROVISIONS**

1. **Appearance** - Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. **No force or effect until final order** - It is expressly understood that this Agreement is subject to the approval of the Board and the Department.
In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** - Unless otherwise provided in this written agreement, Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said continuing medical education course(s). Respondent shall submit documentation in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the date of filing of the Final Order in this matter. All such documentation shall be sent to the Board of Medicine, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. These hours shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board, said continuing medical education course(s) shall consist of a formal, live lecture format.

4. **Addresses** - Respondent must keep current residence and practice addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses.

5. **Future Conduct** - In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the
ability to practice medicine. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 6488, Florida Administrative Code.

6. Violation of terms considered - It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. Purpose of Agreement - Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. 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 Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement 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.

8. No preclusion of additional proceedings - Respondent and the Department fully understand that this Agreement and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board
and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

9. **Waiver of attorney's fees and costs** - Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

10. **Waiver of further procedural steps** - Upon the Board's adoption of this Agreement, 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 Agreement and the Final Order of the Board incorporating said Agreement.

*Signatures appear on the following page.*
SIGNED this 11th day of June, 2013.

Sean Christopher Orr, M.D.

STATE OF FLORIDA
COUNTY OF BAY

Before me, personally appeared Sean Christopher Orr, whose identity is known to me or by FL DL (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 11th day of June, 2013.

DEBORAH K BANN
Notary Public - State of Florida
My Comm. Expires Dec 6, 2014
Commission # EE 47969
Bonded Through National Notary Assn.

NOTARY PUBLIC

My Commission Expire:

APPROVED this 11th day of June, 2013.

John H. Armstrong, MD, FACS, FCCP
State Surgeon General & Secretary
of Health, State of Florida

By: John B. Fricke, Jr.
Assistant General Counsel
Department of Health

DOH v. Sean Christopher Orr, M.D., Case Number 2011-17608

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DOH v. Sean Christopher Orr, M.D.  
Case Number 2011-17608
3. Respondent’s address of record is 4411 Sunbeam Road, #5623, Jacksonville, Florida 32241.


5. At all times material to this Complaint, D.H., a forty-four year old woman was a patient of the Respondent.

6. At all times material to this Complaint, Respondent provided care and treatment to patient D.H. for Multiple Sclerosis, with neuropsychiatric sequelae and fatigue.

7. From on or about August 10, 2011, to on or about November 21, 2011, Respondent saw patient D.H. as a patient in his office on a weekly basis, during which time patient D.H. was scheduled as Respondent’s last patient of the day.

8. During the patient D.H.’s office visit on or about or about August 17, 2011, Respondent gave his cell phone number to patient D.H.

9. On or about September 9, 2011, Respondent contacted patient D.H. to arrange for patient D.H. to meet him in his office on the following day, a Saturday.
10. On or about Saturday, September 10, 2011, Respondent met with patient D.H. in his office while it was closed.

11. On or about Saturday, September 10, 2011, during Respondent’s meeting with patient D.H., Respondent told patient D.H. that he had personal feelings for her other than their patient/physician relationship.

12. On or about Saturday, September 10, 2011, during Respondent’s meeting with patient D.H., patient D.H. became fearful that Respondent would abandon her as a patient if she rejected his advances.


14. On or about Saturday, September 10, 2011, Respondent told patient D.H. that a personal relationship with Respondent would be good for her.

15. On or about Saturday, September 10, 2011, during Respondent’s meeting with patient D.H., Respondent kissed patient D.H.

17. On or about September 14, 2011, during an office visit, Respondent discussed meeting patient D.H. later.

18. On or about September 14, 2011, patient D.H. returned to Respondent's office after hours, where they had sexual intercourse in an exam room.

19. On or about September 21, 2011, during an office visit, Respondent gave patient D.H. a hotel room key.

20. On or about September 21, 2011, Respondent met patient D.H. in a hotel where they had sexual intercourse.

21. On or about October 6, 2011, Respondent met patient D.H. in front of a hospital to provide a hotel key, where they later had sexual intercourse.

**COUNT I**

22. Petitioner re-alleges and incorporates paragraphs one (1) through twenty-one (21) as if fully set forth herein.
23. Section 458.331(1)(j), Florida Statutes (2011), provides that exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity is grounds for discipline. A patient shall be presumed to be incapable of giving free, full, and informed consent to sexual activity with his or her physician.

24. Respondent exercised influence within a patient-physician relationship with patient D.H. for the purpose of engaging patient D.H. in sexual activity in one or more of the following ways:

   a) By providing his cell phone number to patient D.H.;
   b) By scheduling patient D.H.’s office visits as the last patient of the day;
   c) By arranging to see patient D.H. in the office while it was closed;
   d) By suggesting a personal relationship with patient D.H.;
   e) By assuring patient D.H. that he would never abandon her;
   f) By suggesting that a personal relationship with Respondent would be good for patient D.H.;
g) By kissing, touching in a sexual manner, and having sexual intercourse with patient D.H. in Respondent’s office;

h) By facilitating meetings with patient D.H. during office visits for the purpose of having sexual intercourse;

i) By facilitating meetings with patient D.H. outside of the office for the purpose of having sexual intercourse; and/or

j) By having sexual intercourse with patient D.H. in settings outside of Respondent’s office.

25. Based on the foregoing, the Respondent violated Section 458.331(1)(j), Florida Statutes (2011).

WHEREFORE, the 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 the 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 26th day of March, 2013.

John H. Armstrong, MD, FACS, FCCP
State Surgeon General & Secretary
of Health, State of Florida

John B. Fricke, Jr.
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
Tallahassee, FL 32399-3265
Florida Bar #0901910
Telephone (850) 245-4444
Fax (850) 245-4684
john_frickejr@doh.state.fl.us

JBF/jrs

PCP Date: March 22, 2013
PCP Members: Dr. J. Rosenberg and Ms. Goersch
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.