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Florida Board Of Medicine Clears Dr. ABC, a Convicted Rapist, to Practice Again

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(Stars & Stripes)

The Florida Board of Medicine voted 7-3 on Friday to permit a doctor convicted of rape to return to practicing medicine, saying the crime had nothing to do with his role as a physician.

Dr. ABC was a flight surgeon in the Air Force with the rank of major, serving in South Korea, when he was accused of raping a civilian coworker. He was convicted in a military court martial in 2008 and, after briefly going missing—and failing to appear for his sentencing hearing—served three years in prison.

Board members wrestled with the question of whether a rape conviction precludes a health professional from being able to practice with skill and safety, as Florida statutes require. The rape victim was not a patient, and thus ABC's attorney, Kenneth Haber, said the case had nothing to do with the practice of medicine.

Haber also said that the rape offense was not violent and that ABC had previous sexual contact with the victim before the rape. An [account of the case](#) in Stars and Stripes, the military's daily, said the rape victim was asleep, under medication, at the time the assault occurred. The jury had found ABC "guilty of rape, conduct unbecoming to an officer and a gentleman, and adultery in connection with the Nov. 4, 2006, attack," according to the paper. ABC had pleaded not guilty.

"He was a man who made a terrible mistake to engage in a relationship with an individual who was not his wife, and has destroyed his career and has certainly brought dire consequences on his marriage," Haber said.

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The Florida Surgeon general in February had filed an administrative complaint against ABC in an attempt to keep the board from clearing him to practice. “The qualities that are essential to the practice of medicine include sound judgment, integrity, and respect for the well-being of human beings,” the complaint read. ABC’s “conviction of rape demonstrates unsound judgment and a lack of respect for the well-being of human beings—the antithesis of that which is required and expected of a physician. Therefore, the crime of rape for which the respondent was found guilty and convicted is a crime related to his ability to practice medicine.”

ABC’s wife sat next to him as the Board went back and forth over what conditions ABC must meet in order to return to practice.

“Anytime the word rape is used, it rises to a level that gives me great concern, and I’m unwilling to say that this doctor should keep practicing in Florida,” said Don Mullins, a consumer member of the board.

“I take a different view,” Dr. Zach Zachariah shot back. “In my personal opinion, he has paid his penance.”

The board ultimately agreed that ABC could practice, as long as he works in a government facility while he is under supervision by PRN, a monitoring program for troubled physicians.

He must also complete at least 300 hours of community service within the next three years and give all patients a questionnaire that asks how they had been treated. ABC requested not to be placed on official “probation,” since that might prevent him from being able to get a job with the VA or some other agency, and the board agreed.

In an interview after the board’s ruling, Haber, ABC’s attorney, said the rape case was the result of an affair gone bad and that he was pleased with the ruling.

“Under the circumstances it was very just,” he said.

—*Brittany Davis, Health News Florida, and FlaglerLive*