

Original article found online at: <http://jezebel.com/the-terrible-tale-of-the-sexting-gyno-1501445820>

## The Terrible Tale of the Sexting Gyno



Erin Gloria Ryan

1/16/14 2:30pm - Filed to: EXCLUSIVE ▾

In late August 2012, a Columbus, Ohio father of three noticed something strange as he sat down at the computer. His wife, who had just been using it, had forgotten to sign out of her Facebook account. There was a message waiting for her.

There were hundreds of these messages, in fact, and the exchange had been going on for months.

Many a romantic infidelity has been discovered in this manner, so you can guess what happened next: Angry phone calls. Tears. Threats of divorce. Months of therapy. That's how these stories go. And then there was the hearing before the state medical board – because in this case, the woman's sexting partner was her gynecologist.

### **"I KNOW MY WAY AROUND THE FEMALE ANATOMY"**

When Jill and Eric (not their real names) decided to expand their family, things got off to a difficult start. After their first child was born, Jill suffered from debilitating postpartum depression, sometimes unable to care for herself or her newborn baby. Her obstetrician wasn't helpful and didn't seem to know what to do, suggesting that Jill visit a psychiatrist. But she couldn't find a provider with any immediate availability, and so the depression went untreated.

When Jill became pregnant for the second time, the couple vowed to head off any potential issues at the pass by seeking out a more comprehensive, "feminist" medical practice, one where Jill would have the option to use a midwife and have follow-up appointments with medical professionals who knew how to deal with postpartum depression. Parents in Jill's social circles and on attachment parenting message boards sang the praises of Women's Contemporary Health Care in the Columbus suburb of Westerville, so that's where the couple headed. That's how they came to work with Dr. Muffley.

Nothing struck Eric or Jill as strange at first, or at least not strange enough to send them running. In hindsight, Eric says the creepiest thing about Muffley was that he was "overly friendly," and Jill tells Jezebel that he complimented her looks liberally. But otherwise the pregnancy, and the birth of the couple's twins, delivered by Muffley, went off without a hitch.

Shortly after giving birth, however, Jill began experiencing symptoms of depression again. She started visiting Muffley on her own, without her husband, for follow-up. It was during those appointments when things started to get a little uncomfortable, she says.

He told me that his wife has had cancer and couldn't have children, trying to gain empathy and telling me intimate details of his life, and there [were] always compliments on how great I looked. He told me that he wished more patients were like me because I was very receptive to all the interventions that had to happen and not all patients were like that. And he also shared the fact that a close friend of mine had an appointment, that she'd had her baby that morning. And he told me 'Make sure not to tell anybody that I'm telling you this.' He'd share secrets and tell me not to tell people.

Nevertheless, Jill says she found her time with Muffley productive, enough so to overlook any weirdness. Besides, Jill didn't have many other options; it was either Dr. Muffley or an indeterminate wait time to see a psychiatrist, and the prospect of reliving her first bout with postpartum depression dwarfed whatever slight discomfort Jill felt around the doctor.

About six months after the birth of her twins, their went from strictly doctor-patient to Facebook-friendly. It started innocently enough; Jill ran into Muffley at the airport during a bout of inclement weather. Later, she sent him a Facebook message telling him that she hoped he'd gotten home safely. While correspondence was initially punctuated with banal talk about work and daily life, Jill says it wasn't long before Dr. Muffley's Facebook messages got slightly pushy and flirtatious. She played it off without being confrontational; he'd helped her a great deal, after all, and she "didn't want to make him mad."

When Dr. Muffley suggested he and Jill meet for drinks, Jill deflected, making a joke about how he shouldn't go out for drinks at all so that he's at full mental capacity in the event that a woman needs to have a baby. *Can't have a tipsy OB-GYN, right?*

Dr. Muffley responded, flirtatiously, "I know my way around the female anatomy."

That wasn't the first time Muffley allegedly used that line with a woman over whom he had power.

**"THINK OF MY WIFE. THINK OF MY KID."**

Unbeknownst to Jill (and most of his patients), in October of 2006, when Muffley was employed by the Holzer Foundation family of clinics and hospitals in Gallia County, Ohio, a nurse named Julie Harris filed a complaint against him that contained some damning in-the-flesh allegations.

According to Gallia County files obtained by Jezebel, Harris alleged that starting in April of that year, Muffley embarked on a series of escalating sexual harassment and assault behaviors that started with unwanted hugging and excessive compliments, kisses on the cheek, direct sexual propositions, groping, sticking his fingers in her anus and vagina through Harris's clothing, sticking his tongue in her ear, and ultimately pulling her into a men's changing room and rubbing his knee against her crotch. Harris alleges that during one of their final abusive encounters, Muffley told her, "I know your anatomy better than you do."

According to court documents, Muffley's behavior — the alleged sexual harassment of Julie Harris — was "well-known" among Holzer Medical Center staff. But the behavior remained unchecked until one of Harris's coworkers reported to him a supervisor. Harris was told to leave work and seek a restraining order (which she was subsequently granted on October 27th). The hospital's board of directors responded to the in-the-flesh but unsubstantiated allegations swiftly and decisively: they suspended Muffley indefinitely. Muffley responded by offering his resignation and moving his family to Montana, where he quickly got a new job working at the Billings Clinic to work at the Department of Obstetrics and Gynecology. A background check, bizarrely, turned up nothing of note. But Muffley wasn't going to escape what he'd left in Ohio so easily.

In April of 2007, a Grand Jury in Ohio indicted Muffley on charges of gross sexual imposition and in September of 2007, Muffley was arrested by a local fugitive task force in Montana. According to the Billings Gazette, Muffley's attorney said his client was "surprised" that the allegations didn't involve a patient. Muffley resigned from his position at the Billings Clinic. A spokesperson from the Clinic couldn't share details of his termination with Jezebel, but confirmed that he was "no longer associated" with the facility.

Then, two years later, in April of 2009, just as suddenly as the criminal charges against Dr. Muffley came to light, [they vanished](#); Julie Harris had suddenly become uncooperative in pushing the criminal case. Harris's clam-up coincided with the time the civil case was settled against Dr. Muffley and the Holzer Foundation; according to one source close to the civil case, during a meeting between Harris's attorney, Muffley, and Muffley's attorney, Muffley appealed to pathos. "Think of my wife," he said. "Think of my kid."

We don't know anything about any other terms of the settlement or if it involved a payout. But we do know that Harris hasn't spoken publicly about Muffley since. According to another source close to the case, Harris won't speak about her interactions with Muffley as it's "not in her best interest." (Harris never responded to our requests for an interview.)

So how is it that, even after all of this, mothers like Jill, her web-savvy friends, and message board posters remained blissfully unaware of Dr. Muffley's checkered past? Probably because, until Eric complained to the Ohio Medical Board, a Google search for "Dr. Patrick Muffley" led to pages and pages of results featuring glowing reviews. Allegations of sexual assault were pushed down deep. It's the sort of Google manipulation that people pay online reputation management companies beaucoup bucks for.

**"ENJOY YOUR READING MATERIAL"**

Jill was tipped off to Dr. Muffley's legal troubles when an inquisitive friend dug deeper into his Google search results and found a news article about them. Curious to know more about the man who had delivered her children and counseled her through her postpartum depression, Jill asked her husband Eric (an attorney) to get his hands on documents from the Gallia case.

She says the contents of the complaint horrified her; that they didn't at all jibe with the man she'd known, the man who had, in her words, "provided her a great service," the man who was so "trusted and loved" by many of Jill's friends and many natural birth enthusiasts. She confronted Muffley over Facebook, telling him that she was surprised by what she read and upset by the allegations, and then, Jill says,

He immediately got very sensitive going on and on about how he was a veteran, and served his country, and he's a published doctor and all these great things only this is what people see, pretty much just not even talking about what happened but getting very defensive about it. He kept deflecting back to me, like, why would I do this?

Yes, how dare Jill, a patient of Dr. Muffley's, bring up sexual assault allegations from his past. Didn't she know who he was? He's a veteran.

The doctor responded to her queries with a terse "Enjoy your reading material" and that was the end of their Facebook contact for the time being.

After the exchange, Jill said she felt awful, like she'd upset a person who was a good man. Like she'd upset a friend, a confidant. Even though she was aware of the Gallia case, she couldn't believe it was true. And so, rather than canceling and finding another provider, she attended her already-scheduled annual gynecological exam with the doctor several months later.

Why did she go back? During the Ohio Medical Board hearing, Jill said,

I just felt really bad, like here I am, one of his patients, and I would be just another person that just left because of false allegations, and he's already been through so much. You know, the messages are over, you know, he's — he's already taken care of me, you know, through a pregnancy and delivered my children. We can just go back — it's been many months. We can just go back to a doctor-patient relationship.

At the end of the appointment, Dr. Muffley put his arm around her and said, "Are you okay with this? Did this make you uncomfortable?" No, Jill responded.

She returned home to post something about how she treated herself to ice cream after enduring her annual gyno exam on a friend's Facebook page. Within an hour, she received a message from Dr. Muffley that read "ENDURING??!"

---

---

And so their Facebook communication resumed, but this time it went far beyond that of a doctor/patient relationship. Muffley didn't seem interested in Jill's personality, her interests, her day-to-day life, like a friend. He only seemed interested in sex. And so it began.

---

Jill says that she wasn't attracted to Dr. Muffley, nor did she have any intention of acquiescing his multiple requests to meet in person and consummate their relationship. On a superficial level, she says she found the attention flattering; a new mom, she wasn't feeling great about her own physical attractiveness.

But on another level, Jill confessed that she felt like she owed Dr. Muffley – after all, he'd been such a help to her — and that the only way to prevent him from being angry or upset with her was to give in to what he wanted: her "sexual side." After a few weeks of unfettered Facebook sexting, Eric sat down at his wife's computer, saw a message from Dr. Muffley pop up, and the rest is painfully drawn-out history.

### **"I FELT LIKE IT WAS ALL MY FAULT"**

The next day, Jill contacted Dr. Muffley via text. "[Eric] knows everything. You should get an attorney. This is not a joke. Please don't ever contact me again."

Dr. Muffley's response? "Please, no lawyers. Think of my wife. Think of my kid."

About half an hour later, Jill got a phone call from a number she didn't recognize. It was Dr. Muffley, continuing to plead. *No lawyers. This will ruin me. Nothing happened. I didn't mean for anything to happen. We can sit down with my lawyer and we can work this out.*

*Think of my wife. Think of my kid.*

Eric went to the medical board with screen shots of the text messages that day.

At first, Jill wasn't on board with Eric's decision to complain to the Medical Board about Dr. Muffley, and Eric wasn't on board with Jill's insistence that they should stay married. They sought counseling as a couple, and Jill received counseling on her own. Eventually Jill was able to see how, exactly, Dr. Muffley had specifically targeted her. And, unless a person understands the nature of sexual abuse in the context of power asymmetry and the strange, amorphous and malleable sometimes-reality social networking has created, what happened to Jill doesn't seem like sexual abuse. But it was.

Predators often begin testing the boundaries of their targets before any impropriety is committed through a process called "grooming," explains RAINN's Jennifer Marsh. Behaviors like Dr.

Muffley's — compliments, secret sharing, the arm around the shoulder after a gynecological exam — are all maneuvers predators do to increase the comfort levels of their target, to build a false sense of intimacy so that their targets are more likely to do what the offender wants. And because many predators are recidivists, explains Marsh, they often try similar moves on multiple targets. That's why the two claims Dr. Muffley allegedly made about female anatomy — "I know your anatomy better than you do" in Gallia and "I know my way around the female anatomy" to Jill, over Facebook — are both stomach churning and alarming.

The web has proven the perfect environment for predators who wish to groom their victims under minimally risky circumstances. Take the case of Grantsburg, Wisconsin teacher Matthew Robert Koenen, who in December was charged with having sex with two underage female students after [grooming them for months](#) over email, text messages, and Facebook. Eventually, as is the intent of grooming, things escalated.

The complaint says Koenen started a relationship with one of the students while on a school trip to Washington D.C. for the National History Day competition. His wife was also on the trip with the group. Koenen had known the girl since she was in seventh grade and, when they returned from the trip, the two started to communicate by phone, email and text messages.

Koenen allegedly used three different email accounts and two different cell phones, all hidden from his wife, to communicate with the girl. He invited the girl to his home in August 2012 and told her not to tell her parents, the complaint states. When she got there, he put his child down for a nap and then engaged in sexual acts with the girl.

Like the relationship between teacher and student, the unique relationship between a doctor and patient means that one party is already in a subjugated, trusting state when they seek medical care, Marsh adds. "There's certainly a power dynamic there that can't be denied, and it sounds as though in this situation there was awareness that this victim was vulnerable — extremely vulnerable. And it seems as though the perpetrator knew that and targeted them specifically for that."

As Jill proceeded through individual counseling, she learned to accept the portion of responsibility for the relationship that was hers — but she also came to understand that it wasn't entirely her fault. She says,

I really felt like it was all my fault and I felt terrible. I didn't want him to get in trouble. I didn't want to go to the medical board because I felt like I was 100% to blame. That it was my fault. Which I'm sure is, he does most things because he knows that people are going to feel guilty and embarrassed and he knows people aren't going to come forward.

Jill's desire to protect Muffley, her initial hesitance to assign any blame to him, sounds eerily like the statement given to the press by a Montana teenager who, in late 2012, was gradually coerced into sending nude sexts to the man who took her senior photographs. [Back in December, Kate wrote](#) the following about that case:

[Photog Turns High School Girl's Portrait Session Into Gross Sextfest](#)

On Monday, a 33-year-old portrait photographer pled guilty in Missoula County Justice Court to two... [Read more](#)

The feelings the unnamed girl shared are typical of someone who has been coerced into a relationship they're uncomfortable with. She describes ultimately feeling protective of Kuehn, worried that she would get him into trouble if she told anyone about them (according to the girl, Kuehn was married at the time. His Facebook page would indicate that he recently engaged, presumably to a different woman). This was exacerbated by Kuehn specifically telling her to keep it a secret because he would get in trouble if anyone knew. She describes telling him "It's really hard for me to say no to you,"

Jill, like the teenage victim in the the Montana case, told me that she didn't want Muffley to get in trouble for something she thought was her fault.

Dr. Muffley, meanwhile, trotted out the now-familiar "but it doesn't count on the internet!" excuse, blaming everything but himself.

### **"IT WAS ALL FANTASY"**

In November of last year, [the Ohio State Medical board slapped Dr. Patrick Muffley on the wrist with a 60-day suspension](#) for what the board described as a "virtual" affair with his patient.

Dr. Muffley insisted that the exchanges constituted "online fantasy," that they "hadn't met, hadn't physically... done anything." He never intended to meet up with Jill, he says. He never tried to set anything up. Never actually thought they'd hang out. He added, later in the hearing,

To me, the communication, the Facebook, just all fantasy. It was — didn't seem real to me. There was no feeling of, you know, forcing someone to say this or that. It — but it just — it didn't feel real.

As a general rule, reading other people's sexts is embarrassing, and this is no exception. But the point here isn't that people should stop sexting, nor is it to humiliate either Jill or Dr. Muffley; the point is that Dr. Muffley would still be breaching his professional responsibility by sexting with a patient over Facebook, or cell phone, or face-to-face. There's no difference, professionally speaking, and women who seek gynecological care should be able to trust that their doctors are held to a higher ethical standard that Muffley has repeatedly shown himself capable of upholding.

Dr. Muffley may have testified that he thought his interactions with Jill were "fantasy," but he certainly realized the "real" deleterious effect a web history full of sexual harassment allegations could be to doctor who holds himself as a provider of gynecological services, as evidenced by

his diligently-managed online reputation (even now, the top results for Dr. Patrick Muffley are for his medical office, not the dozens of news stories about the reason he isn't seeing patients right now).

In testimony before the Medical Board, Patrick Muffley implied multiple times that he wasn't the instigator; he was but a hapless ugly dude taken with the beauty and vivacity of a "much younger" (Jill, in her 30's, isn't really that much younger than Dr. Muffley) and "very attractive" woman. He insisted that it was Jill who friended him on Facebook (even though it was Dr. Muffley who teased her about not friend requesting him before messaging him after her February trip); it was Jill who crossed the doctor/patient boundary. Here's Muffley, during his hearing, on the lessons he learned from a three-day course on boundary-setting he took at Vanderbilt University:

It's things like testing the water. Saying something maybe a little inappropriate but seeing how the other person reacts to it. Or a patient... they've seen you only twice and telling you, oh, you're the best surgeon ever, you're the only one that can help me.... whatever you accept, it keeps going. They keep pushing the boundary. And physicians can do the same thing. [...] And then that leads to reaching over and straightening your tie for you, or gift giving, or things like that. So that's — that's what grooming techniques are, is basically finding out what the other person is comfortable with and how far you can go.

The not-so-thinly veiled subtext of all of this? SHE came onto ME. SHE wanted it. SHE tricked me into it. Muffley's lawyer called witnesses during the hearing, all of whom testify that, because Muffley isn't a cartoon sex criminal twirling his mustache or lurking outside of the girls locker room behind permanently tinted Terry Richarson glasses, because he's a doctor who has helped people deliver babies, he couldn't possibly be a bad guy. Witness the chorus of comments after Muffley's former employer announced that he was no longer working at the clinic where he met Jill and Eric.

## **REALITY**

Here's what we can glean from the messages between Dr. Muffley and Jill: Jill willingly participated in the exchanges. But here's another thing: Dr. Muffley was definitely the aggressor, sending overtly sexual messages and routinely pushing for in-person meetings. In some of their exchanges Eric recovered, Jill tries to change the subject when the doctor starts asking to meet up or starts getting too sincere with his adoration.

Ultimately, the State Medical Board of Ohio did what it could within the confines of the rules that govern it: issued an indefinite suspension with a minimum of 60 days for Dr. Muffley, along with a 30-day transition period during which Dr. Muffley was to find alternate care for the women he treated who are about to give birth. Muffley will be able to regain his right to practice gynecology and obstetrics once he fulfills a set of guidelines (a class, counseling, and Feeling Very Bad About It, basically) set out by the Board. That's a relatively light suspension in the grand scheme of things, Joan Wehrle of the Board explained to Jezebel, as a typical indefinite



suspension can span anywhere from a few months to a year. And it's certainly nowhere near the maximum punishment given out by the Board, a punishment Wehrle called the "professional death penalty," which bars offenders from ever practicing medicine in the state again.

So why the wrist slap? Wehrle explained, "[H]is whole problem with the board dealt with an inappropriate relationship that he had had in Facebook with a patient. It was an individual patient; it wasn't multiple patients. It wasn't a poor OB-GYN practice where it was a substandard care issue. It just dealt with an inappropriate relationship over Facebook."

## **DANGER IN VIRTUAL SPACES**

In recent weeks, much virtual ink has been spilled over law enforcement's refusal to take the internet as a "real" place seriously. Amanda Hess, Jill Filipovic, Conor Friedersdorf, Lindy West, and others have all pointed out that this interpretation of "virtual spaces" not only enables and emboldens predators, it harms the mental health of women whose livelihoods depend on being present and prolific on the internet. Hess reported that she's spent years documenting the actions of a particularly avid stalker and the frustrating stonewalling she's encountered when she tried to get anything done about it, legally. Hundreds of others echoed.

But the lack of seriousness with which law enforcement officials take "virtual" interactions doesn't just affect journalists and public figures; thanks to the ubiquity of Facebook, Twitter, Instagram, Snapchat, and a host of other technologies that would confuse and upset our great grandparents, everyone with a social media presence is within reach, making everyone into public figures, reachable on multiple platforms by anyone enterprising enough to poke around. And even if social networkers try to protect themselves from being contacted by a particular person, it doesn't take much effort to circumvent the porous privacy protections offered by most sites. That's how Dr. Muffley was able to see Jill's comment about "enduring" her annual exam, and resume contact with her.

Therein lies the problem with the way Dr. Muffley was treated, and the punishment he faced: the rules governing the Medical Board, like those of law enforcement, don't consider interaction over social networks on par with reality, as evidenced by the disparity between how Muffley's alleged IRL conduct was received in Gallia County (immediate suspension, eventual extradition from Montana and arrest) versus his 100% substantiated virtual conduct was received by the Medical Board. The internet feels like a slippery, strange place, somewhere between real and fake; a place where we can present ourselves every day like Christmas cards, bragging about our achievements, downplaying the minor heartbreaks, choosing our faces from an adjustable gallery of air brush-able snaps that conveniently disguise weak chins, tired eyes. And there, our idealized, edited selves can interact with other edited selves and our cyberspace alien doppelgangers can indulge in fantasy.

But that "fantasy," tied in a very real way to our real identities and minds, is far from fictitious or harmless. It is very real. RAINN's Marsh says that what happens online in cases like Muffley's isn't "virtual" just because no physical touch is involved; the mind is engaged in a "real" way. And when what's "non-real" follows us everywhere — our phones, our workplaces, our homes — "virtual" is a meaningless distinction, even though it's often used as an excuse.

If Dr. Muffley was after "fantasy," there are literally thousands of websites that offer exactly that — pure gett-your-rocks-off fantasy — without involving an emotionally vulnerable patient.

The case of Dr. Muffley — and the fact that, if all goes well for him, he'll be back between the stirrups in less than a month (albeit with a chaperone in the room) — exposes the lag between the advancement of social technology and the advancement of rules that govern that technology, an understanding by people in place to enforce rules the seriousness of breaches that can be enabled by technology. If online harassment is somehow less "legitimate" or deserving of punishment than in-the-flesh harassment, then do predators have carte blanche to act with impunity when they're behind computer screens? Should other predatory individuals feel free to test limits in the no-holds-barred, non-real zone of the internet, since the web "doesn't count"? If Dr. Muffley had called Jill every day and pushed to meet up for sex or asked her face-to-face, it's hard to imagine a mere 60-day suspension would have resulted.

After that day in August that Eric happened upon Jill's message history, Jill and Eric attended months of counseling together, and Jill attended counseling on her own as well. And despite Eric's initial trepidation, the couple ultimately decided to stay together, recently welcoming their fourth child — this time with midwives attending. But life is far from perfect. Eric remarked during the medical board hearing that he now feels like he has to "protect" his wife, that their marriage, previously "the best marriage ever" is still recovering from the exchanges. Eric still has difficulty looking at the words his wife and her former doctor exchanged and tells Jezebel that he feels like he'd been cheated on. Jill still holds onto guilt and reported to the board that her skills as a parent have suffered. As a medical professional who deals, in part, with the mental health of his patients, Dr. Muffley had to have known this.

Unless we proactively confront law enforcement and governing bodies' reluctance to label virtual interaction as "real" and deal with it as such, there are almost certainly Dr. Muffleys, and Mr. Koenens, and Creepy Montana Senior Portrait Photographers out there internet connections and sympathetic nonreality defenses at the ready.