

By: Shirley McKinn
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2005-52305
2005-06007
2005-07148
2005-68991
LICENSE NO.: ME0023165

ROBERT ALAN LIEBERMAN, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) on June 2, 2006, in Orlando, Florida, for the purpose of considering Respondent's offer to voluntarily relinquish his license to practice medicine in the State of Florida. (Attached hereto as Exhibit A.) Said written offer of relinquishment specifically provides that Respondent agrees never again to apply for licensure as a physician in the State of Florida.

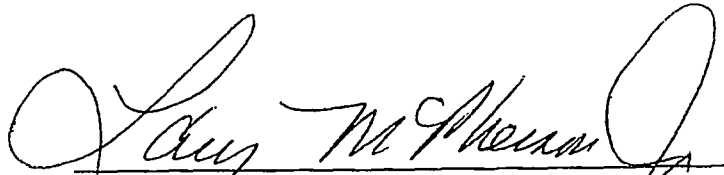
Upon consideration of the written offer of voluntary relinquishment, the charges, and the other documents of record, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED that Respondent's Voluntary Relinquishment of his license to practice medicine in the State of Florida is hereby ACCEPTED, and shall constitute discipline upon Respondent's license.

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

DONE AND ORDERED this 19 day of JUNE, 2006.

BOARD OF MEDICINE

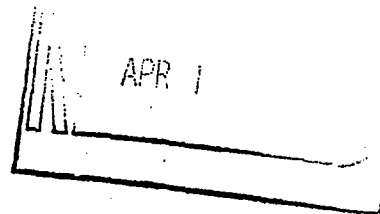

Larry McPherson, Jr., Executive Director
for MAMMEN P. ZACHARIAH, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to ROBERT ALAN LIEBERMAN, M.D., 1623 Barcelona Way, Winter Park, Florida 32789; to William M. Furlow, Esquire, 106 East College Avenue, Tallahassee, Florida 32301; and by interoffice delivery to John Terrel and Dana Baird, Department of Health, 4052 Bald Cypress Way, Bin #C-65, Tallahassee, Florida 32399-3265 this 20th day of June, 2006.


Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH



DEPARTMENT OF HEALTH,
Petitioner,

v.

Case Number(s) 2005-52305
2005-06007
2005-07148
2005-68991

ROBERT ALAN LIEBERMAN, M.D.

Respondent.

VOLUNTARY RELINQUISHMENT OF LICENSE

Respondent Robert A. Lieberman, M.D., License No. ME23165, hereby voluntarily relinquishes Respondent's license to practice medicine in the State of Florida and states as follows:

1. Respondent's purpose in executing this Voluntary Relinquishment is to avoid further administrative action with respect to this cause. Respondent understands that acceptance by the Board of Medicine (hereinafter the Board) of this Voluntary Relinquishment shall be construed as disciplinary action against Respondent's license pursuant to Section 456.072(1)(f), Florida Statutes.

2. Respondent agrees to never reapply for licensure as a medical doctor in the State of Florida.

3. Respondent agrees to voluntarily cease practicing medicine immediately upon executing this Voluntary Relinquishment. Respondent further agrees to refrain from the practice of medicine until such time as this Voluntary Relinquishment is presented to the Board and the Board issues a written final order in this matter.

4. In order to expedite consideration and resolution of this action by the Board in a public meeting, Respondent, being fully advised of the consequences of so doing, hereby waives the statutory privilege of confidentiality of Section 456.073(10), Florida Statutes, and waives a determination of probable cause, by the Probable Cause Panel, or the Department when appropriate, pursuant to Section 456.073(4), Florida Statutes, regarding the complaint, the investigative report of the Department of Health, and all other information obtained pursuant to the Department's investigation in the above-styled action. By signing this waiver, Respondent understands that the record and complaint become public record and remain public record and that information is immediately accessible to the public. Section 456.073(10), Florida Statutes

5. Upon the Board's acceptance of this Voluntary Relinquishment, Respondent agrees to waive all rights to seek judicial review of, or to otherwise challenge or contest the validity of, this Voluntary Relinquishment, each party shall bear its own attorney's fees and costs related to the prosecution or defense of this matter.

6. Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent in connection with the Board's consideration of this Voluntary Relinquishment. Respondent agrees that consideration of this Voluntary Relinquishment and other related materials by the Board shall not prejudice or preclude the Board, or any of its members, from further participation, consideration, or resolution of these proceedings if the terms of this Voluntary Relinquishment are not accepted by the Board.

DATED this 15 day of April, 2006.

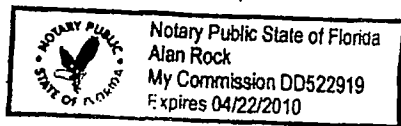
Robert A. Lieberman MD
ROBERT ALAN LIEBERMAN, M.D.

STATE OF FLORIDA
COUNTY OF Orange

Before me, personally appeared Robert A. Lieberman MD, whose identity is known to me by personally (type of identification) and who, under oath, acknowledges that his signature appears above. Sworn to and subscribed before me this 15 day of April, 2006.

Alan Rock
NOTARY PUBLIC, STATE OF FLORIDA

My Commission Expires:





STATE OF FLORIDA

DEPARTMENT OF HEALTH

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INVESTIGATIVE REPORT

Office: Orlando		Date of Complaint: 5/12/05		Complaint Number: ME2005-52305	
Subject: ROBERT A. LIEBERMAN, MD 1623 Barcelona Way Winter Park, Florida 32789 407-291-3303(Office)			Source: DOH/Area 7		
Prefix: ME	License #: 23165	Profession: Medical Doctor	Board: Medicine	Report Date: 1/18/06(LS)	
Period of Investigation: 5/23/05 to 1/18/06			Type of Report: FINAL		
Alleged Violation: 456.072(1)(u) FS- (u) Engaging or attempting to engage in sexual misconduct as defined and prohibited in s. 456.063(1). 458.329FS- Sexual misconduct in the practice of medicine. 458.331 (1)(c)(j)(t)(x)(nn) FS- c) Being convicted or found guilty of, or entering a plea of nolo contendere to, regardless of adjudication, a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine. (j) 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. t) Notwithstanding s. 456.072(2) but as specified in s. 456.50(2);... . (x) Violating a lawful order of the board or department previously entered in a disciplinary hearing or failing to comply with a lawfully issued subpoena of the department. Rule 64B8-8.001 (2)(c)(j) (t)(x) FAC.					
Synopsis: This investigation was predicated upon the receipt of a complaint regarding TS, a 35 year old female patient of ROBERT A. LIEBERMAN, MD, who allegedly 5/4/05, presented to his office located at 2300 S. Orlando Blossom Trail, Orlando, Florida, for back pain and alleges that LIEBERMAN inappropriately touched her, kissed her and had taken her left breast from out of her dress and "latched" on her left breast with his mouth. TS subsequently, on 5/4/05, reported the incident to the Orange County Sheriffs Office and submitted voluntarily to a DNA test. On 1/6/06, LIEBERMAN was arrest on charges alleging Sexual Battery and Battery. Reportedly, the primary DNA profile from LIEBERMAN matched that of what was found on the victims breast (Ex. 1).					
ROBERT A. LIEBERMAN, MD, was notified of the investigation by hand delivered dletter dated 10/12/05 and was provided a copy of the Department of Health (DOH) Complaint Information (Ex. 2).					
A check of DOH computer licensure records revealed ROBERT A. LIEBERMAN, is a licensed Medical Doctor, first licensed 1/1/75 (Ex. 3). LIEBERMAN graduated on 6/1/1969, with his MD Degree from George Washington University and holds specialty certification with the American College of Obstetrician and Gynecology as per his practitioners profile.					
LIEBERMAN, IS REPRESENTED BY LEGAL COUNSEL. WILLIAM M. FURLOW, 106 E. COLLEGE AVENUE, TALLAHASSEE, FLORIDA 32301, 850-425-1679 AND THOMAS D. SOMMERVILLE, 1150 LOUISIANA AVENUE , SUITE 2, WINTER PARK, FLORIDA 32790, 407-647-3000 (Ex. 4).					
On 1/17/06, FURLOW advised that LIEBERMAN will voluntarily withdraw from practice.					
Related Complaint: 2005-07148 and 2005-06007					
Investigator/Date: Lija G. Scherer, Medical Malpractice Investigator, 01-69 1/18/06			Approved By/Date: Richard L. Bonnell, Investigation Manager 1/19/06		
Distribution: HQ/ISU					

Investigative Services
DOH-MQ-10A
JAN 20 2006