



# State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

December 13, 2000

Frank J. Krumm, M.D.  
670 South Grant Avenue  
Columbus, OH 43206

Dear Doctor Krumm:

Please find enclosed a certified copy of the Findings, Order and Journal Entry approved and confirmed by the State Medical Board meeting in regular session on December 13, 2000.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal may be taken to the Franklin County Court of Common Pleas only.

Such an appeal setting forth the Order appealed from the grounds of the appeal must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Franklin County Court of Common Pleas within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12 of the Ohio Revised Code.

Very truly yours,

Anand G. Garg, M.D.  
Secretary

AGG:jam  
Enclosures

CERTIFIED MAIL RECEIPT NO. 7000 0600 0022 4402 9598  
RETURN RECEIPT REQUESTED

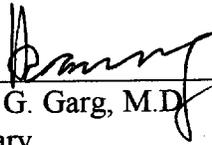
cc: Kevin P. Byers, Esq,  
CERTIFIED MAIL RECEIPT NO. 7000 0600 0022 4402 9581  
RETURN RECEIPT REQUESTED

*Mailed 12-14-00*

CERTIFICATION

I hereby certify that the attached copy of the Findings, Order and Journal Entry approved by the State Medical Board, meeting in regular session on December 13, 2000, constitutes a true and complete copy of the Findings, Order and Journal Entry in the Matter of Frank J. Krumm, M.D., as it appears in the Journal of the State Medical Board of Ohio.

This Certification is made by the authority of the State Medical Board of Ohio in its behalf.

  
\_\_\_\_\_  
Anand G. Garg, M.D.  
Secretary

(SEAL)

\_\_\_\_\_  
DECEMBER 13, 2000  
Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

FRANK J. KRUMM, M.D.

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FINDINGS, ORDER AND JOURNAL ENTRY

By letter dated June 14, 2000, the State Medical Board of Ohio notified Frank J. Krumm, M.D., of the summary suspension of his Ohio medical license and of his opportunity to request a hearing on allegations articulated by the Board. In accordance with Section 119.07, Ohio Revised Code, the notice was sent via certified mail, return receipt requested, on June 15, 2000 to the address of record of Dr. Krumm, that being 670 South Grant Avenue, Columbus, Ohio, 43206.

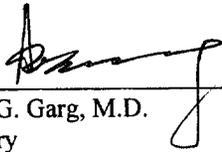
On July 14, 2000, a timely request for hearing was filed on Dr. Krumm's behalf, and the matter was assigned to a Medical Board attorney hearing examiner for formal proceedings. On November 22, 2000, however, counsel for Dr. Krumm filed a notice withdrawing Dr. Krumm's hearing request. Accordingly, this matter was referred to the full Board for final action.

WHEREFORE, for the reasons outlined in the June 14, 2000 letter of notice, which is attached hereto and incorporated herein, it is hereby ORDERED that the certificate of Frank J. Krumm, M.D., to practice medicine in the State of Ohio be PERMANENTLY REVOKED

This Order shall become effective IMMEDIATELY.

This Order is hereby entered upon the Journal of the State Medical Board of Ohio for the 13TH day of DECEMBER 2000, and the original thereof shall be kept with said Journal.

(SEAL)

  
\_\_\_\_\_  
Anand G. Garg, M.D.  
Secretary

DECEMBER 13, 2000  
\_\_\_\_\_  
Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

In the Matter of:

Frank J. Krumm, MD

SHARON W. MURPHY

ATTORNEY  
HEARING EXAMINER

**RESPONDENT'S WITHDRAWAL OF THE JULY 14, 2000, HEARING REQUEST**

Respondent Frank J. Krumm, MD, was issued a "Notice of Opportunity for Hearing" letter by the State Medical Board of Ohio, under date of June 14, 2000. On July 14, 2000, Respondent, through counsel, filed a written hearing demand in conformity with RC 119.07 and RC 4731.22.

Please note that Respondent hereby withdraws the July 14, 2000, written hearing request.

Respectfully submitted,

KEVIN P. BYERS CO., LPA

*KPBYERS*

Kevin P. Byers 0040253  
One Columbus  
10 W. Broad St., Suite 260  
Columbus, Ohio 43215  
614.228.6283 Fax 228.6425

Attorney for Frank J. Krumm, MD

**Certificate of Service**

I certify that a true copy of the foregoing document was transmitted via facsimile this 22nd day of November, 2000, to Assistant Attorney General Anne B. Strait at 614.466.6090.

*KPBYERS*

Kevin P. Byers

STATE MEDICAL BOARD

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KEVIN P. BYERS CO., L.P.A.

KEVIN P. BYERS  
ATTORNEY AT LAW\*

*One Columbus*  
Suite 260  
10 West Broad Street  
Columbus, Ohio 43215  
Direct Line 614.228.6283  
Facsimile 614.228.6425

\* ADMITTED IN OHIO AND  
THE DISTRICT OF COLUMBIA

July 14, 2000

**HAND DELIVERED**

Lauren Lubow, Esq., Case Control Office  
State Medical Board of Ohio  
77 South High Street, 17th Floor  
Columbus, Ohio 43266-0315

Re: Frank J. Krumm, MD

Dear Ms. Lubow:

Pursuant to OAC 4731-13-02 and 4731-13-08(C), please be advised that I represent Frank J. Krumm, MD, relative to the allegations levied against him in the Board Notice of Opportunity for Hearing letter mailed around June 15. Dr. Krumm requests a hearing on these allegations in order to fully protect his interests in his right to practice medicine and surgery in Ohio. I also enclose my Notice of Appearance and Request for List of Witnesses and Documents for filing. By separate letter this date I am also directly serving Assistant Attorney General Pratt with these pleadings.

Thank you for your attention to these important filings. Please do not hesitate to call my office as appropriate, I remain,

Yours very truly,



Kevin P. Byers

Encs  
c. FJR, MD (c̄ encs)

2000 JUL 14 A 11:42  
STATE MEDICAL BOARD  
OF OHIO



# State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

## NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

June 14, 2000

Frank J. Krumm, M.D.  
670 South Grant Avenue  
Columbus, Ohio 43206

Dear Doctor Krumm:

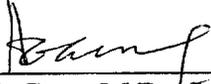
Enclosed please find certified copies of the Entry of Order, the Notice of Opportunity for Hearing, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on June 14, 2000, including a Motion adopting the Order of Summary Suspension and issuing the Notice of Opportunity for Hearing pursuant to Section 4731.22(G), Ohio Revised Code.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order of Summary Suspension. Such an appeal may be taken to the Franklin County Court of Common Pleas only. Such an appeal, setting forth the Order appealed from and the grounds of appeal, must be commenced by the filing of a Notice of Appeal with the State Medical Board of Ohio and the Court within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

Additionally, pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the allegations set forth in the Notice of Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO

  
\_\_\_\_\_  
Anand G. Garg, M.D. Secretary

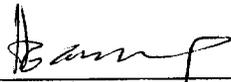
AGG:bj  
Enclosures

*Mailed 6:15:00*

**CERTIFICATION**

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on June 14, 2000, to Adopt the Order of Summary Suspension and to Issue the Notice of Opportunity for Hearing, constitute true and complete copies of the Motion and Order as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.

  
\_\_\_\_\_  
Anand G. Garg, M.D./Secretary

(SEAL)

June 14, 2000  
\_\_\_\_\_  
Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF :

FRANK J. KRUMM, M.D. :

**ENTRY OF ORDER**

This matter came on for consideration before the State Medical Board of Ohio the 14th day of June, 2000.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Anand G. Garg, M.D., Secretary, and Raymond J. Albert, Supervising Member; and

Pursuant to their determination that there is clear and convincing evidence that Frank J. Krumm, M.D., has violated Section 4731.22(B)(22), Ohio Revised Code, as alleged in Notice of Summary Suspension and Opportunity for Hearing which is enclosed herewith and fully incorporated herein, which determination is based upon review of information received pursuant to an investigation; and

Pursuant to their further determination that Dr. Krumm's continued practice presents a danger of immediate and serious harm to the public;

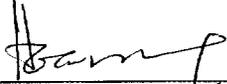
The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 14th day of June, 2000;

It is hereby ORDERED that the certificate of Frank J. Krumm, M.D., to practice medicine or surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Frank J. Krumm, M.D., shall immediately close all his medical offices and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.

(SEAL)

  
\_\_\_\_\_  
Anand G. Garg, M.D. Secretary

June 14, 2000  
\_\_\_\_\_  
Date



# State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

## EXCERPT FROM THE DRAFT MINUTES OF JUNE 14, 2000

### FRANK J. KRUMM, M.D. - ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of Opportunity For Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**MS. NOBLE MOVED TO APPROVE THE ORDER OF SUMMARY SUSPENSION AND TO SEND THE NOTICE OF OPPORTUNITY FOR HEARING TO DR. KRUMM. DR. SOMANI SECONDED THE MOTION. A vote was taken:**

VOTE:	Mr. Albert	- abstain
	Dr. Bhati	- aye
	Dr. Talmage	- aye
	Dr. Somani	- aye
	Dr. Buchan	- aye
	Ms. Noble	- aye
	Dr. Stienecker	- aye
	Dr. Garg	- abstain
	Dr. Steinbergh	- aye

The motion carried.



# State Medical Board of Ohio

77 S. High Street, 17th Floor • Columbus, Ohio 43266-0315 • 614/ 466-3934 • Website: [www.state.oh.us/med/](http://www.state.oh.us/med/)

June 14, 2000

Frank J. Krumm, M.D.  
670 South Grant Avenue  
Columbus, Ohio 43206

Dear Doctor Krumm:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) On or about May 24, 2000, the State of Florida, Department of Health (hereinafter "Florida Department of Health") entered an Order of Emergency Suspension of License, immediately suspending your Florida medical license.

The Order of Emergency Suspension of License was based upon the findings of fact of the Secretary of the Florida Department of Health that you inappropriately exercised influence in the physician-patient relationship with five (5) female patients for the purpose of engaging those patients in sexual activity, in that you made statements and performed inappropriate acts which were sexual in nature and which were not performed for any legitimate medical purpose toward the five patients during the course of such patients' office visits. The Secretary of the Florida Department of Health therefore concluded that your conduct was in violation of Florida law and that your continued practice as a physician constituted an immediate and serious danger to the health, safety, and welfare of the public and that such summary procedure was fair and appropriate under the circumstances to protect the public.

The Order of Emergency Suspension of License also included the following finding of fact:

Dr. Krumm has demonstrated a flagrant disregard for the duties and responsibilities imposed upon a physician practicing in the State of Florida and for the health and welfare of his patients. Dr. Krumm's conduct constitutes a breach of the trust and confidence that the Legislature placed in him by issuing him a license to practice

*Mailed 6-15-00*

medicine. This breach is particularly compelling in Dr. Krumm's case since his specific actions occurred while practicing medical care and treatment to patients who were suffering from depression and anxiety, and therefore were in a vulnerable position. Dr. Krumm manipulated the emotions of his patients in a way that made them particularly susceptible and unprotected against Dr. Krumm's inappropriate sexual advances. His behavior demonstrates a pattern of total disregard for the welfare of his patients by his performance of entirely self-serving acts done for his own gratification. His behavior constitutes a lack of honesty, integrity, and judgment, as well as unwillingness to abide by the Laws of the State of Florida. The safety of the public cannot be insured by any means other than suspension of Dr. Krumm's license.

A copy of the Order of Emergency Suspension of License is attached hereto and fully incorporated herein.

The Order of Emergency Suspension of License issued by the Florida Department of Health, as alleged in paragraph (1) above, constitutes "[a]ny of the following actions taken by the state agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatry, or the limited branches of medicine in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in Section 4731.22(B)(22), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

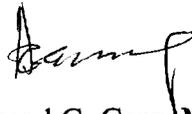
FRANK J. KRUMM, M.D.

Page 3

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,

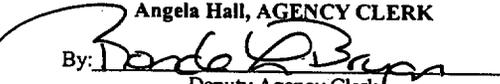


Anand G. Garg, M.D.  
Secretary

AGG/bjs  
Enclosures

CERTIFIED MAIL #Z 496 165 247  
RETURN RECEIPT REQUESTED

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

FILED  
Department of Health  
Angela Hall, AGENCY CLERK  
By:   
Deputy Agency Clerk

**IN RE:**       **The Emergency Suspension of the License of  
Frank J. Krumm, M.D.  
License Number: ME 0074798  
Case Numbers 1999-61302, 1999-61306, 1999-62142, 1999-62975, and  
1999-62976**

**ORDER OF EMERGENCY SUSPENSION OF LICENSE**

Robert G. Brooks, M.D., Secretary for the Department of Health, hereby ORDERS the Emergency Suspension of the license to practice as a physician of Frank J. Krumm, M.D. (hereinafter referred to as "Dr. Krumm"). Dr. Krumm holds license number ME 0074798 and his last known address is 7101 Jessie Harbor Drive, Osprey, Florida 34229. The following Findings of Fact and Conclusions of Law support the Emergency Suspension of Dr. Krumm's license to practice as a physician.

**FINDINGS OF FACT**

1.       Effective July 1, 1997, the Department of Health (hereinafter "the Department") is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapters 455 and 458, Florida Statutes.
2.       Section 455.621(8), Florida Statutes, empowers the Secretary of the Department of Health (hereinafter, the "Secretary") to summarily suspend Dr. Krumm's license to practice as a physician in the State of Florida, in accordance with Section 120.60(6), Florida Statutes.

3. Dr. Krumm is and has been at all times pertinent to this Order a duly licensed physician, licensed pursuant to Chapter 458, Florida Statutes.

4. Dr. Krumm practices in the area of family medicine and he is not board certified.

**FACTS PERTAINING TO PATIENT K.A. (formerly known as K.A.D.)**  
**(Case No. 1999-61302)**

5. On or about February 19, 1999, Patient K.A., a thirty-three (33) year-old female, presented to Dr. Krumm at the Suncoast Family Practice in Sarasota, Florida, complaining of depression, anxiety, and headaches.

6. After talking to Patient K.A., Dr. Krumm told her that the other doctors she had seen at Suncoast were wrong about the appropriate treatment for anxiety and that he would take care of her. He told her she would be "back to her old self in no time." He wrote Patient K.A. prescriptions for thirty (30) .25 milligram tablets of Xanax, a drug used in the treatment of anxiety, thirty (30) tablets of Vicodin, an opioid analgesic used in the treatment of pain, thirty (30) tablets Metoprolol, a drug used in the treatment of high blood pressure, and sixty (60) 15-milligram tablets of Buspar, a drug used for the treatment of anxiety.

7. On or about March 22, 1999, Patient K.A. presented to Dr. Krumm for follow-up treatment regarding her anxiety and headaches. Patient K.A. told Dr. Krumm that her headaches were severe. Dr. Krumm questioned Patient K.A. about the stress in her life and she explained that she was going through a difficult divorce. Patient K. A. was sitting in a chair while she was talking to Dr. Krumm. Dr. Krumm rolled his examination stool over between Patient K.A.'s legs, told her to close her eyes, and he massaged her temples and neck. During the massage, Dr. Krumm told Patient K.A. that everything was going to be all right. At the conclusion of Patient K.A.'s appointment, Dr. Krumm indicated that she should continue with the previously

prescribed medicines with the addition of Flexeril, a muscle relaxer, to treat the muscle spasms in her neck. Dr. Krumm scheduled Patient K.A. for a follow-up appointment.

8. On or about May 20, 1999, Patient K.A. presented to Dr. Krumm for a follow-up appointment. After speaking to Patient K.A. briefly about her anxiety and headaches, Dr. Krumm continued the previously prescribed medications and added prescriptions for thirty (30) 2-milligram tablets of Ativan and twenty-eight (28) tablets of 20 milligram Paxil.

9. On or about June 8, 1999, Patient K.A. presented to Dr. Krumm for follow-up treatment for anxiety and headaches. Patient K. A. was taken into an examining room. Dr. Krumm came into the examining room and sat on a rolling stool. He asked Patient K.A. how she was doing and she told him that she continued to have severe headaches and panic attacks. Dr. Krumm rolled the examining stool between Patient K.A.'s legs and placed her feet in his lap. He massaged both of her feet. Dr. Krumm told Patient K.A. that her husband was a jerk, that she was under stress, that she was very beautiful, and that she could have any man she wanted. He proceeded to massage her neck, shoulders, lower back, and her buttocks.

10. While Dr. Krumm massaged Patient K.A., he asked her when was the last time she had a "good orgasm." She told him it had been about six months and he said that was probably part of the reason that she had so much tension and stress. He told her she needed a "good hard orgasm."

11. Dr. Krumm stood between Patient K.A.'s thighs and kissed her neck. He told her he was the man to give her an orgasm and that she would feel much better afterwards. He moved his hands up her skirt, massaged her legs, and reached into her panty hose. Dr. Krumm told Patient K.A. that he wanted to meet her in a motel room. Dr. Krumm kissed Patient K.A. and as

she was leaving the examining room, he asked her if she understood patient/doctor confidentiality. Dr. Krumm explained to Patient K.A. that he could lose his license if she told anyone what he had done during the appointment. As Patient K.A. was leaving the examining room, she asked Dr. Krumm for her prescriptions. He wrote her prescriptions for Naprelan, a non-steroidal anti-inflammatory drug, Buspar, a drug used for the treatment of anxiety, Xanax, for the treatment of anxiety, Lorazepam, for the treatment of anxiety, Metoprolol, a drug used for the treatment of high blood pressure and angina, and he added a prescription for twenty-one (21) 20 milligram tablets of Celexa, a drug used in the treatment of depression.

12. During Dr. Krumm's examination of Patient K.A. there was no other person in the examining room other than Dr. Krumm and the patient.

13. Dr. Krumm's conduct, which involved inappropriate massaging and touching, and statements made during Patient K.A.'s treatment for headaches, anxiety, and depression constitute sexual misconduct in the practice of medicine.

14. Dr. Krumm inappropriately exercised influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity, in that Dr. Krumm made statements and performed inappropriate acts which were sexual in nature and which were not performed for any legitimate medical purpose.

**FACTS PERTAINING TO PATIENT D.H.**  
**(Case No. 1999-62142)**

15. In or about February of 1999, Patient D.H., a thirty-eight (38) year-old female, presented to Dr. Krumm's office at the Suncoast Family Practice seeking treatment to lose weight. Patient D.H.'s four (4) year-old daughter was present during Patient D.H.'s appointment with Dr. Krumm. Dr. Krumm discussed Patient D.H.'s options regarding weight loss and

discussed weight management. Dr. Krumm related his own weight problems and told Patient D.H. that he had lost sixty-five (65) pounds. He told Patient D.H. that she was beautiful and he wrote her a prescription for Meridia, a diet supplement used in treatment of obesity.

16. On or about March 9, 1999, Patient D.H. represented to Dr. Krumm for evaluation regarding the progress of her weight loss program. In addition to discussing her weight loss, Dr. Krumm questioned Patient D.H. about her menstrual cycle, water retention, and stress. Patient D.H. revealed to Dr. Krumm that she was discouraged because of her lack of success with weight loss.

17. Dr. Krumm placed Patient D.H.'s feet in his lap and massaged her feet. Dr. Krumm told Patient D.H. that the massage would relieve her stress.

18. Dr. Krumm finished massaging Patient D.H.'s feet and wrote her a prescription for Fasten, a drug used to aid in weight loss. As Patient D.H. was leaving the examining room, Dr. Krumm whispered into her ear, asking, "When was the last time that you had a good hard orgasm."

19. On or about April 15, 1999, Patient D.H. presented to Dr. Krumm for a third appointment regarding her weight loss program. Patient D.H. had lost seventeen (17) pounds and Dr. Krumm told her she looked "great." During the time Patient D.H. was in the examining room, Dr. Krumm massaged her feet, the inside of her legs, and her inner thighs. He reached inside her underwear and massaged her clitoris and vagina until Patient D.H. reached orgasm. Dr. Krumm told Patient D.H. that she was receiving "special treatment." Dr. Krumm graphically described other sexual acts that he would like to perform on Patient D.H.

20. On or about May 13, 1999, Patient D.H. presented to Dr. Krumm for monitoring of her weight loss program. Dr. Krumm instructed Patient D.H. to continue to take the weight loss medication. Then, Dr. Krumm told Patient D.H. to lie down on the examining table and he performed oral sex on her. Dr. Krumm grabbed her hand and placed it on his erect penis and said, "See what you do to me?"

21. During Patient D.H.'s appointments with Dr. Krumm no other person was present in the examining room with Dr. Krumm and the patient, except during the first appointment when Patient D.H.'s four year old daughter was present.

22. Dr. Krumm's conduct, which included performing sexual acts on Patient D.H. in his examining room during her appointments, and his verbal remarks to her during her appointments with him, constitutes sexual misconduct in the practice of medicine.

23. Dr. Krumm inappropriately exercised influence within a patient-physician relationship for the purpose of engaging Patient D.H. in sexual activity, in that Dr. Krumm made statements and performed inappropriate acts which were sexual in nature and which were not performed for any legitimate medical purpose.

**FACTS PERTAINING TO PATIENT K.D.**  
**(Case No. 1999-61306)**

24. On or about January 26, 1999, Patient K.D., a thirty-four (34) year-old female, presented to Dr. Krumm at the Suncoast Family Practice with a history of knee surgery. Patient K.D. had been referred to Dr. Krumm by her workers compensation carrier.

25. Dr. Krumm examined Patient K.D. and diagnosed her with knee strain. During the examination, Patient K.D. began to cry and expressed concern about having to have more

knee surgery. Dr. Krumm asked Patient K.D. if she was depressed and suggested that she consider taking an antidepressant. Patient K.D. told Dr. Krumm that she did not want to take an antidepressant.

26. On or about March 19, 1999, Patient K.D. presented to Dr. Krumm for continued knee pain and with back pain. Dr. Krumm told Patient K.D. that she could open up to him and come see him any time and tell him what was really wrong with her. Patient K.D. reiterated her concern about the pain in her knee.

27. On or about May 7, 1999, Patient K.D. presented to Dr. Krumm complaining of continued knee and back pain. Dr. Krumm told Patient K.D. that he was going to give her a massage to help her back pain. Dr. Krumm told Patient K.D. to lie down on the examining table on her stomach. A nurse interrupted Dr. Krumm by knocking on the examining room door and telling Dr. Krumm that he had been in the room long enough and other patients were waiting.

28. After leaving Dr. Krumm's office, Patient K.D. called her workers compensation carrier and asked to be referred to another doctor. The workers compensation carrier told Patient K.D. that she could not transfer without a referral from Dr. Krumm.

29. On or about June 2, 1999, Patient K.D. presented to Dr. Krumm complaining of severe back pain. Patient K.D. began crying during her visit with Dr. Krumm and Dr. Krumm told her she was not opening up to him. He then pulled her up against him, kissed her, and pressed his erect penis against her. Patient K.D. did not respond to Dr. Krumm's sexual advances and he asked her why she would not kiss him back. Someone then knocked on the examining room door and Patient K.D. left Dr. Krumm's office.

30. During Dr. Krumm's examination of Patient K.D. no other person was present in the examining room with Dr. Krumm and the patient.

31. Dr. Krumm's conduct, which included kissing Patient K.D. in his examining room during her appointments, and his verbal remarks to her during her appointments with him, constitutes sexual misconduct in the practice of medicine.

32. Dr. Krumm inappropriately exercised influence within a patient-physician relationship for the purpose of engaging Patient K.D. in sexual activity in that Dr. Krumm made statements and performed inappropriate acts which were sexual in nature and which were not performed for any legitimate medical purpose.

**FACTS PERTAINING TO PATIENT B.M**  
**(Case No. 1999-62975)**

33. On or about April 16, 1999, Patient B.M., a forty-seven (47) year old female, presented to Dr. Krumm at the Suncoast Family Practice with a complaint of a bone spur in her foot and acid reflux.

34. Patient B.M. also discussed weight loss and management with Dr. Krumm. Dr. Krumm prescribed Prilosec to treat Patient B.M.'s acid reflux and gave her exercises for the pain in her foot. Dr. Krumm also told Patient B.M. that she would be more attractive if she lost weight.

35. On or about May 17, 1999, Patient B.M. presented to Dr. Krumm complaining of depression. Dr. Krumm wrote her a prescription for Prozac, an anti-depressant drug, and for Prilosec.

36. On or about June 22, 1999, Patient B.M. presented to Dr. Krumm. Dr. Krumm told Patient B.M. that she "looked sad today." Dr. Krumm told Patient B.M. to stand in front of

him and he massaged her back and shoulders. Dr. Krumm then told Patient B.M. to lie on the examining table on her stomach. Patient B.M. said she did not want to lie down but she did eventually after Dr. Krumm coaxed her.

37. While Patient B.M. was lying on her stomach on the examining table, Dr. Krumm massaged her legs and thighs. He then moved her underpants aside and thrust his finger into Patient B.M.'s vagina. Patient B.M. attempted to move Dr. Krumm's hand and he told her he only needed "five more minutes."

38. Patient B.M. sat up on the examining table and Dr. Krumm kissed her and made obscene gestures with his tongue. He told Patient B.M. that there were other things he was going to do to her when she came for her next appointment.

39. Patient B.M. left Dr. Krumm's office without scheduling another appointment.

**FACTS PERTAINING TO PATIENT A.D.**  
**(Case No. 1999-62976)**

40. On or about May 10, 1999, Patient A.D., a thirty-three (33) year old female, presented to Dr. Krumm at the Suncoast Family Practice for a routine physical examination. Patient A.D.'s husband was a patient of Dr. Krumm and recommended him to her.

41. Dr. Krumm did not conduct a complete physical examination on Patient A.D. Dr. Krumm indicated to Patient A.D. that any health problems she had were not physical but were related to depression. Dr. Krumm told Patient A.D. to trust him and he wrote her a prescription for Paxil, a drug used in the treatment of depression.

42. Patient A.D. told Dr. Krumm that he had treated her husband and he responded by saying, "How did you ever get into that mess? Oh my God. Can I give you a hug?" Dr. Krumm

proceeded to hug Patient A.D. several times and to rub her neck. Dr. Krumm told her to return for another appointment.

43. On or about June 2, 1999, Patient A.D. returned to Dr. Krumm's office. Upon entering the examining room, Dr. Krumm began telling Patient A.D. how beautiful she looked. Dr. Krumm instructed Patient A.D. to sit on the examining table and he sat on an examining stool. He rolled the stool between Patient A.D.'s legs and told her she looked tense. He then asked her if his behavior bothered her and said, "If it does, I won't do it, I mean they'll put me in jail." Dr. Krumm rubbed Patient A.D.'s thighs and asked her if she wanted to go to the Bahamas for a couple of months "all expenses paid?" Patient A.D. attempted to discuss her health problems with Dr. Krumm, but he would not respond to her comments and he began massaging her back and neck. Dr. Krumm began kissing Patient A.D.'s neck and told her that he would "rub you down everywhere during the next visit." Before Patient A.D. left the examining room, Dr. Krumm asked her when was the last time "you had an orgasm?"

44. Patient A.D.'s four (4) year-old daughter was present in the examining room throughout Patient A.D.'s appointment with Dr. Krumm.

45. Patient A.D. left Dr. Krumm's office without paying. She called her mother and her husband, and told them about Dr. Krumm's behavior during her appointment.

46. On or about July 28, 1999, the board of directors of R.F.C.D., Inc. d/b/a Suncoast Family Practice sent Dr. Krumm a letter. The letter notified Dr. Krumm that his employment was terminated for "good cause" effective July 2, 1999, based on complaints of his inappropriate sexual behavior toward employees and patients.

47. On or about January 4, 2000, the Agency received the above-described complaints against Dr. Krumm and the Agency's investigation into these allegations was completed on May 12, 2000.

48. Section 458.329, Florida Statutes, states that the physician-patient relationship is founded on mutual trust. Sexual misconduct in the practice of medicine means violation of the physician-patient relationship through which the physician uses said relationship to induce the patient to engage, or to engage or attempt to engage the patient, in sexual activity outside the scope of the practice or the scope of generally accepted examination or treatment of the patient. Sexual misconduct in the practice of medicine is prohibited.

49. Dr. Krumm's conduct demonstrates a pattern of behavior that represents an immediate and serious danger to the health, safety, and welfare of the public and does not correspond to that level of professional conduct expected of a physician licensed to practice medicine in this state.

50. Dr. Krumm has demonstrated a flagrant disregard for the duties and responsibilities imposed upon a physician practicing in the State of Florida and for the health and welfare of his patients. Dr. Krumm's conduct constitutes a breach of the trust and confidence that the Legislature placed in him by issuing him a license to practice medicine. This breach is particularly compelling in Dr. Krumm's case since his specific actions occurred while practicing medical care and treatment to patients who were suffering from depression and anxiety, and therefore were in a vulnerable position. Dr. Krumm manipulated the emotions of his patients in a way that made them particularly susceptible and unprotected against Dr. Krumm's inappropriate sexual advances. His behavior demonstrates a pattern of total disregard for the

welfare of his patients by his performance of entirely self-serving acts done for his own gratification. His behavior constitutes a lack of honesty, integrity, and judgment, as well as unwillingness to abide by the Laws of the State of Florida. The safety of the public cannot be insured by any means other than suspension of Dr. Krumm's license.

### CONCLUSIONS OF LAW

1. The Secretary of the Department of Health has jurisdiction over this matter pursuant to Section 455.621(8), Florida Statutes, and Section 20.43(3)(g), Florida Statutes, as set forth above.

2. Based on the foregoing Findings of Fact, the Secretary concludes that Dr. Krumm has violated Section 455.624(1)(u), Florida Statutes, by engaging or attempting to engage a patient or client in verbal or physical sexual activity. For the purposes of this section, a patient or client shall be presumed to be incapable of giving free, full and informed consent to verbal or physical sexual activity.

3. Based on the foregoing Findings of Fact, the Secretary concludes that Dr. Krumm has violated Section 458.331(1)(j), Florida Statutes, by exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity.

4. Based on the foregoing Findings of Fact, the Secretary concludes that Dr. Krumm has violated Section 458.331(1)(x), Florida Statutes, by violating a provision of this chapter, a rule of the board or department, or 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,

in that he violated the express prohibition against sexual misconduct stated in Section 458.329, Florida Statutes.

5. Based on the foregoing Findings of Fact, the Secretary concludes that Dr. Krumm's continued practice as a physician constitutes an immediate and serious danger to the health, safety, and welfare of the public and that this summary procedure is fair and appropriate under the circumstances to adequately protect the public.

WHEREFORE, in accordance with Sections 120.54(4) and 120.60(6), Florida Statutes it is

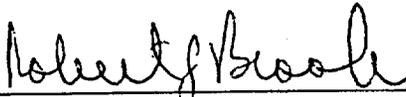
**THEREUPON ORDERED THAT:**

1. The license of Frank J. Krumm, M.D., license number ME 0074798, is hereby immediately suspended.

2. A proceeding seeking formal suspension or revocation of the license to practice as a physician of Frank J. Krumm, M.D., will be promptly instituted and acted upon in compliance with Section 120.60(6), Florida Statutes and this order shall be filed in accordance with Section 120.54(4), Florida Statutes.

3. Dr. Krumm shall comply with the rules regarding the closing of a practice as set forth in Rule 64B 8-10, Florida Administrative Code.

DONE and ORDERED this 24 day of May, 2000.



ROBERT G. BROOKS, M.D.,  
SECRETARY

Department of Health  
2020 Capital Circle, S.E.  
Bin #A00  
Tallahassee, Florida 32399

**NOTICE OF RIGHT TO JUDICIAL REVIEW**

Pursuant to Sections 120.54(4)(a)3, 120.60(6), and 120.68, Florida Statutes, the Department's findings of immediate danger, necessity, and procedural fairness shall be judicially reviewable. Review proceedings are governed by the Florida Rules of Appellate Procedure. Such proceedings are commenced by filing one copy of a Petition for Review in accordance with Rule 9.100, Florida Rules of Appellate Procedure, with the Department of Health and a second copy of the petition accompanied by a filing fee prescribed by law with the District Court of Appeal within thirty (30) days of the date this Order is filed.

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the above and foregoing Order of Emergency Suspension has been furnished by OVERNIGHT DELIVERY and REQUEST FOR HAND DELIVERY and by certified mail to Frank J. Krumm, M.D., at 7101 Jessie Harbor Drive, Osprey, Florida 34229, and to Louis J. LaCava, Attorney for Dr. Krumm, at 101 East Kennedy Blvd., Suite 2500, Tampa, Florida 33602 on this \_\_\_ day of \_\_\_\_\_, 2000.

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Carol L. Gregg  
Contract Attorney  
Florida Bar No. 181515  
Agency for Health Administration  
P. O. Box 14229  
Tallahassee, FL 32308  
(850) 488-3357 - Telephone  
(850) 414-1989 - Telefax