

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

DOH-19-1666-ERO-b

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2019-33254

GUY T. SELANDER, M.D.,

RESPONDENT.

NOTICE OF SCRIVENER'S ERROR

Petitioner, Department of Health, by and through its undersigned counsel, files this Notice of Scrivener's Error, and as grounds therefor states:

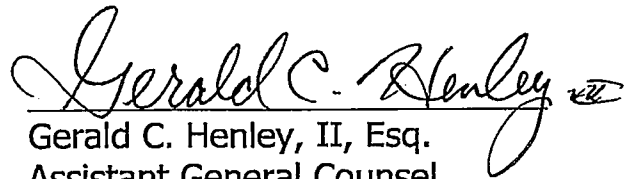
1. On October 30, 2019, Petitioner filed its Order of Emergency Restriction of License.
2. The Order of Emergency Restriction of License states that Patient L.B. presented to Memorial Family Practice (MFP) on or about July 5, 2018.
3. Patient L.B. presented to MFP on or about July 15, 2019.
4. The correction of this error is of no prejudice to Respondent as it makes no substantive change to the charges in the Order of Emergency Restriction of License.
5. The original Order of Emergency Restriction of License provided Respondent with proper notice of his restriction.

6. By copy of this Notice, Petitioner is advising Respondent of this error.

WHEREFORE, Petitioner requests that the Department take Notice of Petitioner's Notice of Scrivener's Error as detailed above.

**SIGNED** this 1<sup>st</sup> day of November 2019.


Respectfully submitted,

A handwritten signature in black ink, reading "Gerald C. Henley, II". The signature is fluid and cursive, with a small "II" at the end.

Gerald C. Henley, II, Esq.  
Assistant General Counsel  
Department of Health  
Prosecution Services Unit  
4052 Bald Cypress Way, Bin C-65  
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Florida Bar No. 1005574  
Gerald.Henley@flhealth.gov

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of this foregoing filed Notice of Scrivener's Error has been furnished to Respondent on this 1st day of November, via certified mail, at: 1731 University Boulevard South, Jacksonville, Florida 32216.

  
Gerald C. Henley, II  
Assistant General Counsel

FILED DATE OCT 30 2019  
Department of Health

By: *Anna Niles*  
Deputy Agency Clerk

STATE OF FLORIDA  
DEPARTMENT OF HEALTH

In Re: The Emergency Restriction of the License of  
Guy T. Selander, M.D.  
License Number: ME 10521  
Case Number: 2019-33254

**ORDER OF EMERGENCY RESTRICTION OF LICENSE**

Scott A. Rivkees, M.D., State Surgeon General, ORDERS the emergency restriction of the license of Guy T. Selander, M.D., (Dr. Selander) to practice as a medical doctor. Dr. Selander holds license number ME 10521. His address of record is 1731 University Boulevard South, Jacksonville, Florida 32216. The following Findings of Fact and Conclusions of Law support the emergency restriction of Dr. Selander's license to practice as a medical doctor in the State of Florida.

**FINDINGS OF FACT**

1. The Department of Health (Department) is the state agency charged with regulating the practice of medicine pursuant to Chapters 20, 456, and 458, Florida Statutes (2019). Section 456.073(8), Florida Statutes (2019), authorizes the Department to summarily restrict Dr. Selander's license to practice as a medical doctor in the State of Florida, in accordance with Section 120.60(6), Florida Statutes (2019).

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2. At all times material to this Order, Dr. Selander was licensed to practice as a medical doctor in the State of Florida, pursuant to Chapter 458, Florida Statutes.

3. On or about July 5, 2018, Patient L.B. presented to Memorial Family Practice (MFP), located in Jacksonville, Florida.

4. Patient L.B. scheduled an appointment at MFP to have her left ear examined.

5. After arriving at MFP, a nurse took Patient L.B.'s vital signs and flushed her ear. Afterwards, the nurse left the examination room. Dr. Selander then came into the room to examine Patient L.B.'s ear.

6. After examining Patient L.B.'s ear, Dr. Selander recommended that Patient L.B. see an ear, nose, and throat specialist.

7. As Patient L.B. stood up to leave, Dr. Selander grabbed and slapped her buttocks. Patient L.B. immediately responded and told Dr. Selander not to touch her.

8. Dr. Selander asked, "What about this?" and began to put his arm around her neck as if trying to hug her.

9. Patient L.B. responded and said, "Don't touch me at all."

10. Patient L.B. was shocked and left MFP.

11. A few days later, Patient L.B. contacted MFP and reported the incident.

12. The office manager reported the incident to another manager at the facility.

13. Medical doctors are entrusted by the public to provide treatment to patients in a manner that is safe and to protect their patients from harm. Dr. Selander's actions and disregard for the well-being of Patient L.B. show that he does not have the judgement or moral character to hold a position of power and trust. Dr. Selander violated the patient-physician relationship when he attempted to engage Patient L.B. in sexual activity. Dr. Selander's continued unrestricted practice as a medical doctor presents a risk of immediate and serious danger to the health, welfare, and safety of the public.

14. Dr. Selander's blatant disregard for the laws and rules regulating his profession indicates that this behavior is likely to continue. Because of this risk, Dr. Selander's continued unrestricted practice represents an immediate, serious danger to the public health and to patients under his care. Therefore, there are no less restrictive means than the terms outlined in his Order that will adequately protect the public.

15. As a result, nothing short of the immediate restriction of Dr. Selander's license to practice as a medical doctor will adequately protect the public.

#### CONCLUSIONS OF LAW

Based on the foregoing findings of fact, the State Surgeon General concludes as follows:

1. The State Surgeon General has jurisdiction over this matter pursuant to Sections 20.43 and 456.073(8), Florida Statutes (2019), and Chapters 120 and 458, Florida Statutes (2019), as set forth above.

2. Section 458.331(1)(j), Florida Statutes (2018), authorizes discipline, including restriction, against a medical doctor for 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.

3. Dr. Selander violated section 458.331(1)(j), Florida Statutes (2018), by exercising influence within the patient-physician relationship for the purposes of engaging and attempting to engage Patient L.B. in sexual activity in one or more of the following ways:

- a. By grabbing Patient L.B.'s buttocks;
- b. By slapping Patient L.B.'s buttocks; and/or
- c. By placing his arm around Patient L.B.'s neck  
after Patient L.B. told him not to touch her.

4. Section 120.60(6), Florida Statutes (2019), authorizes the Department to summarily restrict a medical doctor's license upon a finding that individual presents an immediate, serious danger to the public health, safety, or welfare.

5. Dr. Selander's continued unrestricted practice as a medical doctor constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida, and this summary procedure is fair under the circumstances to adequately protect the public.

**WHEREFORE**, in accordance with Sections 120.60(6), Florida Statutes (2019), it is ORDERED THAT:

1. The license of Guy T. Selander, M.D., to practice as a medical doctor, license number ME 10521, is immediately restricted to prohibit Guy T. Selander, M.D., from treating and interacting with female patients.

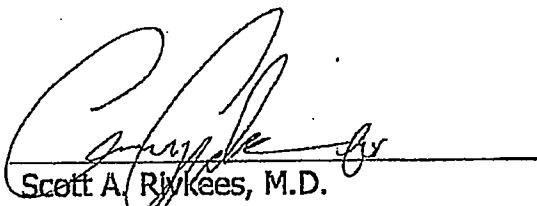
2. A proceeding seeking formal discipline of the license of Guy T. Selander, M.D., to practice as a medical doctor will be promptly instituted



In Re: Emergency Restriction of the License of  
Guy T. Selander, M.D.  
License Number ME 10521  
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and acted upon in compliance with Sections 120.569 and 120.60(6), Florida  
Statutes (2019).

**DONE and ORDERED** this 30<sup>th</sup> day of October, 2019.

  
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Scott A. Rykees, M.D.  
State Surgeon General

PREPARED BY:  
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**NOTICE OF RIGHT TO JUDICIAL REVIEW**

Pursuant to Sections 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 a Petition for Review, in accordance with Florida Rule of Appellate Procedure 9.100, and accompanied by a filing fee prescribed by law with the District Court of Appeal, and providing a copy of that Petition to the Department of Health within thirty (30) days of the date this Order is filed.