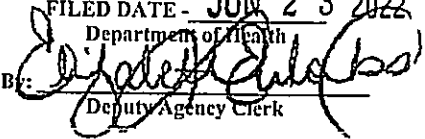


FILED DATE - JUN 23 2022
Department of Health
By: 
Deputy Agency Clerk**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

In Re: Emergency Restriction of the License of
Charles Emmanuel Stamitoles, D.D.S.
License No: DN 10168
Case Numbers: 2022-22414

ORDER OF EMERGENCY RESTRICTION OF LICENSE

Joseph A. Ladapo, MD, PhD, State Surgeon General, ORDERS the emergency restriction of the dental license of Charles Emmanuel Stamitoles, D.D.S., (Dr. Stamitoles) in the State of Florida. Dr. Stamitoles is licensed as a dentist in the state of Florida, having been issued license number DN 10168. Dr. Stamitoles' address of record is 1025 Creighton Road, Pensacola, Florida 32504. The following Findings of Fact and Conclusions of Law support the emergency restriction of Dr. Stamitoles' license to practice dentistry in the State of Florida.

FINDINGS OF FACT

1. The Department of Health (Department) is the state agency charged with regulating the practice of dentistry pursuant to chapters 20, 456, and 466, Florida Statutes (2021). Section 456.073(8), Florida Statutes (2021), authorizes the State Surgeon General to summarily restrict Dr. Stamitoles' dental license, in accordance with section 120.60(6), Florida Statutes (2021).

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FINDINGS OF FACT

1. At all times material to this order, Dr. Stamitoles was licensed as a dentist, having been issued license number DN 10168. Dr. Stamitoles received his license to practice dentistry in Florida in 1984.

2. In or around 1990, the Georgia Board of Dentistry entered a Consent Order suspending Respondent's license for 30 days, followed by a two-year probationary period. Dr. Stamitoles failed to report the suspension to the Florida Board of Dentistry.¹

3. In or around 1995, the Georgia Board of Dentistry revoked Respondent's license to practice dentistry. Dr. Stamitoles did not report the revocation to the Board.²

4. At all times material to this Order, Dr. Stamitoles owned and operated Stamitoles Dental Center in Pensacola, Florida.

5. On or about December 5, 2003, Dr. Stamitoles was arrested for battery. According to the arrest affidavit, on or about September 3, 2003, a patient presented to Dr. Stamitoles' office for a dental appointment. The patient reported that Dr. Stamitoles hugged her and pressed his body against hers while

¹ These facts are addressed in Final Order DOH-99-0585-MQA.

² These facts are addressed in Final Order DOH-99-0585-MQA.

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she was laying in the examination chair and leaned over and kissed her on her forehead. When the patient was checking out at the front counter, she reported that Dr. Stamitoles walked up behind her and squeezed her buttocks.

6. During the criminal investigation, the Escambia County Sheriff's Office interviewed six employees who all confirmed that the allegations were "probably true" because of Dr. Stamitoles' past conduct with them and other patients.

7. Dr. Stamitoles was acquitted of battery in Escambia County Case Number 2003-MM-028982A.

8. On or about March 8, 2004, L.B. filed a civil complaint against Dr. Stamitoles for battery in Escambia County Case Number 2004-CA-000492.

9. L.B. alleged that while employed by Dr. Stamitoles, he would kiss her on the head, hold himself against her in a hug, place his erect penis against her buttocks, and slap L.B.'s buttocks.

10. On or about November 21, 2006, a jury found that Dr. Stamitoles committed battery on L.B. and awarded L.B. damages.

11. In or around December 2020, Patient A.B., a woman, was Dr. Stamitoles' patient.

12. On or about December 16, 2020, Patient A.B. presented to Dr. Stamitoles for a dental appointment.

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13. When the appointment started, Dr. Stamitoles complimented Patient A.B. on her appearance. Patient A.B. felt that the compliment was weird, and it made her uncomfortable.

14. When Dr. Stamitoles began to administer the medicine to numb Patient A.B.'s mouth, Dr. Stamitoles patted Patient A.B.'s right breast and said, "We will take good care of you."

15. Patient A.B. cancelled her upcoming appointment with Dr. Stamitoles and reported his conduct to her family.

16. Dr. Stamitoles was arrested and charged with battery in Escambia County Case Number 2022-MM-2250-A based on Patient A.B.'s allegations. This charge is currently pending resolution.

17. Patient J.J., a woman, was Dr. Stamitoles' patient for approximately two years.

18. In or around December 2021, Patient J.J. observed that Dr. Stamitoles behaved differently at work. Patient J.J. observed that Dr. Stamitoles had lost weight, was very talkative, and moved around a lot.

19. In March 2022, Patient J.J. presented to Dr. Stamitoles for a tooth extraction.

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20. That evening, at approximately 8:30 p.m., Dr. Stamitoles called Patient J.J. from his personal cell phone to check on her. Patient J.J. thought it was odd that the dentist himself called her, especially so late in the evening, but did not think any more of it.

21. On or about May 18, 2022, Patient J.J. returned to Dr. Stamitoles for a follow-up appointment.

22. Once she was called back to the examination room and seated in the dental chair, Dr. Stamitoles started asking her probing, personal questions.

23. Dr. Stamitoles asked Patient J.J. if she was still dating her neighbor. Patient J.J. responded that she had never dated her neighbor.

24. Dr. Stamitoles then asked Patient J.J. if she had a boyfriend. When Patient J.J. told Dr. Stamitoles that he was out of state, Dr. Stamitoles told her "Well he can't satisfy you then." Dr. Stamitoles inquired if Patient J.J. masturbated.

25. Dr. Stamitoles told Patient J.J. that he could satisfy her and that he was "like a god."

26. Dr. Stamitoles told Patient J.J. that his wife no longer satisfied him sexually and that Patient J.J. turned him on. Dr. Stamitoles whispered in Patient J.J.'s ear that she drove him crazy.

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27. While Dr. Stamitoles made these statements, he stroked Patient J.J.'s face and lips and moved his lips close to hers.

28. When Dr. Stamitoles stood up to move around Patient J.J., he pushed his body against hers and moaned.

29. Dr. Stamitoles grabbed Patient J.J.'s arm and made her hand rub up and down his stomach.

30. At one point during the appointment, Patient J.J. tried to reposition herself in the dental chair. Dr. Stamitoles ran his hand down her back and under her shirt and commented on her tattoos, saying they were "sexy."

31. A dental assistant came into the room, and Patient J.J. told her that Dr. Stamitoles was making her feel uncomfortable. The dental assistant told her it was not the first time.

32. Patient J.J. told Dr. Stamitoles that she needed to use the restroom, and Dr. Stamitoles told her, "No you don't." Despite his protest, Patient J.J. got up and left the room.

33. Dr. Stamitoles followed Patient J.J. down the hallway, grabbed her by the arm, and started pulling her in a different direction, towards the back of the office. Dr. Stamitoles told Patient J.J. that there was another restroom in the back.

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34. Patient J.J. was terrified of Dr. Stamitoles and feared for her safety. Patient J.J. ran to the upstairs restroom and closed and locked the door behind her. Patient J.J. heard Dr. Stamitoles in the hallway calling her name. The dental assistant told Dr. Stamitoles to go see his other patients.

35. As Patient J.J. left the office, she was upset.

36. Patient J.J. reported to a different dentist for follow-up care. The dentist advised her to return to Dr. Stamitoles for follow-up treatment, but Patient J.J. declined and reported his conduct to her dentist.

37. The Office Manager at the new dentist office told Patient J.J. that in 2009, she briefly worked for Dr. Stamitoles but left due to his inappropriate behavior. The Office Manager told Patient J.J. that he was very "touchy feely" with her and another assistant in the office. Additionally, she observed Dr. Stamitoles place a blanket over a patient during a procedure and place his hands under the blanket, and then the patient started to giggle.

38. Dr. Stamitoles was arrested and charged with two counts of battery in Escambia County Case Number 2022-MM-2251-A based on Patient J.J.'s allegations. These charges are currently pending resolution.

39. On or about May 31, 2022, Dr. Stamitoles was arrested and charged with battery in Escambia County Case Number 2022-MM-2202-A, based on

allegations that he slapped an employee's buttocks and kissed her on her forehead without her consent in May 2022. This charge is currently pending resolution.

40. On or about June 8, 2022, a Final Judgment of Injunction for Protection Against Stalking (Injunction) was entered against Dr. Stamitoles in Escambia County Case Number 2022-DR-001927. The Injunction was based upon a woman's complaint that in May 2022, Dr. Stamitoles repeatedly came into her business and made lewd and sexually suggestive comments.

41. Dental patients are placed in a vulnerable position when receiving care from their dental provider. When receiving care, dental patients lay down in a confined space while their provider is in close proximity. This positioning leaves patients subject to abuse that is easy to conceal from others. Due to the potential for abuse that is inherent under these circumstances, dentists must possess good judgment and good moral character in order to safely practice dentistry and must refrain from placing their patients in situations that violate their safety and welfare.

42. Dr. Stamitoles has exhibited a pattern of increasingly predatory and sexually aggressive behavior. Dr. Stamitoles has willfully abused his position as a dentist to sexually violate patients who trusted him to act professionally and

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within the boundaries of generally accepted treatment. Dr. Stamitoles' deviant actions demonstrate that he poses a significant danger to female patients. Dr. Stamitoles' violation of the dentist-patient relationship indicates that Dr. Stamitoles lacks the good moral character and judgment necessary to practice dentistry

43. Dr. Stamitoles' lack of good judgment and moral character, his disregard for the laws and regulations governing dentists in this state, and his long history and corresponding pattern of escalating behavior represent a significant likelihood that Dr. Stamitoles will cause harm to clients in the future. This probability constitutes an immediate, serious danger to the health, safety, or welfare of the citizens of the State of Florida.

44. The Department considered restricting Dr. Stamitoles' license to require him to practice under the direct supervision of a licensed healthcare practitioner; however, due to Dr. Stamitoles' status as the owner of his practice, there is no feasible supervision restriction that would prevent Dr. Stamitoles from continuing to treat women at his practice, as he has the ability to open and operate the office without the knowledge of any mandated supervisor. Any monitor would also be employed by Dr. Stamitoles and would risk retaliatory action against their employment if they were to report Dr. Stamitoles' behavior.

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This uneven power dynamic between the owner/operator of the facility and his staff would not adequately protect the public. Additionally, Dr. Stamitoles' employees are already aware of his deviant behavior, and this has not hindered him from his inappropriate conduct. Therefore, nothing short of the immediate restriction of Dr. Stamitoles' license to practice as a dentist on female patients in the State of Florida will protect the public from the dangers created by Dr. Stamitoles' continued, unrestricted practice of dentistry.

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) and chapter 466 as set forth above.
2. Section 466.028(1)(mm), Florida Statutes (2020-2021), authorizes discipline, including restriction, for violating any provision of this chapter or chapter 456, or any rules adopted pursuant thereto.

3. Section 466.027, Florida Statutes (2020-2021), provides that:

The dentist-patient relationship is founded on mutual trust. Sexual misconduct in the practice of dentistry means violation of the dentist-patient relationship through which the dentist uses said relationship to induce or attempt to induce the patient to engage, or to engage or attempt to

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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 dentistry is prohibited.

4. Section 456.072(1)(v), Florida Statutes (2020-2021), provides that it is a violation to engage or attempt to engage in sexual misconduct as defined and prohibited in section 456.063(1), Florida Statutes (2020-2021).

5. Section 456.063, Florida Statutes (2020-2021), provides that:

Sexual misconduct in the practice of a health care profession means violation of the professional relationship through which the health care practitioner uses such relationship to engage or attempt to engage the patient or client, or an immediate family member, guardian, or representative of the patient or client in, or to induce or attempt to induce such person to engage in, verbal or physical sexual activity outside the scope of the professional practice of such health care profession. Sexual misconduct in the practice of a health care profession is prohibited.

6. Dr. Stamitoles violated section 466.028(1)(mm) by engaging in sexual misconduct as prohibited by sections 456.072, 466.027 and/or 456.063 by:

- a. Touching Patient A.B.'s breasts;
- b. Engaging in a sexually explicit conversation with Patient J.J.;
- c. Propositioning Patient J.J. to engage in sexual activity; and

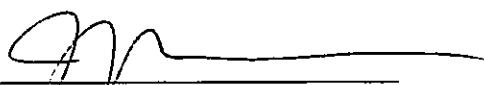
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rubbing himself against Patient J.J.

WHEREFORE, in accordance with section 120.60, it is **ORDERED THAT**:

1. The license of Charles Emmanuel Stamitoles, D.D.S., license number DN 10168, is immediately restricted to prohibit Charles Emmanuel Stamitoles, D.D.S., from practicing dentistry on female patients.
2. A proceeding seeking formal discipline of the dental license of Charles Emmanuel Stamitoles, D.D.S., will be promptly instituted and acted upon in compliance with sections 120.569 and 120.60(6).

DONE and ORDERED this 22 day of June, 2022.



Joseph A. Ladapo, MD, PhD
State Surgeon General

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NOTICE OF RIGHT TO JUDICIAL REVIEW

Pursuant to sections 120.60(6), and 120.68, Florida Statutes (2021), 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.