

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

Commonwealth of Pennsylvania,	:	
Bureau of Professional and	:	
Occupational Affairs	:	
v.	:	Case Nos. 23-49-010100
Vladimir Iakomi, M.D.,	:	23-49-014120
Respondent	:	

**FINAL ORDER MAKING HEARING EXAMINER’S
ADJUDICATION AND ORDER FINAL**

AND NOW, this 14th day of June, 2024, noting that neither party filed an application for review and that the State Board of Medicine (Board) did not issue a Notice of Intent to Review, in accordance with 1 Pa. Code § 35.226(a)(3) and 49 Pa. Code § 16.57, the hearing examiner’s Adjudication and Order issued on May 22, 2024 and appended to this Order as **Attachment A**, is now the **FINAL ORDER** of the Board in this proceeding. The license to practice as a physician and surgeon of Vladimir Iakomi, M.D., license number MD419298, is hereby **REVOKED**.

This Order is retroactive to **June 11, 2024**, twenty days from the date of mailing of the Hearing Examiner’s Adjudication and Order.

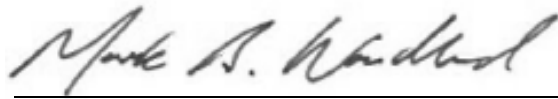
BY ORDER:

**BUREAU OF PROFESSIONAL AND
OCCUPATIONAL AFFAIRS**

STATE BOARD OF MEDICINE



**ARION R. CLAGGETT
ACTING COMMISSIONER**



**MARK B. WOODLAND, M.S., M.D.
CHAIR**

For Respondent:
Tracking # 9489.0090.0027.6625.8591.04

Vladimir Iakomi, M.D.
23 Lancaster Avenue
Christiana, PA 17509

For the Commonwealth:

Adam Williams, Esquire

Board Counsel:

Shana M. Walter, Esquire

Date of Mailing:

June 14, 2024

Attachment A

RECEIVED
May. 22, 24
Department of State
Prothonotary

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Commonwealth of Pennsylvania,	:	
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	:	Case Nos. 23-49-010100
vs.	:	23-49-014120
	:	
Vladimir Iakomi, M.D.,	:	
Respondent	:	

ADJUDICATION AND ORDER

**Hope S. Goldhaber
Hearing Examiner**

**COMMONWEALTH OF PENNSYLVANIA
GOVERNOR'S OFFICE OF GENERAL COUNSEL
DEPARTMENT OF STATE
OFFICE OF HEARING EXAMINERS
P.O. Box 2649
Harrisburg, PA 17105-2649
(717) 772-2686**

HISTORY

This matter comes before a hearing examiner for the State Board of Medicine (“Board”) on the Commonwealth’s filing of a two-count *Order to Show Cause* (“OTSC”) on December 7, 2023, against Vladimir Iakomi, M.D. (“Respondent”). In both Counts, the Commonwealth alleged that Respondent is subject to disciplinary action because Respondent violated Section 41(8) of the Medical Practice Act of 1985,¹ (“Act”), 63 P.S. § 422.41(8), in that Respondent committed unprofessional conduct per the Board’s regulation at 49 Pa. Code § 16.110(b).

On December 7, 2023, the Commonwealth mailed the OTSC to Respondent by certified mail, electronic return receipt requested, and by first-class mail, postage prepaid, at his last known address on file with the Board: 23 Lancaster Avenue, Christiana, PA 17509. The OTSC that was mailed to Respondent by certified mail, electronic return receipt requested, was picked up at the Christiana, PA post office on December 22, 2023, as evidenced by USPS Tracking® for Tracking Number 9489 0090 0027 6566 4967 58. In addition, the copy of the OTSC sent by first-class mail, postage prepaid, has not been returned to the Commonwealth, and is therefore presumed to have been delivered. Hence, the Commonwealth accomplished service of its OTSC in accordance with the requirements of the General Rules of Administrative Practice and Procedure (“GRAPP”), 1 Pa. Code § 31.1 *et seq.*, at 1 Pa. Code § 33.31.²

¹ Act of December 20, 1985, P.L. 457, No. 112, *as amended*, 63 P.S. §§ 422.1-422.51a.

² **Section 33.31. Service by the agency.**

Orders, notices and other documents originating with an agency, including forms of agency action, complaints and similar process and other documents designated by the agency for this purpose, shall be served by the office of the agency by mail, except when service by another method shall be specifically required by the agency, by mailing a copy thereof to the person to be served, addressed to the person designated in the initial pleading or submittal at his principal office or place of business. If service is not accomplished by mail, it may be effected by anyone authorized by the
(footnote continued on next page)

The *OTSC* directed Respondent to file a written answer within thirty (30) days of the date on the most recent Certificate of Service associated with the *OTSC*, and specifically advised Respondent that the factual allegations of the *OTSC* may be deemed admitted if Respondent failed to file an answer within the time period allowed.³ Respondent was also advised that if he failed to file an answer, the Board may revoke, suspend, or impose other restrictions against his license; and the Board may also impose a civil penalty of up to \$10,000.00 for each violation of the Act. Respondent did not file an answer to the *OTSC*.

On February 5, 2024, the Commonwealth filed a *Motion to Deem Facts Admitted and Enter Default* (“*MDFA*”). The *MDFA* was mailed to Respondent on February 6, 2024, by certified mail, electronic return receipt requested, and by first-class mail, postage prepaid, at 23 Lancaster Avenue, Christiana, PA 17509. This is the same address where the *OTSC* had been served. Respondent did not file a response to the *MDFA*.

On April 15, 2024, an *Order Granting Commonwealth’s Motion to Deem Facts Admitted and Enter Default* (“*MDFA Order*”) was issued on grounds that Respondent received the *OTSC* but failed to file an answer as required. The *MDFA Order* was mailed to Respondent on April 15, 2024, by first-class mail, postage prepaid, at 23 Lancaster Avenue, Christiana, PA 17509. This is the same address where the *OTSC* and *MDFA* had been served. The *MDFA Order* was not returned to the Department of State Prothonotary and, therefore, it is presumed to have been delivered to Respondent.

agency in the manner provided in 231 Pa. Code Rules 400—441 (relating to service of original process).

1 Pa. Code § 33.31.

³ The only Certificate of Service associated with the *OTSC* is the one dated December 7, 2023, which is attached to the *OTSC*.

Pursuant to section 35.37 of GRAPP, 1 Pa. Code § 35.37,⁴ the *MDFA Order* advised Respondent that he was in default of filing an answer and that the factual allegations in the *OTSC* were deemed admitted. The *MDFA Order* also advised Respondent that an Adjudication and Order would be issued in due course. To date, Respondent has not responded to either the *OTSC* or the *MDFA*.

This matter is now ripe for disposition.

⁴ § 35.37. **Answers to orders to show cause.**

A person upon whom an order to show cause has been served...shall, if directed so to do, respond to the same by filing within the time specified in the order an answer in writing....A respondent failing to file an answer within the time allowed shall be deemed in default, and relevant facts stated in the order to show cause may be deemed admitted.

1 Pa. Code § 35.37.

FINDINGS OF FACT

1. Respondent holds a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania, license no. MD419298. (Official Notice of Board records;⁵ OTSC ¶ 1)

2. Respondent's license was originally issued on October 21, 2002, and is current through December 31, 2024. (Board records; OTSC ¶ 2)

3. Absent further action by the Board, Respondent's license may be renewed or reactivated upon the filing of the appropriate documentation and payment of the necessary fees. (Board records; OTSC ¶ 2)

4. At all times pertinent to the factual allegations in the Commonwealth's *OTSC*, Respondent held a license to practice as a medical physician and surgeon in the Commonwealth of Pennsylvania. (Board records; OTSC ¶ 3)

5. Respondent's last known address on file with the Board is 23 Lancaster Avenue, Christiana, PA 17509. (Board records; OTSC ¶ 4)

6. Victim A⁶ was a patient of Respondent for approximately three years, from 2020 to 2022. (OTSC ¶ 6)

7. On or about December 24, 2022, Respondent engaged in inappropriate sexual conduct with Victim A, in that the conduct was nondiagnostic and nontherapeutic. (OTSC ¶ 7)

⁵ Official notice of the Board's records may be taken pursuant to the General Rules of Administrative Practice and Procedure (GRAPP), 1 Pa. Code § 31.1 *et seq.*, at § 35.173, which permits the presiding officer to take official notice of the Board's own records. *See Gleeson v. State Bd. of Medicine*, 900 A.2d 430, 440 (Pa. Cmwlth. 2006), *appeal denied*, 917 A.2d 316 (Pa. 2007). All citations to "Board records" are based on this taking of official notice.

⁶ To protect the confidentiality of the victims, their identities have not been disclosed in the Order to Show Cause. (OTSC at footnote #1). Respondent has been made aware of their identities. (OTSC at footnote #1)

8. Victim B had previously been treated by Respondent in 2015-2016 and returned to Respondent for testing and treatment of Lyme Disease in September 2023. (OTSC ¶ 10)

9. On or about September 30, 2023, Respondent engaged in inappropriate sexual conduct with Victim B, in that the conduct was nondiagnostic and nontherapeutic. (OTSC ¶ 11)

Service of OTSC

10. On December 7, 2023, the Commonwealth filed a two-count *OTSC* against Respondent on grounds that Respondent engaged in inappropriate sexual conduct with two patients. (OTSC; MDFA ¶ 1)

11. On December 7, 2023, the Commonwealth mailed the *OTSC* to Respondent by certified mail, electronic return receipt requested, and by first-class mail, postage prepaid, at his last known address on file with the Board: 23 Lancaster Avenue, Christiana, PA 17509. (OTSC ¶ 4; OTSC at Certificate of Service; MDFA ¶ 2)

12. The *OTSC* that was mailed to Respondent by certified mail, electronic return receipt requested, was picked up at the Christiana, PA post office on December 22, 2023, as evidenced by USPS Tracking[®] for Tracking Number 9489 0090 0027 6566 4967 58. (MDFA ¶¶ 3-4; MDFA at Exhibit A)

13. In addition, the copy of the *OTSC* sent by first-class mail, postage prepaid, has not been returned to the Commonwealth, and is therefore presumed to have been delivered. (MDFA ¶ 5)

Due Process

14. The *OTSC* directed Respondent to file a written answer within thirty (30) days of the date on the most recent Certificate of Service associated with the *OTSC*, and specifically advised Respondent that the factual allegations of the *OTSC* may be deemed admitted if

Respondent failed to file an answer within the time period allowed.⁷ (OTSC at first page and OTSC at Procedures)

15. The *OTSC* also advised Respondent that if he failed to file an answer, the Board may revoke, suspend, or impose other restrictions against his license; and the Board may also impose a civil penalty of up to \$10,000.00 for each violation of the Act. (OTSC at Penalties and Procedures)

16. To date, Respondent has not filed a written answer to the *OTSC* with the Office of the Prothonotary.⁸ (Case Nos. 23-49-010100 and 23-49-014120; MDFA ¶ 7)

17. On February 5, 2024, the Commonwealth filed a *Motion to Deem Facts Admitted and Enter Default* (“*MDFA*”). (Case Nos. 23-49-010100 and 23-49-014120)

18. On February 6, 2024, the Commonwealth mailed the *MDFA* to Respondent by certified mail, electronic return receipt requested, and by first-class mail, postage prepaid, at the same address at which the *OTSC* had been served: 23 Lancaster Avenue, Christiana, PA 17509. (MDFA at Certificate of Service)

19. To date, Respondent has not filed a response to the *MDFA*. (Case Nos. 23-49-010100 and 23-49-014120)

20. On April 15, 2024, an *MDFA Order* was issued, entering judgment by default and deeming the factual allegations in the *OTSC* admitted, on grounds that Respondent received the *OTSC* but failed to file an answer as required. (Case Nos. 23-49-010100 and 23-49-014120)

21. The *MDFA Order* was mailed to Respondent on April 15, 2024, by first-class mail,

⁷ The only Certificate of Service associated with the *OTSC* is the one dated December 7, 2023, which is attached to the *OTSC*.

⁸ The Commonwealth received information that Respondent boarded an international flight to Turkey on or about October 3, 2023, with a return flight booked for October 17, 2023. (MDFA at footnote #1) The Commonwealth has no direct knowledge of whether or not Respondent returned. (MDFA at footnote #1)

postage prepaid, at 23 Lancaster Avenue, Christiana, PA 17509, which is the same address where the *OTSC* and *M DFA* had been served. (Case Nos. 23-49-010100 and 23-49-014120)

22. The *M DFA Order* mailed to Respondent at 23 Lancaster Avenue, Christiana, PA 17509 was not returned to the Department of State Prothonotary and, therefore, it is presumed to have been delivered to Respondent. (Case Nos. 23-49-010100 and 23-49-014120)

23. Respondent was served with the *OTSC*, *M DFA* and *M DFA Order* filed of record in this matter. (Case Nos. 23-49-010100 and 23-49-014120)

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Findings of Fact 1-4)
2. Respondent has been afforded reasonable notice of the charges against him and an opportunity to be heard in this proceeding, in accordance with Section 5 of the Administrative Agency Law, 2 Pa. C.S. § 504. (Findings of Fact 5, 10-23)
3. Respondent is subject to disciplinary action under Section 41(8) of the Act, 63 P.S. § 422.41(8), because Respondent is guilty of unprofessional conduct, in violation of 49 Pa. Code § 16.110(b), for engaging in sexual behavior with two current patients. Therefore, Counts One and Two of the *OTSC* are sustained. (Findings of Fact 6-9)

DISCUSSION

Violations

Counts One and Two of the *OTSC* are brought under Section 41(8) of the Act, 63 P.S. § 422.41(8), on grounds that Respondent committed unprofessional conduct per the Board's regulation at 49 Pa. Code § 16.110(b). These provisions provide, in relevant part, as follows:

Section 41. Reasons for refusal, revocation, suspension or other corrective actions against a licensee or certificate holder

The board shall have authority to impose disciplinary or corrective measures on a board-regulated practitioner for any or all of the following reasons:

* * *

(8) ***Being guilty of*** immoral or ***unprofessional conduct.*** Unprofessional conduct shall include departure from or failing to conform to an ethical or quality standard of the profession. In proceedings based on this paragraph, actual injury to a patient need not be established.

- (i) The ethical standards of a profession are those ethical tenets which are embraced by the professional community in this Commonwealth.
- (ii) A practitioner departs from, or fails to conform to, a quality standard of the profession when the practitioner provides a medical service at a level beneath the accepted standard of care. The board may promulgate regulations which define the accepted standard of care. In the event the board has not promulgated an applicable regulation, the accepted standard of care for a practitioner is that which would be normally exercised by the average professional of the same kind in this Commonwealth under the circumstances, including locality and whether the practitioner is or purports to be a specialist in the area.

63 P.S. § 422.41(8) (emphasis added).

Section 16.110. Sexual misconduct.

* * *

(b) ***Sexual behavior*** that occurs with a current patient other than the Board-regulated practitioner’s spouse constitutes unprofessional conduct, is prohibited and subjects the practitioner to disciplinary action under section 41(8) of the act.

* * *

49 Pa. Code § 16.110(b) (emphasis added). “Sexual behavior” is defined in the Board’s regulations as follows: “***Any sexual conduct which is nondiagnostic and nontherapeutic***; it may be verbal or physical and may include expressions of thoughts and feelings or gestures that are sexual in nature or that reasonably may be construed by a patient as sexual in nature.” 49 Pa. Code § 16.1 (emphasis added).

The facts deemed admitted conclusively establish the following set of facts. Victim A was a patient of Respondent for approximately three years, from 2020 to 2022. On or about December 24, 2022, Respondent engaged in inappropriate sexual conduct with Victim A, in that the conduct was nondiagnostic and nontherapeutic. Victim B had previously been treated by Respondent in 2015-2016 and returned to Respondent for testing and treatment of Lyme Disease in September 2023. On or about September 30, 2023, Respondent engaged in inappropriate sexual conduct with Victim B, in that the conduct was nondiagnostic and nontherapeutic.

Respondent’s sexual conduct meets the definition of “sexual behavior” in the Board’s sexual misconduct regulation because it was nondiagnostic and nontherapeutic. By engaging in sexual behavior with two current patients, Respondent is guilty of unprofessional conduct, in violation of 49 Pa. Code § 16.110(b), which subjects him to disciplinary action under Section 41(8) of the Act, 63 P.S. § 422.41(8). Therefore, the Commonwealth has met its burden of proving

both counts of the *OTSC*.⁹

Sanction

Section 42(a) of the Act, 63 P.S. § 422.42(a), sets forth the type of disciplinary or corrective measures that may be imposed for Respondent's violations of the Act. Specifically, Section 42(a) of the Act provides, in relevant part, as follows:

Section 42. Types of corrective action

(a) Authorized actions.—When the board is empowered to take disciplinary or corrective action against a board-regulated practitioner under the provisions of this act or pursuant to other statutory authority, the board may:

* * *

- (2) Administer a public reprimand with or without probation.
- (3) Revoke, suspend, limit or otherwise restrict a license or certificate.
- (4) Require the board-regulated practitioner to submit to the care, counseling or treatment of a physician or a psychologist designated by the board.
- (5) Require the board-regulated practitioner to take refresher educational courses.
- (6) Stay enforcement of any suspension, other than that imposed in accordance with section 40, [footnote omitted] and place a board-regulated practitioner on probation with the right to vacate the probationary order for noncompliance.
- (7) Impose a monetary penalty in accordance with this act.

⁹ The degree of proof required to establish a case before an administrative tribunal in an action of this nature is a preponderance of the evidence. *Lansberry v. Pennsylvania Pub. Util. Comm'n*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990), *appeal denied*, 602 A.2d 863 (Pa. 1992). A preponderance of the evidence is generally understood to mean that the evidence demonstrates a fact is more likely to be true than not to be true, or if the burden were viewed as a balance scale, the evidence in support of the Commonwealth's case must weigh slightly more than the opposing evidence. *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854, 856 (Pa. 1950). The Commonwealth therefore has the burden of proving the charges against Respondent with evidence that is substantial and legally credible, not by mere "suspicion" or by only a "scintilla" of evidence. *Lansberry*, 578 A.2d at 602.

63 P.S. § 422.42(a). The Board is authorized under Section 39(b) of the Act, 63 P.S. § 422.39(b), to levy a civil penalty of up to \$1,000.00 on any current licensee who violates any provision of the Act. Alternatively, the Board is authorized under 63 Pa. C.S. § 3108(b)(4) to levy a civil penalty of up to \$10,000.00 per violation on any licensee who violates any provision of the Act or the Board's regulations.

The Board is charged with the responsibility and authority to oversee the profession and to regulate and license professionals to protect the public health and safety. *Barran v. State Bd. of Medicine*, 670 A.2d 765, 767 (Pa. Cmwlth. 1996), *appeal denied*, 679 A.2d 230 (Pa. 1996). With public protection in mind, the Board considers the seriousness of the violations and any mitigating evidence in fashioning a sanction fitted to the circumstances of a given disciplinary matter.

There is no mitigating evidence to consider because, although he has been given appropriate notice and the opportunity to respond, Respondent has not defended himself in the matter now before the Board. Therefore, the Board has only the seriousness of Respondent's sexual misconduct to consider when determining the appropriate sanction.

Respondent's sexual misconduct is extremely serious. In its proposed rulemaking with respect to 49 Pa. Code § 16.110 (sexual misconduct), the Board set forth the background and purpose of this regulation as follows:

It should be axiomatic that it is unprofessional conduct for a health care practitioner to engage in sexual contact with patients. Past decisions of the Board upheld by the Commonwealth Court, the Code of Medical Ethics, as published by the American Medical Association and responsible professional publications addressing the issue denounce sexual contact between practitioner and patient. Nevertheless, complaints are filed each year by consumers who have been harmed by Board regulated practitioners who engage in this conduct.

31 Pa.B. 6453. In its final-form rulemaking, the Board stated that it seeks to better protect patients by providing guidance to the profession and the public as to prohibited conduct relating to sexual

contact between practitioners and patients. 34 Pa.B. 40. The final-form rulemaking prohibited any sexual contact between a Board-regulated practitioner and a current patient. *Id.* The Board's sexual misconduct regulation went into effect on January 3, 2004, more than 20 years ago.

Respondent's sexual misconduct with Victim A on or about December 24, 2022, and Respondent's sexual misconduct with Victim B on or about September 30, 2023, are extreme violations of patient trust which deserve the severest sanction. In the absence of any mitigating evidence, Respondent's license should be revoked. Considering that revocation is the most serious sanction that can be imposed, the hearing examiner does not believe that a civil penalty is necessary as an added deterrent. Therefore, no civil penalty will be imposed.

Accordingly, based upon the foregoing, the following order shall issue:

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
BEFORE THE STATE BOARD OF MEDICINE**

Commonwealth of Pennsylvania,	:	
Bureau of Professional and	:	
Occupational Affairs	:	
	:	Case Nos. 23-49-010100
vs.	:	23-49-014120
	:	
Vladimir Iakomi, M.D.,	:	
Respondent	:	

ORDER

AND NOW, this 22nd day of May 2024, upon consideration of the foregoing findings of fact, conclusions of law and discussion, it is **ORDERED** that the license to practice medicine and surgery issued to Respondent, **Vladimir Iakomi, M.D.**, license no. MD419298, is **REVOKED**.

Respondent shall refrain from practicing medicine and surgery in this Commonwealth and shall return any licensure documents in his possession, including his wall certificate and wallet card, by forwarding them to the following address:

Board Counsel
State Board of Medicine
P.O. Box 69523
Harrisburg, PA 17106-9523

This order shall take effect twenty (20) days from the date of mailing shown below, unless otherwise ordered by the State Board of Medicine.

BY ORDER:

Hope S. Goldhaber

**Hope S. Goldhaber
Hearing Examiner**

For Respondent: Vladimir Iakomi, M.D.
23 Lancaster Avenue
Christiana, PA 17509

Also sent by email: vlax77@gmail.com

For the Commonwealth: Adam J. Williams, Esquire
Prosecuting Attorney
COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
P.O. Box 69521
Harrisburg, PA 17106-9521

Also sent by email: adawilliam@pa.gov

Date of Mailing: May 22, 2024

NOTICE

REHEARING AND/OR RECONSIDERATION: A party may file an application for rehearing or reconsideration within 15 days of the mailing date of this adjudication and order. The application must be captioned “*Application for Rehearing*,” “*Application for Reconsideration*,” or “*Application for Rehearing or Reconsideration*.” It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking rehearing or reconsideration, including any alleged error in the adjudication. If the adjudication is sought to be vacated, reversed, or modified by reason of matters that have arisen since the hearing and decision, the matters relied upon by the petitioner must be set forth in the application.

APPEAL TO BOARD: An application to the State Board of Medicine for review of the hearing examiner’s adjudication and order must be filed by a party within 20 days of the date of mailing of this adjudication and order. The application must be captioned “*Application for Review*.” It must state specifically and concisely, in numbered paragraphs, the grounds relied upon in seeking the Board’s review of the hearing examiner’s decision, including any alleged error in the adjudication. Within an application for review a party may request that the Board hear additional argument and take additional evidence.

An application to the Board to review the hearing examiner’s decision may be filed irrespective of whether an application for rehearing or reconsideration is filed. However, the filing of an application for rehearing and/or reconsideration does not extend, or in any other manner affect, the time period in which an application for review may be filed.

STAY OF HEARING EXAMINER’S ORDER: Neither the filing of an application for rehearing and/or reconsideration nor the filing of an application for review operates as a stay of the hearing examiner’s order. To seek a stay of the hearing examiner’s order, the party must file an application for stay directed to the Board.

FILING AND SERVICE: The application for rehearing and/or reconsideration shall be filed with:

Prothonotary
P.O. Box 2649
Harrisburg, PA 17105-2649

A copy of all applications must also be served on all parties.

Applications must be received for filing by the Prothonotary within the time limits specified. The date of receipt at the office of Prothonotary, and not the date of deposit in the mail, is determinative.