

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK *Stephanie Q. Di*
DATE 9-28-98

BOARD: Clinical Social Work, Marriage
and Family Therapy and Mental
Health Counseling

CASE NUMBER: 93-02939

COMPLAINT MADE BY: AHCA

DATE COMPLAINT RECEIVED: February 19, 1993

COMPLAINT MADE AGAINST: Jeffrey M. Rifkin

INVESTIGATED BY: Amy M. Abreu

REVIEWED BY: Alexandria E. Walters/snrp

STAFF RECOMMENDATION: Dismiss (PL-99)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject violated Section 491.009(2)(d), (f), and (s), Florida Statutes, by fraudulently billing for services to patients, filing false reports and failing to meet minimum standards of performance.

THE FACTS: The Complainant alleges that the Subject was involved in a weight loss program offered at "no cost to the patient." The Complainant alleges that a patient, J.L., was subsequently billed for services rendered by the Subject. The Complainant also alleges that the Subject was providing testing of a psychological nature.

The Subject denies the allegations. The Subject states that he did not provide the weight loss program offered to J.L. The Subject also states that he administers tests required to ensure the patient's emotional well being and that these tests are completely within the scope of his professional license. The Subject's attorney states that the Subject was engaged as an independent contractor to provide evaluation and therapy to the patients. The Subject's attorney states that at no time was the Subject to do any medical and/or physical type examination nor was he to prescribe any medication or formula. The Subject's attorney also states that initially any checks received from patients would be remitted to the American Institute of Health Risk Management, the medical center administering the weight loss program. The Subject's attorney states that the American Institute would then

send the Subject checks twice a month, deducting a 20% billing service fee. The Subject's attorney also states that the Subject occasionally received checks from Blue Cross/Blue Shield of Florida, endorsing them and forwarding them to the American Institute.

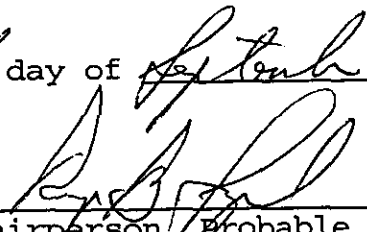
The investigation revealed that the weight loss program was administered by the American Institute of Health Risk Management. The investigation revealed that when J.L. called the advertised phone number, he was referred to the Subject. The investigation also revealed that upon examination, all information on J.L. was forwarded to the American Institute. The Subject was subsequently compensated for this examination directly from the American Institute.

In sum, the finding of probable cause in this case was proper and should be upheld. However, in light of the above, this case should be dismissed without further prosecution.

THE LAW: There was sufficient evidence to find probable cause in the case. However, the Agency has the burden of proving this case by clear and convincing evidence. Ferris v. Turlington, 510 So.2d. 292 (Fla. 1987). Based upon the above facts, the Agency has determined that there is insufficient evidence to meet this burden. Therefore, this case is DISMISSED.

It is, therefore, ORDERED, that the complaint be, and the same is hereby DISMISSED.

DONE and ORDERED this 19th day of September, 1998₂₁



Chairperson, Probable Cause Panel
Board of Clinical Social Work,
Marriage and Family Therapy
and Mental Health Counseling

AEW/snrp