

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: MEDICINE  
CASE NUMBER: 0107754  
COMPLAINT MADE BY: W.J.  
DATE COMPLAINT RECEIVED: November 8, 1988  
COMPLAINT MADE AGAINST: PAUL A. JACOBSON, M.D.  
1700 N. Semoran Blvd., Suite 215  
Winter Park, Florida 32792  
REVIEWED BY: Lynne A. Quimby-Pennock/abs  
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation failed to release, upon lawful request, the medical and psychiatric records of J.J., the Complainant's minor daughter.

THE FACTS: Investigation substantiated the allegations, in that the Subject committed J.J. to a hospital, through the Baker Act, for attempting to swallow lighter fluid. The Complainant was called to the hospital, and attempted to obtain J.J.'s release. The hospital would not allow J.J.'s release, and the Subject refused to meet with the Complainant and his wife to discuss J.J.'s care.

The Complainant then requested access to any records of his daughter's treatment. This request was refused by the Subject. J.J. was released from the hospital the day after admission. The Complainant subsequently filed a written request for the records with the hospital. The hospital did not comply. Three months later, the Complainant filed another written request for J.J.'s records with the hospital.

Upon notification by the Department, the Subject provided the Complainant with a report of J.J.'s examination and treatment, in lieu of copies of the actual records. Complete medical and psychiatric records were sent directly to J.J.'s subsequent treating psychiatrist within 45 days of the second request.

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THE LAW: Based on the foregoing, there is sufficient evidence to support a finding of probable cause to believe that Subject violated the provisions of Section 458.331(1)(g) Florida Statutes, by violating Section 455.241(1) Florida Statutes. However, in light of these circumstances, this case should be closed with a Letter of Guidance.

It is, therefore ORDERED that this case be should be and the same is hereby CLOSED with a Letter of Guidance.

DONE and ORDERED this 6 day of March 1990.

  
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CHAIRMAN, PROBABLE CAUSE PANEL  
BOARD OF MEDICINE

LAQP/abs/la  
1-31-90



# DEPARTMENT OF PROFESSIONAL REGULATION

Bob Martinez  
Governor

Larry Gonzalez  
Secretary

## PERSONAL AND CONFIDENTIAL

March 9, 1990

Paul A. Jacobson, M.D.  
1700 Semoran Blvd.  
Winter Park, Florida 32792

Re: Case No. 0107754

Dear Dr. Jacobson:

Please be advised that on March 6, 1990, the Probable Cause Panel of the Board of Medicine met to consider the complaint which had been filed against you in the above referenced case. After careful consideration of the complaint and the investigative report, the Panel determined that probable cause exists in this case. However, the Panel recommended that this case be closed with a Letter of Guidance, instead of further prosecution.

The Panel requested that you be advised of the following provisions of the "Medical Practice Act", contained in Chapters 458, and 455, Florida Statutes:

1. Section 458.331(1)(g) states: failing to perform any statutory or legal obligation placed upon a licensed physician.
2. Section 455.241(1) states: any health care practitioner licensed pursuant to chapter 457, chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, part I or part II of chapter 484, chapter 486 or chapter 491 who makes a physical or mental examination of, or administers treatment to, any person shall, upon request of such person or his legal representative, furnish, in a timely manner, without delays for legal review, copies of all reports and records relating to such examination or treatment, including X-rays and insurance information; except that when a patient's psychiatric records are requested by him or his legal representative, the practitioner may provide a report of examination and treatment in lieu of copies of records. However, upon a patient's written request, complete copies of the patient's psychiatric records shall be provided directly to a subsequent treating psychiatrist. The furnishing of such report or copies shall not be conditioned upon payment of a disputed fee for services rendered. However, if a fee is required, the person requesting such records shall pay a fee, except for X-rays, not to exceed that fee charged per page for copying records by the clerk of the county court of the county in which the health practitioner's office is located.

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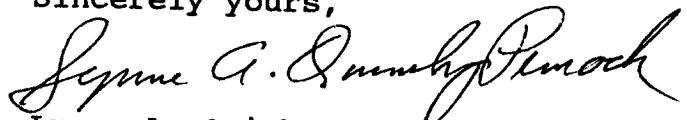
The Panel found that probable cause existed to believe that you violated the above mentioned statutes by your failure to provide to the Complainant a report of the examination and treatment of the patient, in lieu of the actual records until intervention by the Department of Professional Regulation. This time delay was unnecessary.

Please be advised that a Letter of Guidance is not considered to be disciplinary action, but, instead is an alternative to disciplinary action provided for by the legislature. Furthermore, this Letter of Guidance is not considered to be a finding of guilt. The Probable Cause Panel is only empowered to make a finding of probable cause.

This letter is sent to aid, assist and advise you in the conduct of your future medical practice. I trust that you will, in the future conduct your practice in full compliance with the law.

Thank you for your cooperation in this matter. If you have any questions regarding this letter, please do not hesitate to contact me.

Sincerely yours,



Lynne A. Quimby-Pennock  
Senior Attorney

QP/la