

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Board of Medicine
CASE NUMBER: 91-12724
COMPLAINT MADE BY: J.L.
DATE COMPLAINT RECEIVED: September 13, 1991
COMPLAINT MADE AGAINST: Sheldon E. Kalmutz, M.D.
P.O. Box 31058
Palm Beach Gardens, FL 33420
REVIEWED BY: *MBR* Mary B. Radkins
Senior Attorney
STAFF RECOMMENDATION: CLOSE (PL-82)

CLOSING ORDER AND NOTICE OF DISMISSAL

THE COMPLAINT: Complainant alleges that the Respondent violated Section 458.323, Florida Statutes, in that Respondent did not send a itemized bill, as requested, to the insurer for several months.

THE FACTS: The father of Patient #1 requested Respondent send the insurance forms to AETNA for reimbursement of his son's expense. Respondent neglected to do so for 5 months but did so as soon as a formal complaint was filed. The father was later mistakenly told by AETNA that no forms had been received. When the Department was informed of this and Respondent did not respond to a notice the Administrative Complaint was filed.

AETNA has since verified that the forms were filed and payment was made to the patient's wife, the insured.

THE LAW: There is sufficient evidence for the panel to have found probable cause in the case. However, based upon the above facts, the Department has determined that there is insufficient evidence to support the prosecution of allegations contained therein. Therefore, pursuant to Section 455.225(2), Florida Statutes and Rule 21-31.001, Florida Administrative Code, this case is DISMISSED, with a Letter of Caution.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED, with a Letter of Caution.