

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine
CASE NUMBER: 0082290
COMPLAINT MADE BY: B L
Tampa, Florida
DATE COMPLAINT RECEIVED: March 20, 1987
COMPLAINT MADE AGAINST: Raul F. Nodal, M.D.
6101 Webb Road, Suite 307
Tampa, Florida 33615
REVIEWED BY: Leslie Brookmeyer/tal
STAFF RECOMMENDATION: Close (PL-06)

CLOSING ORDER

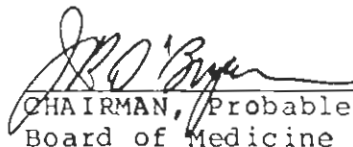
THE COMPLAINT: Complainant alleges that the Subject of the investigation failed to provide medical records upon request and performed unauthorized professional services, in that Subject administered a nerve conduction velocity test rather than the electromyogram which had been prescribed by Complainant's prior physician.

THE FACTS: Investigation substantiated the allegation that Subject failed to furnish Complainant with his medical records because Complainant had not paid him. However, the Department's independent expert is of the opinion that the two tests are essentially the same, with the electromyogram being a little more painful.

THE LAW: Based on the foregoing, there is sufficient evidence to support a finding of probable cause that Subject violated the provisions of Section 458.331(1)(h), Florida Statutes (1985), now Section 458.331(1)(g), Florida Statutes (Supp. 1986), by having violated Section 455.241, Florida Statutes. However, ad Subject is sending Complainant his medical records, this case will be closed by issuing Subject a Letter of Guidance.

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

DONE and ORDERED this 28 day of October, 1987.


CHAIRMAN, Probable Cause Panel
Board of Medicine



Department of Professional Regulation

130 North Monroe Street
Tallahassee, Florida 32399-0750

PERSONAL AND CONFIDENTIAL

November 13, 1987

Raul F. Nodal, M.D.
6101 Webb Rd, Suite 307
Tampa, Florida 33615

RE: Case No. 0082290

Dear Dr. Nodal:

Please be advised that the complaint referenced above, filed against you by B [REDACTED] regarding allegations that you failed to provide medical records upon request and performed unauthorized professional services, has been investigated and the findings reviewed by the Probable Cause Panel of the Board of Medicine. Based upon this investigation, the Panel determined there was sufficient evidence to establish probable cause to believe that a violation of Chapter 458, Florida Statutes, has occurred. The Panel determined, however, that this case should be closed by issuing you this Letter of Guidance in Lieu of formal prosecution.

The Panel found probable cause to believe you had violated the following statutes:

Section 458.331(1)(h), Florida Statutes (1985), now Section 458.331(1)(g), Florida Statutes (Supp. 1986), by failing to perform any statutory or legal obligation placed upon a licensed physician.

Section 459.241(1), Florida Statutes, which states:

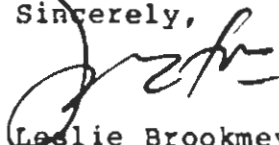
Any health care practitioner licensed pursuant to chapter 458, chapter 459, chapter 460, chapter 461, chapter 462, chapter 463, chapter 464, chapter 466, or chapter 474 who makes a physical or mental examination of, or administers treatment to, any person shall, upon request of such person or his legal representative, furnish copies of all reports made of such examination or treatment, including x rays. The furnishing of such copies shall not be conditioned upon payment of a disputed fee for services rendered.

Probable cause of violation of these statutes was based on evidence that you failed to provide Mr. L [redacted] with a copy of his medical records upon request and evidence that a nerve conduction velocity test is essentially the same as an electromyogram.

In the future, I am sure that you will conduct your medical practice in full compliance with the provisions of Chapter 458, Florida Statutes. If probable cause of a violation is found in the future, the Department will not hesitate to seek full prosecution.

If you have any questions about this letter, please feel free to contact me.

Sincerely,



Leslie Brookmeyer
Senior Attorney

LB/wda