

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: MEDICINE  
CASE NUMBER: 89-12553  
COMPLAINT MADE BY: B.P.G.  
DATE COMPLAINT RECEIVED: November 3, 1989  
COMPLAINT MADE AGAINST: Paul Allen Jacobson, M.D.  
1865 Semoran Boulevard, # 235  
Winter Park, Fla. 32792-2268  
REVIEWED BY: Carlos J. Ramos/DHH  
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

**THE COMPLAINT:** Complainant alleges that the Subject of the investigation refused to provide complainant with copies of his medial records (or a report) as required by Section 455.241, Florida Statutes.

**THE FACTS:** Investigation substantiated the allegations, in that Subject did not release a copy of the patient's medical records until contacted by the Department. Subject stated in writing that it has been his practice to release psychiatric records only to a subsequent treating professional rather than to a patient. Florida Statutes provide for release directly to the patient of either the psychiatric records or a report of examination and treatment.

**THE LAW:** Based on the foregoing, there is sufficient evidence to support a finding of probable cause to believe that Subject violated the provision of Sections 458.331(1)(g), 455.241, Florida Statutes. However, under the aforesaid circumstances, this case should be closed with a Letter of Guidance.

It is, therefore, ORDERED that this matter should be and the same is hereby DISMISSED.

DONE and ORDERED this 23<sup>rd</sup> day of February, 1990.

*Robert K. ...*  
CHAIRMAN, PROBABLE CAUSE PANEL  
BOARD OF MEDICINE

*[Signature]*  
DHH/mas



# DEPARTMENT OF PROFESSIONAL REGULATION

Bob Martinez  
Governor

Larry Gonzalez  
Secretary

March 5, 1990

**PERSONAL AND CONFIDENTIAL**

Dr. Paul Allen Jacobson  
1865 Semoran Boulevard # 235  
Winter Park, Fla. 32792-2268

RE: Case No. 8912553:

Dear Dr. Jacobson:

Please be advised that on February 23, 1990, the Probable Cause Panel for 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 which resulted from an investigation of the complaint, 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 Chapter 458, Florida Statutes:

1. Section 455.241(1) Any health care practitioner licensed pursuant to chapter 458 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 delay or 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

DIVISION OF REGULATION-LEGAL

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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 the fee charged per page for copying records by the clerk of the county court of the county in which the health care practitioner's office is located.

2. Section 455.331(1)(g), Failing to perform any statutory or legal obligation placed upon a licensed physician.

The Panel found that probable cause existed to believe that you violated the above-mentioned statutes by failing to furnish copies of patient medical records upon request by the patient.

Please be advised that a Letter of Guidance is not considered to be disciplinary action, instead, it 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,  
  
Carlos J. Ramos  
Staff Attorney

CJR/DHH/mas  
co/jacobson  
2-13-90