

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION

BOARD: Medicine
CASE NUMBER: 8907191
COMPLAINT MADE BY: Patient #1
DATE COMPLAINT RECEIVED: August 11, 1989
COMPLAINT MADE AGAINST: Thomas G. Thieman, M.D.
Human Development Center
Post Office Box 428
New Port Richey, Florida 34656-0428
REVIEWED BY: Carlos J. Ramos/BD
STAFF RECOMMENDATION: CLOSE (PL-06)

CLOSING ORDER

THE COMPLAINT: Complainant alleges that the Subject of the investigation failed to perform a statutory or legal obligation placed upon a licensed physician, in that Subject refused to provide patient with her medical records.


THE FACTS: Investigation substantiated the allegation. Patient #1 has been a patient at Humana Development Center (HDC) since 1980. On or about January 1985, Subject put Patient #1 on psychiatric medication. Patient #1 maintains that these drugs put her on a chemical high, and that Subject should have put her in a hospital while she was on these drugs. Patient #1 further maintains that Subject diagnosed her as having paranoid schizophrenic tendencies. Another treating physician told Patient #1 that she did not have the aforementioned diagnosis.

Patient #1 requested that Subject release her medical records so that she can review them. When records were not received by Patient #1, she filed a complaint. Subsequently, Subject has sent Patient #1 her medical records.

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. However, under the aforestated circumstances, this case should be closed with a Letter of Guidance.

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

DONE and ORDERED this 3 day of June, 1991.


CHAIRMAN, Probable Cause Panel
Board of Medicine

CJR/bd/tc



DEPARTMENT OF PROFESSIONAL REGULATION

Lawton Chiles
Governor

George S. ...
Secretary

PERSONAL AND CONFIDENTIAL

Thomas G. Thieman, M.D.
Human Development Center
Post Office Box 428
New Port Richey, Florida 34656-0428

Re: Case No. 8907191

Dear Dr. Thieman:

Please be advised on May 4, 1991, 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 Administrative Complaint and the investigative report, the Panel decided to reconsider this case and 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 provision of the "Medical Practice Act", contained in Chapter 458, Florida Statutes:

Section 458.331(1)(g), failing to perform any statutory or legal obligation placed upon a licensed physician.

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 delays for legal review, copies of all reports and records relating to such examination or treatment, including X rays and insurance information.

The Panel found that probable cause existed to believe that you violated the above-mentioned statute by not releasing patient's medical records when they were requested by patient.

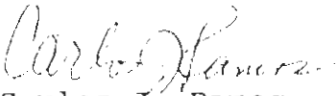
Please be advised that a Letter of Guidance is not considered to be disciplinary action; instead, it is an alternative to disciplinary action provided for by the legislature. Furthermore, this Letter of Guidance is not considered to be a finding of guilt. The Probable Cause Panel is only empowered to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

Thomas G. Thieman, M.D.
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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
Senior Attorney

CJR/bd/tc

cc: Robert M. Paine

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

PETITIONER,

vs.

CASE NO. 89-007191

THOMAS G. THIEMAN, M.D.

RESPONDENT.
_____ /

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against THOMAS G. THIEMAN, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0040828. Respondent's last known address is Human Development Center, Post Office Box 428, New Port Richey, Florida, 34656-0428.

3. Patient #1 has been a patient at Human Development Center (HDC) since 1980. On or about January 1985, Respondent put Patient #1 on psychiatric medications, Navane and Artane.

4. Patient #1 has requested that Subject release her medical records so she can review them.

5. Respondent has refused to release Patient #1's medical records or provide a report of examination and treatment in lieu of copies of records.

6. Pursuant to Section 455.241(1), Florida Statutes, any health care practitioner 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...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.

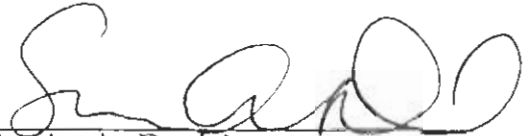
7. Respondent failed to perform a statutory or legal obligation, in that Respondent violated Section 455.241(1), Florida Statutes, when he refused to release Patient #1's medical records or provide a report of examination and treatment in lieu of copies of records.

8. Based on the foregoing, Respondent violated Section 458.331(1)(g), Florida Statutes, by failing to perform any statutory or legal obligation placed upon a licensed physician.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, and/or any other relief that deems appropriate.

SIGNED this 6th day of March, 1991.

George Stuart
Secretary



Stephanie Daniel
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Larry McPherson, Jr.
Senior Attorney
Department of Professional
Regulation
1940 North Monroe Street
Tallahassee, Florida 32399-0750

CJR/dv/tc
PCP:
Katims, Wells and Vitale

FILED

Department of Professional Regulation
AGENCY CLERK



CLERK

DATE

3-6-91