



Department
of Health

ANDREW M. CUOMO
Governor

HOWARD A. ZUCKER, M.D., J.D.
Commissioner

SALLY DRESLIN, M.S., R.N.
Executive Deputy Commissioner

February 28, 2017

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Clifford Jacobson, M.D.


Re: License No. 135796

Dear Dr. Jacobson:

Enclosed is a copy of the New York State Board for Professional Medical Conduct (BPMC) Order No. 17-063. This order and any penalty provided therein goes into effect March 7, 2017.

Your license limitation is effective March 7, 2017 and you are required to deliver your medical license and registration within 5 days of the surrender date of March 31, 2017 to: c/o Physician Monitoring Unit, NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719.

If your license is framed, please remove it from the frame and only send the parchment paper on which your name is printed. Our office is unable to store framed licenses.

If the document(s) are lost, misplaced or destroyed, you are required to submit to this office an affidavit to that effect. Please complete and sign the affidavit before a notary public and return it to the Office of Professional Medical Conduct.

Please direct any questions to: NYS DOH - OPMC, Riverview Center, Suite 355, 150 Broadway, Albany, NY 12204-2719, telephone # (518) 402-0846.

Sincerely,



Robert A. Catalano, M.D.
Executive Secretary
Board for Professional Medical Conduct

cc: Richard S. Tubiolo, Esq.
Hirsch & Tubiolo
1000 Reynolds Arcade Building
Rochester, New York 14614

Enclosure

IN THE MATTER
OF
CLIFFORD JACOBSON, M.D.

ORDER

Upon the application of (Respondent) Clifford Jacobson, M.D. to initially limit his medical license through March 31, 2017, and then to surrender his license as a physician in the State of New York, effective March 31, 2017, which is made a part of this Order, it is

ORDERED, that the License Limitation and its terms are adopted, and it is further

ORDERED, that the Surrender, and its terms, are adopted effective March 31, 2017

and it is further

ORDERED, that Respondent's name be stricken from the roster of physicians in the

State of New York effective March 31, 2017; it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Order, either by first class mail to Respondent at the address in the attached application or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney,

Whichever is first,

SO ORDERED.

DATE: 2/27/2017


ARTHUR S. HENGERER, M.D.
Chair
State Board for Professional Medical Conduct

IN THE MATTER
OF
CLIFFORD JACOBSON, M.D.

APPLICATION TO
LIMIT LICENSE AND
EFFECTIVE MARCH
31, 2017 TO
SURRENDER
LICENSE

Clifford Jacobson, M.D., represents that all of the following statements are true:

That on or about September 15, 1978, I was licensed to practice as a physician in the State of New York, and issued License No. 135796 by the New York State Education Department.

My current address is [REDACTED]

I understand that the New York State Board for Professional Medical Conduct (Board) has charged me with one or more specifications of professional misconduct, as set forth in a Statement of Charges, marked as Exhibit "A", which is attached to and part of this Application to Limit License and effective March 31, 2017, to Surrender License (application).

I am applying to the State Board for Professional Medical Conduct for an Order which imposes a license limitation upon my license pursuant to Public Health Law §230-a (3) precluding the prescribing of controlled substances during the period from the effective date of the Order through March 31, 2017; and in addition, my license shall be limited during the same time period to require that I shall maintain and provide to the Director of the Office of Professional Medical Conduct (OPMC) a written log of all

medications, prescribed or dispensed by me (prescription log), which I shall provide to OPMC each week during this period as directed by OPMC. Further, I am applying to the Board for permission to surrender my license as a physician in the State of New York effective March 31, 2017. I seek this Order on the grounds that I plead no contest to the specification of professional misconduct in full satisfaction of the charges against me.

I ask the Board to accept this application for an Order to both limit my license, at this time and during the period ending March 31, 2017, and surrender my license, with the license surrender to become effective March 31, 2017. I agree to be bound by all of the terms set forth in attached Exhibit "B".

I understand that, if the Board does not accept this application, none of its terms shall bind me or constitute an admission of any of the acts of misconduct alleged; this application shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board accepts my application, the Chair of the Board shall issue a single Order which adopts and imposes the following: 1.) a limitation on my license as described in this application, i.e., precluding the prescribing of controlled substances and requiring the submission of a weekly prescription log for OPMC's review during the period from the effective date of the Order through March 31, 2017; and 2.) the surrender of my medical license as of, and effective March 31, 2017, in accordance with its terms. I agree that those terms of the Order limiting my license as described in this application, i.e., to preclude prescribing controlled substances and requiring the submission of a weekly

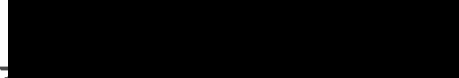
prescription log for OPMC's review, shall take effect upon the issuance of the Order by the Board, either by mailing of a copy of the Order by first class mail to me at the address in this application, or to my attorney by certified mail, or upon facsimile transmission to me or my attorney, whichever is first. Those terms of the Order adopting the surrender of my medical license shall take effect on March 31, 2017, even though the Order is issued on an earlier date and is then effective as to the terms of the license limitation, as described above. The Order, this agreement, and all attached exhibits shall be public documents, with only patient identities or other confidential information, if any, redacted. As public documents, they may be posted on the Department's website(s). OPMC shall report this action to the National Practitioner Data Bank, the Federation of State Medical Boards, and any other entities that the Director of OPMC shall deem appropriate.

I ask the Board to accept this application, which I submit of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Order for which I apply, whether administratively or judicially, and I agree to be bound by the Order.

I understand and agree that the attorney for the Department, the Director of the Office of Professional Medical Conduct and the Chair of the State Board for Professional Medical Conduct each retain complete discretion either to enter into the proposed agreement and Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that

discretion.

DATE 2/17/17



CLIFFORD JACOBSON, M.D.
RESPONDENT

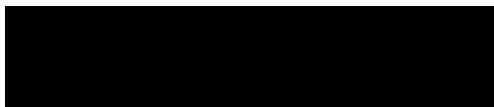
The undersigned agree to Respondent's attached Application To Limit License And Then To Surrender License Effective March 31, 2017, and Order and to its proposed penalty, terms and conditions.

DATE: 2-17-17



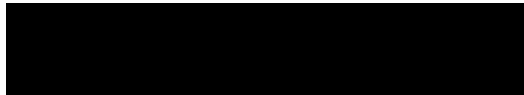
RICHARD S. TUBIOLO, ESQ.
Hirsch & Tubiolo
Attorneys for Respondent

DATE: 2/17/17



TIMOTHY J. MAHAR
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 2/24/17



KEITH W. SERVIS
Director
Office of Professional Medical Conduct

IN THE MATTER

STATEMENT

OF

OF

CLIFFORD JACOBSON, M.D.

CHARGES

Clifford Jacobson, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 15, 1978, by the issuance of license number 135796 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent, a psychiatrist, provided medical care to Patient A for bipolar disorder, opiate dependence, and general anxiety disorder, among other conditions, during the period including December 17, 2009 through September 16, 2015 at his offices located at Elmwood Avenue, Rochester, New York. Respondent's medical care of Patient A deviated from accepted standards of medical care as follows:
1. Respondent on one or more occasions failed to document an adequate medical history.
 2. Respondent on one or more occasions failed to document appropriate medical indications for controlled substances prescribed to Patient A.
- B. Respondent provided medical care to Patient B for major depression, panic disorder with agoraphobia, and generalized anxiety disorder, among other conditions, at his offices during the period including December 19, 2011 through September 15,

2015. Respondent's medical care of Patient B deviated from accepted standards of medical care as follows:

1. Respondent on one or more occasions failed to document an adequate medical history.
2. Respondent on one or more occasions failed to document appropriate medical indications for controlled substances prescribed to Patient B.

C. Respondent provided medical care to Patient C for post-traumatic stress disorder (PTSD), panic disorder with agoraphobia, and generalized anxiety disorder, among other conditions, at his offices during the period including November 11, 2013 through September 11, 2015. Respondent's medical care of Patient C deviated from accepted standards of medical care as follows:

1. Respondent diagnosed and /or treated Patient C for PTSD and/or generalized anxiety disorder without documenting adequate medical indication for one or both of those diagnoses.
2. Respondent on one or more occasions failed to document appropriate medical indications for controlled substances prescribed to Patient C.

D. Respondent provided medical care to Patient D for opiate dependence in remission, ADHD, panic disorder with agoraphobia, generalized anxiety disorder, insomnia, alcohol abuse in remission and cannabis abuse in remission at his office during the period from December 29, 2010 through March 9, 2015. Respondent's medical care of Patient D deviated from accepted standards of care as follows:

1. Respondent on one or more occasions failed to document an adequate medical history.
2. Respondent on one or more occasions failed to document appropriate medical indications for controlled substances prescribed to Patient D.

SPECIFICATION OF CHARGES

SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(3) by practicing the profession of medicine with negligence on more than one occasion as alleged in the facts of:

1. The facts as alleged in two or more of the following paragraphs: A and A.1, A and A.2, B and B.1, B and B.2, C and C.1, C and C.2, and/or D and D.1, D and D.2.

DATE: February 17, 2017
Albany, New York


MICHAEL A. FISER
Acting Deputy Counsel
Bureau of Professional Medical Conduct

EXHIBIT "B"

Requirements for Closing a Medical Practice Following a Revocation, Surrender, Limitation or Suspension of a Medical License

1. Licensee shall immediately cease and desist from engaging in the practice of medicine in New York State, or under Licensee's New York license, in accordance with the terms of the Order. In addition, Licensee shall refrain from providing an opinion as to professional practice or its application and from representing that Licensee is eligible to practice medicine. The terms of this paragraph and the subsequent paragraphs of Exhibit B that apply to a license surrender shall be effective March 31, 2017. Those provisions of Exhibit B that pertain to a license limitation shall apply as of the effective date of the instant Order.
2. Within 5 days of the Order's effective date, Licensee shall deliver Licensee's original license to practice medicine in New York State and current biennial registration to the Office of Professional Medical Conduct (OPMC) at Riverview Center, 150 Broadway, Suite 355, Albany, New York 12204-2719.
3. Within 15 days of the Order's effective date, Licensee shall notify all patients of the cessation or limitation of Licensee's medical practice, and shall refer all patients to another licensed practicing physician for continued care, as appropriate. Licensee shall notify, in writing, each health care plan with which the Licensee contracts or is employed, and each hospital where Licensee has privileges, that Licensee has ceased medical practice. Within 45 days of the Order's effective date, Licensee shall provide OPMC with written documentation that all patients and hospitals have been notified of the cessation of Licensee's medical practice.
4. Licensee shall make arrangements for the transfer and maintenance of all patient medical records. Within 30 days of the Order's effective date, Licensee shall notify OPMC of these arrangements, including the name, address, and telephone number of an appropriate and acceptable contact person who shall have access to these records. Original records shall be retained for at least 6 years after the last date of service rendered to a patient or, in the case of a minor, for at least 6 years after the last date of service or 3 years after the patient reaches the age of majority, whichever time period is longer. Records shall be maintained in a safe and secure place that is reasonably accessible to former patients. The arrangements shall include provisions to ensure that the information in the record is kept confidential and is available only to authorized persons. When a patient or a patient's representative requests a copy of the patient's medical record, or requests that the original medical record be sent to another health care provider, a copy of the record shall be promptly provided or forwarded at a reasonable cost to the patient (not to exceed 75 cents per page.) Radiographic, sonographic and similar materials shall be provided at cost. A

qualified person shall not be denied access to patient information solely because of an inability to pay.

5. In the event that Licensee holds a Drug Enforcement Administration (DEA) certificate for New York State, Licensee shall, within 15 days of the Order's effective date, advise the DEA, in writing, of the licensure action and shall surrender Licensee's DEA controlled substance privileges for New York State to the DEA. Licensee shall promptly surrender any unused DEA #222 U.S. Official Order Forms Schedules 1 and 2 for New York State to the DEA. All submissions to the DEA shall be addressed to Diversion Program Manager, New York Field Division, U.S. Drug Enforcement Administration, 99 Tenth Avenue, New York, NY 10011.
6. Within 15 days of the Order's effective date, Licensee shall return any unused New York State official prescription forms to the Bureau of Narcotic Enforcement of the New York State Department of Health. If no other licensee is providing services at Licensee's practice location, Licensee shall properly dispose of all medications.
7. Within 15 days of the Order's effective date, Licensee shall remove from the public domain any representation that Licensee is eligible to practice medicine, including all related signs, advertisements, professional listings (whether in telephone directories, internet or otherwise), professional stationery or billings. Licensee shall not share, occupy, or use office space in which another licensee provides health care services.
8. Licensee shall not charge, receive or share any fee or distribution of dividends for professional services rendered by Licensee or others while Licensee is barred from engaging in the practice of medicine. Licensee may be compensated for the reasonable value of services lawfully rendered, and disbursements incurred on a patient's behalf, prior to the Order's effective date.
9. If Licensee is a shareholder in any professional service corporation organized to engage in the practice of medicine, Licensee shall divest all financial interest in the professional services corporation, in accordance with New York Business Corporation Law. Such divestiture shall occur within 90 days. If Licensee is the sole shareholder in a professional services corporation, the corporation must be dissolved or sold within 90 days of the Order's effective date.
10. Failure to comply with the above directives may result in a civil penalty or criminal penalties as may be authorized by governing law. Under N.Y. Educ. Law § 6512, it is a Class E Felony, punishable by imprisonment for up to 4 years, to practice the profession of medicine when a professional license has been suspended, revoked or annulled. Such punishment is in addition to the penalties for professional misconduct set forth in N.Y. Pub. Health Law § 230-a, which include fines of up to \$10,000 for each specification of charges of which the Licensee is found guilty, and may include revocation of a suspended license.