



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.  
*Commissioner*

October 28, 1999

Dennis P. Whalen  
*Executive Deputy Commissioner*

**CERTIFIED MAIL/RETURN RECEIPT**

Robert A. Jakubowski, M.D.  
3796 Abbott Road  
Orchard Park, New York 14127

Mark Fantauzzi, Esq.  
NYS Department of Health  
Empire State Plaza  
Corning Tower - Room 2509  
Albany, New York 12237

**RE: In the Matter of Robert A. Jakubowski, M.D.**

Dear Parties:

Enclosed please find the Supplemental Order in the above referenced matter.

Sincerely,

A handwritten signature in cursive script that reads "Tyrone T. Butler".

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:mla

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER  
OF  
ROBERT A. JAKUBOWSKI, M.D.

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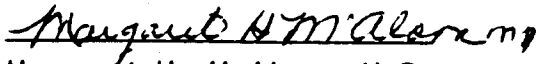
SUPPLEMENTAL  
DETERMINATION

MARGARET H. MCALOON, M.D., Chairperson, and JEAN A. KRYM, and DONALD F. BRAUTIGAM, M.D., duly designated members of the State Board of Professional Medical Conduct, appointed by the Commissioner of Health of the State of New York pursuant to Section 230(1) of the Public Health Law, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law.

TIMOTHY J. TROST, Esq., Administrative Law Judge, served as Administrative Officer for the Hearing Committee.

The original Determination in this case, No. 99-190, dated July 25, 1999 (Exhibit 1) suspended Respondent's license to practice medicine and required Respondent to submit to a medical and psychiatric examination. The Committee selected Aaron Satloff, M.D., of the Pittsford Psychiatric Group to conduct the examination. Respondent and counsel for both parties acquiesced to the appointment. The results of the examination (Exhibit 2) were promulgated on October 6, 1999, indicating that no impairment was found. Thereafter, counsel to the parties waived their opportunity to address the Committee on the issue of impairment. The Committee held deliberation on the issue of impairment and finds that the Respondent's ability to practice medicine is NOT impaired by alcohol, drugs, physical or mental disability.

Accordingly, pursuant to the terms of the original Determination (page 12, para. A) the suspension is hereby terminated and Respondent is placed on probation for a period of two years from the date hereof, the conditions of which are attached.

  
Margaret H. McAloon, M.D.  
Chairperson

ROBERT A. JAKUBOWSKI, M.D.

## Terms of Probation

1. Respondent shall conduct himself/herself in all ways in a manner befitting his/her professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his/her profession.
2. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Corning Tower Building, 4th Floor, Empire State Plaza, Albany, New York 12237; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27)]; State Finance Law section 18; CPLR section 5001; Executive Law section 32].
5. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon Respondent's return to practice in New York State.
6. Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with Respondent and his/her staff at practice locations or OPMC offices.
7. Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.

TERMS of PROBATION - Robert A. Jakubowski, M.D. - page 2.

8. The Respondent shall submit to a quarterly review of his office records to observe, among other things, Respondent's response to requests for medical records and an annual review of random patient charts.

9. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against Respondent as may be authorized pursuant to the law.