

State of Rhode Island
Department of Health
Board of Medical Licensure and Discipline



IN THE MATTER OF:
Gene Jacobs, DO
License No.: DO 00480
Case No.: C200814

CONSENT ORDER

Gene Jacobs, DO ("Respondent") is licensed as a physician in Rhode Island. The Rhode Island Board of Medical Licensure and Discipline ("Board") has reviewed and investigated the above-referenced complaint pertaining to Respondent through its Investigative Committee. The Board makes the following

FINDINGS OF FACT

1. Respondent has been a licensed physician in the State of Rhode Island since June 20, 1997. Respondent graduated from the College of Osteopathic Medicine in 1991. Respondent's specialty is Psychiatry.
2. Respondent was the attending physician for Patient A (alias) from September 2018 through April 2020.
3. Patient A was under Respondent's care for various health conditions and was prescribed various medications, including Geodon.
4. The Board received a complaint from the spouse of Patient A alleging that Respondent used profanity during a visit and laughed when Patient A disclosed to Respondent that she was

worried about COVID and thought about taking her own life. The complaint also included allegations relative to the quality of Respondent's care of Patient A, stating that Patient A *"had a telephone mtg with [Respondent] on 4/6. [Patient A] told him she was suicidal due to fears about Covid-19. His response was to LAUGH at her and he said, 'It's ridiculous to be suicidal over a virus that won't kill you.'"* The complaint continues, *"The 2nd concern started in the fall of 2018 when he told her that Depakote was '[expletive] killing you.'* He then prescribed Geodon. For the next year [Patient A] was nauseous and vomiting; she ended up losing 90 lbs and it impacted her Breast Cancer treatment. She told him every three months and he gave her licorice root (which raises blood pressure) and she was on 3 HBP meds. Finally, we put it together and she was 100% fine as soon as she stopped taking Geodon."

5. Patient A and her husband, the complainant, appeared before the Investigative Committee on October 28, 2020, at which time Patient A reported that Respondent's use of an expletive when speaking to her was *"very upsetting."* Patient A expressed a strong recollection that Respondent laughed at her. Patient A stated that, after the visit, she *"felt horrible and took a couple of weeks to find help after that."* Patient A's husband was present with Patient for the April 6, 2020 telemedicine visit and corroborated that Respondent laughed at Patient A. Patient A's husband remarked that Respondent's actions upset him, as well, stating his belief that Respondent's actions crossed a line, which compelled him to file the instant complaint. Subsequent to these events, Patient A was admitted to Butler Hospital. She has since found a new physician for her health concerns.

6. Respondent, in his written response to the Board, acknowledged that he saw Patient A via telehealth visit on April 6, 2020, at which visit Patient A reported that she was experiencing suicidal thoughts because of the challenges posed by COVID-19. Respondent denies that he

laughed or downplayed Patient A's concerns, however.

7. Respondent was invited to appear before the Investigative Committee at its October 28, 2020 meeting, but Respondent did not attend.

8. The Investigative Committee noted that COVID-19 is presently a significant health threat in Rhode Island; as of October 28, 2020, Rhode Island had had 31,944 cases of COVID-19, with 1,194 COVID-19-related deaths.

9. The Investigative Committee concluded that Respondent used profanity in front of Patient A for no therapeutic purpose and that such language did not promote healing. On the contrary, such language needlessly upset Patient A. The Investigative Committee also concluded, based on the testimony of Patient A and her husband, that Respondent did laugh at and disregard Patient A's thoughts of self-harm. The Investigative Committee also found Respondent's use of profanity and mocking of Patient A's suicidal thoughts to be unethical. Based on the foregoing, the Investigative Committee concluded that Respondent's actions were unprofessional and violative, generally, of R.I. Gen. Laws § 5-37-5.1.

10. The Investigative Committee reviewed Respondent's medical records for Patient A. The Investigative Committee noted the lack of documentation explaining Respondent's medical decision making and evidence that Patient A was safe and not a threat to herself. The Investigative Committee noted that Patient A was upset by the encounter and that Respondent did not adequately document resolution of Patient A's chief complaint in the assessment and plan to meet the minimum standard of care.

11. The Investigative Committee concluded that Respondent did not meet the minimum standard of care and, therefore, violated R.I. Gen. Laws § 5-37-5.1(19), which defines "unprofessional conduct" as including "[i]ncompetent, negligent, or willful misconduct in the

practice of medicine, which includes the rendering of medically unnecessary services, and any departure from, or the failure to conform to, the minimal standards of acceptable and prevailing medical practice in his or her area of expertise as is determined by the board."

Based on the foregoing, the parties agree as follows:

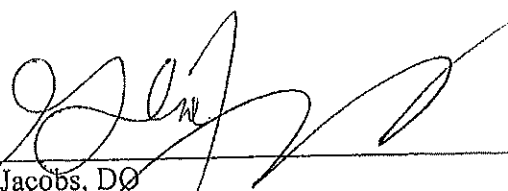
1. Respondent admits to and agrees to remain under the jurisdiction of the Board.
2. Respondent has agreed to this Consent Order and understands that it is subject to final approval of the Board and is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross examine witnesses;
 - d. The right to have subpoenas issued by the Board;
 - e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order;
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review; and
 - h. Any objection to the fact that this Consent Order will be reported to the National Practitioner Data Bank and Federation of State Medical Boards and posted to the Rhode Island Department of Health ("RIDOH") public website.
4. Respondent agrees to pay, within 5 days of the ratification of this Consent Order, an administrative fee of \$1100.00 for costs associated with investigating the above-referenced complaint. Such payment shall be made by certified check, made payable to "Rhode Island General Treasurer," and sent to Rhode Island Department of Health, 3 Capitol Hill, Room 205,

Providence, RI 02903, Attn: Lauren Lasso. Respondent will send notice of compliance with this condition to DOH.PRCCompliance@health.ri.gov within 30 days of submitting the above-referenced payment.


5. Respondent hereby agrees to this reprimand on his physician license.
6. Within six months of ratification of this Consent Order, Respondent will, at his own expense, unconditionally pass the CPEP Probe program.
7. If Respondent violates any term of this Consent Order after it is signed and accepted, the Director of RIDOH ("Director") shall have the discretion to impose further disciplinary action, including immediate suspension of Respondent's medical license. If the Director imposes further disciplinary action, Respondent shall be given notice and shall have the right to request within 20 days of the suspension and/or further discipline an administrative hearing. The Director shall also have the discretion to request an administrative hearing after notice to Respondent of a violation of any term of this Consent Order. The Administrative Hearing Officer may suspend Respondent's license, or impose further discipline, for the remainder of Respondent's licensing period if the alleged violation is proven by a preponderance of evidence.

[SIGNATURE PAGE FOLLOWS]

Signed this 24 day of 12, 2020.


Gene Jacobs, DO

Ratified by the Board of Medical Licensure and Discipline on the 13th day of January, 2021


Nicole Alexander-Scott, MD, MPH
Director
Rhode Island Department of Health
3 Capitol Hill, Room 401
Providence, RI 02908