



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health*

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*Executive Deputy Commissioner
NYS Department of Health*

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Office of Professional Medical Conduct

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Chair

Denise M. Bolan, R.P.A.
Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

March 13, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stuart Rosner, M.D.
20 Driftwood Lane
St. James, New York 11780

RE: License No. 080935

Dear Dr. Rosner:

Enclosed please find Order #BPMC 01-66 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 13, 2001.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: John J. Corgan, Esq.
Schiavetti, Corgan, Soscia Diedwards & Nicholson, LLP
1633 Broadway
New York, NY 10019

Joan Corbo, Esq.

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

**IN THE MATTER
OF
STUART ROSNER, M.D.**

Consent
Order of License
Limitation

Surrender of all Clinical
Privileges

Complete Restriction from
Practice of Medicine

BPMC No. 01-66

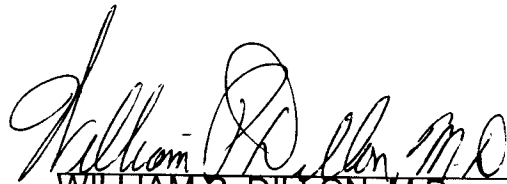
Upon the proposed agreement of Stuart Rosner, M.D. (Respondent) for a Consent Order of License Limitation, Surrender of all Clinical Privileges, and Complete Restriction from Practice of Medicine, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and it is further

ORDERED, that this order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 3/12/01



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct

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

**IN THE MATTER
OF
Stuart Rosner, M.D.**

Consent Agreement and
Order of License
Limitation

Surrender of all Clinical
Privileges

Complete Restriction
from Practice of
Medicine

Stuart Rosner, M.D., representing all statements herein made to be true,
deposes and says:

That on or about September 9, 1958, I was licensed to practice as a physician
in the State of New York, having been issued License No. 080935, by the New York
State Education Department.

My current address is 20 Driftwood Lane, St. ^{James}~~Johns~~, New York 11780, and I
will advise the Director of the Office of Professional Medical Conduct of any change
of my address.

I understand that the New York State Board for Professional Medical Conduct
has charged me with one specification of professional misconduct, negligence on
more than one occasion.

A copy of the Statement of Charges is annexed hereto, made a part hereof,
and marked as Exhibit "A".

I agree not to contest the specification, in full satisfaction of the charges
against me. I hereby agree to the following penalty:

My license to practice medicine shall be limited, pursuant to
§230-a of the Public Health Law, to preclude patient contact and
any practice of medicine, clinical or otherwise. I shall be

precluded from diagnosing, treating, operating, or prescribing for any human disease, pain, injury deformity, or physical condition.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

- That Respondent shall, within 30 days of the issuance of the Order of Conditions, notify the New York State Education Department, Division of Professional Licensing Services, that Respondent's license status is "inactive," and shall provide proof of such notification to the Director of OPMC within 30 days thereafter; and
- That Respondent shall return any and all official New York State prescriptions to the Bureau of Controlled Substances, and shall surrender Respondent's Controlled Substance Registration Certificate to the United States Department of Justice, Drug Enforcement Administration, within 15 days of the effective date of this Order. Further, within 30 days of returning said prescriptions and surrendering said registration, Respondent shall provide documentary proof of such transaction(s) to the Director of OPMC; and
- That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent. Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC, and shall, during January of every year, submit to the Director of OPMC signed, notarized written statements setting forth

whether or not Respondent has complied during the prior year with all conditions imposed by the Order of Conditions.

- Respondent shall comply with all conditions set forth in Exhibit "B" ("Guidelines for Closing a Medical Practice") which is attached.

These conditions shall be in effect beginning upon the effective date of the Consent Order and will continue while I possess my license. I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

I hereby make this Application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this Application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such Application shall not be used against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at

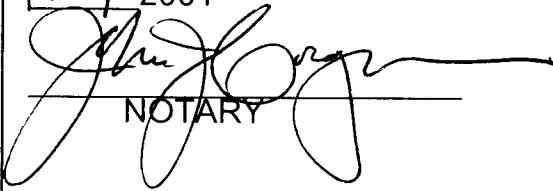
the address set forth in this agreement, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED

2/8/07

Sworn to before me
on this 8th day of
February 2007



NOTARY

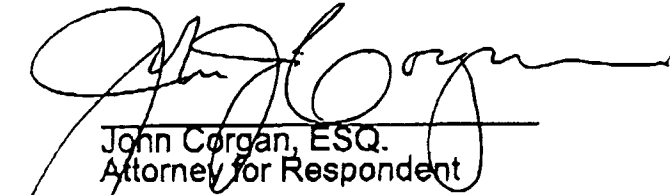
JOHN J. CORGAN
NOTARY PUBLIC, State of New York
No. 02CO4976637
Qualified in Westchester County
Commission Expires January 22, 2007




STUART ROSNER, M.D.
RESPONDENT

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 3/7/01


John Corgan, ESQ.
Attorney for Respondent

DATE: 3/7/01


Joan Corbo
Assistant Counsel
Bureau of Professional
Medical Conduct

DATE: 3/9/01


Dennis J. Graziano
Director
Office of Professional
Medical Conduct

EXHIBIT "A"

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

**IN THE MATTER
OF
STUART ROSNER, M.D.**

**STATEMENT
OF
CHARGES**

Stuart Rosner, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 9, 1958, by the issuance of license number 080935 by the New York State Education Department. Respondent is currently registered to practice medicine with the New York State Department of Education for the period of January 2001 through December 2002.

FACTUAL ALLEGATIONS

- A. In or about and between 1996, and June 9, 1997, Respondent treated and rendered primary care to Patient A, a seventy-eight year old woman (whose identity is set forth in the annexed Appendix.) On or about June 9, 1997, in response to Patient A's complaint of profound weakness, a sense of being cold and a decrease in appetite, the Respondent admitted Patient A to St. John's Episcopal Hospital located at Route 25A, Smithtown, New York 11787.
1. Respondent failed to adequately evaluate Patient A upon admission to the hospital, including but not limited to, failure to order a stat ECG.
 2. During Patient A's hospitalization, Respondent failed to appropriately respond to Patient A's deteriorating hemodynamic

status.

3. Respondent failed to maintain a record that accurately reflects his evaluation and treatment of Patient A.

SPECIFICATION OF CHARGES

FIRST 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 two or more of the following:

1. Paragraph A and A1, A and A2, and/or A and A3.

DATED: January 29, 2001
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct