



New York State Board for Professional Medical Conduct

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

Barbara A. DeBuono, M.D., M.P.H.
Commissioner of Health

Patrick F. Carone, M.D., M.P.H.
Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

April 28, 1998

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Benito Rosero, M.D.
109 Ambler Road
Cherry Hill, NJ 08002

RE: License No. 159621

Dear Dr. Rosero:

Enclosed please find Order #BPMC 98-73 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **May 5, 1998**.

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.

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: Robert J. Conroy, Esq.
Kern, Augustine, Conroy & Schoppmann, PC
1120 Route 22 East
Bridgewater, NJ 08807

Wayne E. Olinzock, Esq.

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

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IN THE MATTER : SURRENDER
OF : ORDER
BENITO ROSERO, M.D. : BPMC # 98-73
:
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BENITO ROSERO, M.D., says:

On or about August 13, 1984, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 159621 by the New York State Education Department.

My current address is 109 Ambler Road, Cherry Hill, N.J. 08002 and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that I have been charged with two specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A".

I am applying to the State Board for Professional Medical


Conduct for an agreement to allow me to surrender my license as a physician in the State of New York and request that the Board issue this Surrender Order.

I hereby agree not to contest the allegations and two specifications set forth in the Statement of Charges (Exhibit A).

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, 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 proposed agreement 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 State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.


I agree that in the event the State Board for Professional Medical Conduct agrees with my proposal, this Order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this agreement of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

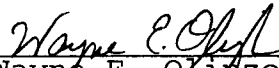

Benito Rosero, M.D.
Respondent

AGREED TO:


Date: 4/15, 1998


Robert J. Conroy, Esq.
Attorney for Respondent
as to form.

Date: April 16, 1998


Wayne E. Olizock, Esq.
Assistant Counsel
Bureau of Professional
Medical Conduct

Date: April 17, 1998


ANNE F. SAILE
Director, Office of
Professional Medical Conduct

ORDER

Upon the proposed agreement of Benito Rosero, M.D., to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that this Order shall take effect as of the date of the personal service of this Order upon Respondent, upon receipt by Respondent of this Order via certified mail, or seven days after mailing of this Order via certified mail, whichever is earliest.

DATED: 4/22/1998

Patrick F. Carone, M.D.

PATRICK F. CARONE, M.D., M.P.H.
Chair
State Board for Professional
Medical Conduct

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

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IN THE MATTER : STATEMENT
OF : OF
BENITO ROSERO, M.D. : CHARGES

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BENITO ROSERO, M.D., the Respondent, was licensed to practice medicine in New York State on or August 13, 1984 by the issuance of license number 159621 by the New York State Education Department.

FACTUAL ALLEGATIONS

1. By order to show cause dated November 3, 1997 the Attorney General of New Jersey initiated disciplinary proceedings against BENITO ROSERO, M.D. (hereinafter, Respondent) based upon allegations of improper sexual touchings and/or sexual harassment of two patients and not less than two employees. The Attorney General alleged that the actions of Respondent constituted a clear and imminent public danger requiring temporary suspension of his medical license pending a plenary hearing. By Order of the New Jersey State Board of Medical Examiners dated November 13, 1997 Respondent agreed to the temporary suspension of his New Jersey medical license pending a plenary hearing. Pursuant to New Jersey Statutes Annotated 45:1-22(e), a temporary order of suspension cannot be entered:

... unless the application made to the board palpably demonstrates a clear and imminent danger to the public health, safety and welfare and notice of such application is given to the licensee affected by such order.

2. On March 10, 1998 the Commissioner of Health of the State of New York issued a summary order, pursuant to Public Health Law §230 (12) (b), suspending Respondent from the practice of medicine in the State of New York, pending a hearing to commence within thirty days after the disciplinary proceedings commenced in New Jersey are finally concluded. Said order was based on a determination that the duly authorized professionally disciplinary agency of another jurisdiction had made a finding substantially equivalent to a finding that the practice of medicine by Respondent in that jurisdiction, constituted an imminent danger to the health of its people.

3. By final order of the New Jersey State Board of Medical Examiners dated March 26, 1998 Respondent's license to practice medicine and surgery was suspended for a period of five years commencing November 13, 1997; the first two years of the suspension are active. Said order was made upon Respondent's consent and his admission to engaging in acts of improper sexual touchings and/or sexual harassment of two patients and not less than two employees between the years 1989 and 1997.

4. The conduct upon which the New Jersey discipline was based would, if committed in New York, constitute

misconduct under New York Education Law §6530 (3) [negligence on more than one occasion], (4) [gross negligence on a particular occasion], (5) [incompetence on more than one occasion], (6) [gross incompetence], (20) [conduct evidencing moral unfitness], and (31) [willfully harassing, abusing, or intimidating a patient either physically or verbally].

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GUILTY OF MISCONDUCT IN ANOTHER STATE

Respondent is charged with having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct would, if committed in New York State, constitute misconduct under the laws of New York State in violation of New York Education Law §6530(9)(b) in that, Petitioner alleges the facts in paragraphs 1, 2, 3, and/or 4.


SECOND SPECIFICATION

DISCIPLINARY ACTION IN ANOTHER STATE

Respondent is charged with having a disciplinary action taken against him by a duly authorized professional disciplinary agency of another state where the conduct resulting in the disciplinary action would, if committed in New York State, constitute

misconduct under the laws of New York State in violation of New York Education Law §6530(9)(d) in that , Petitioner alleges the facts in paragraphs 1, 2, 3, and/or 4.

DATED: Albany, New York
~~March 31, 1998~~
April 16


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional
Medical Conduct

STATE OF NEW YORK - DEPARTMENT OF HEALTH

INTEROFFICE MEMORANDUM

TO: Henry Greenberg, General Counsel, Division of Legal Affairs
Dennis Whalen, Executive Deputy Commissioner
Wayne Osten, Assistant Director, Division of Health Care
Standards & Surveillance
Robert McConnell, Assistant Director, Division of Health Care
Standards & Surveillance
James Giglio, Director, Bureau of Controlled Substances
Joseph Guy, Ph.D., Director, Bureau of MMIS
Fred Heigel, Director, Bureau of Hospital Services

FROM: Anne F. Saile, Director *Anne Saile*
Office of Professional Medical Conduct

DATE: March 11, 1998

SUBJECT: Summary Suspension - Benito Rosero, M.D. - NYS License No. 159621

Attached is a copy of a Commissioner's Order and Notice of Hearing which summarily suspends Dr. Benito Rosero's right to practice medicine in the State of New York. This Order was served on Dr. Rosero on March 11, 1998 and shall remain in effect until further notice.

Attachment

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

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IN THE MATTER : COMMISSIONER'S
OF : SUMMARY
BENITO ROSERO, M.D. : ORDER

-----X

TO: BENITO ROSERO, M.D.
109 AMBLER ROAD
CHERRY HILL, N.J. 08002

The undersigned, Barbara A. DeBuono, M.D., M.P.H.,
Commissioner of Health of the State of New York, pursuant to N.Y.
Public Health Law §230, upon the recommendation of a Committee on
Professional Medical Conduct, has determined that the duly
authorized professional disciplinary agency of another
jurisdiction has made a finding substantially equivalent to a
finding that the practice of medicine by BENITO ROSERO, M.D. (the
Respondent) in that jurisdiction constitutes an imminent danger
to the health of its people, as is more fully set forth in the
attached Statement of Facts Supporting Summary Order of
Suspension, and the documents filed with the New Jersey Board of
Medical Examiners (annexed as Exhibit A), and made a part hereof.

Accordingly, it is hereby


ORDERED, pursuant to N.Y. Public Health Law §230(12)(b),
that effective immediately, Respondent shall not practice
medicine in the State of New York. This Order shall remain in
effect unless modified or vacated by the Commissioner of Health
pursuant to N.Y. Public Health Law §230(12).

PLEASE TAKE NOTICE that a hearing will be held pursuant to
the provisions of N.Y. Public Health Law §230, and N.Y. State

Admin. Proc. Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct and shall commence within thirty days after the disciplinary proceedings commenced against Respondent in New Jersey by Order to Show Cause on November 3, 1997 are finally concluded (N.Y. Public Health Law §230(12)(b)). The date and location of this hearing will be set forth in a written Notice of Summary Hearing and Statement of Charges to be provided to the Respondent at a later date. The written Notice and Statement of Charges may be provided in person, by mail or by other means. If Respondent wishes to be provided with this written Notice at an address other than the one noted above, he shall notify both the attorney whose name is set forth in this Order and the Director of the Bureau of Adjudication, New York State Department of Health, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, (518) 402-0748.

THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK BE REVOKED OR SUSPENDED, AND/OR THAT YOU BE FINED OR SUBJECT TO OTHER SANCTIONS SET FORTH IN NEW YORK PUBLIC HEALTH LAW §230-a. YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York
March 10, 1998


BARBARA A. DEBUONO, M.D., M.P.H.
Commissioner of Health

Inquiries should be directed to:

WAYNE E. OLINZOCK
Assistant Counsel - BPMC
N.Y.S. Department of Health
Division of Legal Affairs
Corning Tower Building, Room 2509
Empire State Plaza
Albany, New York 12237-0026

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

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IN THE MATTER : STATEMENT OF FACTS
OF : SUPPORTING SUMMARY
BENITO ROSERO, M.D. : ORDER OF SUSPENSION

-----X

BENITO ROSERO, M.D., the Respondent, was licensed to practice medicine in New York State on or about August 13, 1984 by the issuance of license number 159621 by the New York State Education Department.

FACTUAL ALLEGATIONS

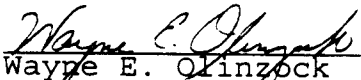
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By Order of the New Jersey State Board of Medical Examiners dated November 13, 1997, Respondent agreed to the temporary suspension of his New Jersey medical license pending a plenary hearing. Pursuant to New Jersey Statutes Annotated 45:1-22(e), a temporary order of suspension cannot be entered:

... unless the application made to the board palpably demonstrates a clear and imminent danger to the public health, safety and welfare and notice of such application is given to the licensee affected by such order.

Upon information and belief, the plenary hearing in New Jersey is scheduled to take place in March, 1998.

Dated: March 10, 1998
Albany, New York


Wayne E. Olinzock
Assistant Counsel
Bureau of Professional
Medical Conduct