



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
*Commissioner
NYS Department of Health*

Dennis P. Whalen
*Executive Deputy Commissioner
NYS Department of Health*

Dennis J. Graziano, Director
Office of Professional Medical Conduct

William P. Dillon, M.D.
Chair

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

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

March 19, 2001

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Paul H. Rosenberg, M.D.
1600 Parker Avenue
Fort Lee, NJ 07024

RE: License No. 172092

Dear Dr. Rosenberg:

Enclosed please find Order #BPMC 01-71 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 19, 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: Wilfred T. Friedman, Esq.
36 West 44th Street
New York, NY 10036

Anthony M. Benigno, Esq.

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

IN THE MATTER
OF
PAUL H. ROSENBERG, M.D.

CONSENT AGREEMENT
AND ORDER
BPMC No. 01-71

PAUL H. ROSENBERG, M.D., (Respondent) states:

That on or about August 31, 1987, I was licensed to practice as a physician in the State of New York, having been issued License No. 172092 by the New York State Education Department.

My current address is 1600 Parker Avenue, Fort Lee, NJ 07024, 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 nine specifications of professional misconduct.

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

I admit guilt to third specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license shall be suspended for an indefinite period of no less than one year. One year after the effective date of this order and after compliance with all conditions, I may petition the State Board for Professional Medical Conduct for a Modification Order, staying the suspension and permitting me to practice as a physician under whatever limitation(s), term(s) of probation, or further conditions the Board, in its reasonable discretion, exercised by a Committee on Professional Conduct, may impose. I understand and agree that the Committee's determination shall not be reviewable through recourse to the Administrative Review Board.

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

following conditions:

That, except during periods of actual suspension, I shall maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while Respondent possesses his license; and

That I 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. I 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. I shall meet with a person designated by the Director of OPMC as directed. I shall respond promptly and provide any and all documents and information within my control upon the direction of OPMC. This condition 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.

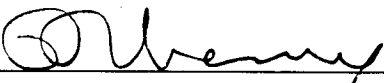
I understand that, in the event that this application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way and shall be kept in strict 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.

AFFIRMED

DATED: 2 | 20 | 01



PAUL H. ROSENBERG, M.D.
Respondent

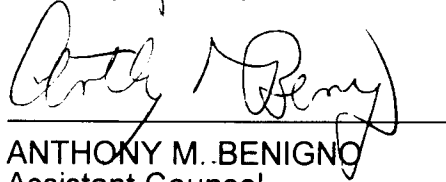
The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 2/20/01



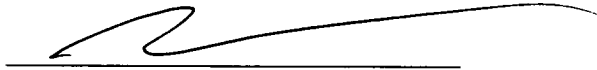
WILFRED T. FRIEDMAN, ESQ.
Attorney for Respondent

DATE: 2/23/01



ANTHONY M. BENIGNO
Assistant Counsel
Bureau of Professional Medical Conduct

DATE: 3/9/01



DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

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

IN THE MATTER
OF
PAUL H. ROSENBERG, M.D.

CONSENT ORDER

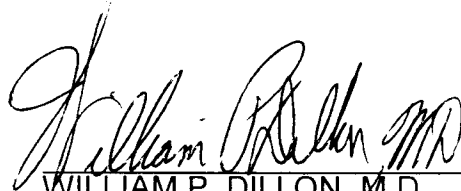
Upon the proposed agreement of Paul H. Rosenberg, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted; 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: 3/14/01



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

EXHIBIT "B"

1. The suspension of Respondent's license shall be terminated only upon a showing to the satisfaction of a Committee on Professional Conduct of the State Board for Professional Medical Conduct (henceforth "Committee") that he has successfully complied with or completed a course of therapy and ongoing evaluation, which successful compliance or completion must include a determination by said Committee that he is no longer incapacitated for the practice as a Physician and that he is both fit and clinically competent to practice as a Physician. Respondent shall provide to the Office of Professional Medical Conduct a proposed treatment plan, for advice as to whether it is generally appropriate, but the determination of successful compliance with or completion of the course of therapy shall be made solely by the Committee, and shall include, but not be limited to, a determination that Respondent is no longer incapacitated for the active practice as a Physician.

2. Upon Respondent's request, but after the passage of the minimum period of suspension, a meeting of a Committee shall be convened for the purpose of hearing and evaluating Respondent's showing referred to in paragraph 1. The Board will make reasonable attempts to convene a Committee not later than 90 days after Respondent's request, which shall not be deemed to have been perfected until receipt, by the Director of the Office of Professional Medical Conduct, of all that is required to be provided by Respondent pursuant to the Conditions imposed upon her and pursuant to paragraph 3 below. The procedural nature of said proceeding shall be determined by the State Board for Professional Medical Conduct through the discretion of the Director of the Office of Professional Medical Conduct upon consultation with Counsel, Bureau of Professional Medical Conduct. Proceedings before said Committee shall *not* be in the nature of a *hearing* pursuant to New York Public Health Law §230, but shall instead be informal and intended only for the purpose of addressing any and all facts, evidence, information, circumstances, or issues which do or may relate to the advisability of terminating the suspension of Respondent's license. The Committee shall be given access to evidence including, but not limited to:

- a. Any and all evidence pertaining to Respondent's compliance with the Conditions imposed.
- b. Any evidence which the Director of the Office of Professional Medical Conduct or Counsel, Bureau of Professional Medical Conduct deems appropriate.

3. At the time that Respondent requests that a meeting of a Committee be scheduled, pursuant to paragraph 2, he shall provide the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299, with the following:

- a. The signed acknowledgment and curriculum vitae from the proposed sobriety monitor referred to in paragraph 5c.
- b. The signed acknowledgment and curriculum vitae from the proposed supervising physician referred to in paragraph 5d.
- c. The signed acknowledgment and curriculum vitae from the proposed health care professional referred to in paragraph 5e.
- d. Certified true and complete copies of all evaluation and treatment records relating to Respondent's substance abuse/dependence, psychological, psychiatric and/or mental health treatment whether in an in-patient, out-patient, after-care or consultation setting. These certified records shall be forwarded directly to OPMC from all treatment providers/facilities/evaluators. These records shall reflect any treatment and evaluation provided whether said treatment and evaluation occurred prior to or during the time this suspension is in effect. Such records shall include documentation of the results of all tests conducted to evaluate Respondent's fitness and clinical competence to practice medicine.
- e. Documentation of Respondent's participation in the program(s) of the Committee for Physicians' Health of the Medical Society of the State of New York or other equivalent program(s). documentation shall include but not be limited to verification of compliance and results of forensically valid alcohol/drug screening.
- f. Fully executed waivers of patient confidentiality concerning any previous and prospective treatment records.
- g. A current, independent, in-depth chemical dependency and psychiatric evaluation by a board-certified psychiatrist specializing in addiction medicine.
- h. Upon request of the Director of OPMC, Respondent shall attend, participate in and cooperate with an interview with designated personnel from the OPMC.

Provision of the aforesaid documents will not, alone, constitute a showing that Respondent is no longer incapacitated for active practice as a Physician.

4. At least fourteen (14) days prior to the scheduled date of the proceeding

referred to in paragraph 2, Respondent shall provide OPMC with the following:

- a. Certified true and complete copies of records updating treatment and alcohol/drug screening since the date of the original submissions referred to in paragraph 3d.
- b. Evidence that Respondent has maintained adequate knowledge and competence to practice as a physician. Such evidence shall include documentation of continuing medical education and, if so requested by the Director of OPMC, a report of an independent evaluation of Respondent's medical knowledge and competence.

Submission of the aforesaid evidence shall not, alone, constitute a showing that Respondent is no longer incapacitated for active practice as a Physician.

5. If the Chairperson of the Committee issues an order (Order) finding that Respondent has successfully completed the prescribed course of treatment and has regained fitness and competence to practice medicine, and therefore terminating the suspension of Respondent's license, the Order shall further impose a period of probation, pursuant to New York Public Health Law §230-a, during which his practice as a Physician shall be subject to conditions imposed. Respondent's practice shall be subject to such conditions for a period of no less than five years. The minimum conditions shall include the following:

- a. Respondent shall be required to comply with the terms of a continuing after-care treatment plan that addresses the major problems associated with his illness.
- b. At the direction of the Director of OPMC, Respondent shall submit to periodic interviews with, and evaluations by, a board certified psychiatrist or other licensed mental health practitioner designated by the Director. Said practitioner shall report to the Director regarding Respondent's condition and his fitness or incapacity to practice as a Physician.
- c. Respondent's sobriety will be monitored by a health care professional proposed by Respondent and approved in writing by the Director of OPMC. Said monitor shall not be a personal friend. Said monitor shall be familiar with Respondent's history of chemical dependence, with this suspension and with the terms of probation to be set forth. Said sobriety

monitor shall acknowledge his/her willingness to comply with the monitoring by executing the acknowledgment provided by OPMC.

- i. Said monitor shall see Respondent at least twice during each month.
 - ii. Said monitor shall direct Respondent to submit to unannounced tests of his blood, breath and/or urine for the presence of drugs or alcohol and shall report to OPMC within 24 hours if at any time such a test is positive or is refused by Respondent.
 - iii. Said monitor shall report to OPMC any noncompliance with the imposed conditions.
 - iv. Respondent shall ensure that said monitor submits to OPMC quarterly reports certifying Respondent's compliance or detailing Respondent's failure to comply with each of the conditions imposed. The reports shall include the results of all body fluid and/or breath tests for drugs and/or alcohol performed during that quarter.
- d. Respondent shall be supervised in his medical practice by a licensed physician, proposed by him and approved in writing by the Director of OPMC, in accordance with the conditions contained in or annexed to the Order. Said supervising physician shall be familiar with Respondent's history of impairment and with the Order and its conditions. Said supervising physician shall supervise Respondent's compliance with the conditions of practice imposed by the Order. Said supervising physician shall be in a position regularly to observe and assess Respondent's medical practice. Said supervising physician shall acknowledge his/her willingness to comply with the supervision by executing the acknowledgment provided by OPMC.
- i. Respondent shall ensure that said supervising physician submits to OPMC quarterly reports regarding the quality of Respondent's medical practice, any unexplained absences from work and certifying his compliance or detailing his failure to comply with each condition imposed.

- ii. Said supervising physician shall report any suspected impairment, inappropriate behavior, questionable medical practices or possible misconduct to OPMC.
- e. Respondent shall continue in treatment with a health care professional, proposed by Respondent and approved, in writing, by the Director of OPMC, for as long as the health care professional determines it is necessary.
 - i. Respondent shall ensure that said treating health care professional or program submits to OPMC quarterly reports certifying that Respondent is complying with the treatment.
 - ii. Said treating health care professional shall report to OPMC immediately if Respondent is noncompliant with treatment plan or demonstrates any significant pattern of absences.
 - iii. Said treating health care professional shall acknowledge his/her willingness to comply with the above-mentioned reporting by executing the acknowledgment provided by OPMC.

6. The terms set out in paragraph 5 shall be the minimum probation terms, related to Respondent's fitness to practice, to be imposed on his practice upon terminating the suspension of his license, and that other terms may be added by the Committee, and that the costs of complying with all such terms will be Respondent's responsibility. Any failure by Respondent to comply with the conditions imposed upon his practice at the time of suspension termination, may result in disciplinary action being brought against him charging professional misconduct as defined by the New York State Education Law, including but not limited to N.Y. Education Law Section 6530(29).

7. Upon any denial of Respondent's petition for suspension termination made by the Committee, Respondent shall not again request convening a Committee until a minimum period of nine months has elapsed since such denial.

8. In addition to the terms set out in paragraph 5 and any other terms added by the Committee upon the termination of Respondent's license suspension, he shall also be subject to the following standard terms of probation:

- a. Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional

standards of conduct and obligations imposed by law and by the profession of medicine.

- b. Respondent shall submit written notification of all sites of employment and/or medical practice to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; 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.
- c. 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. He shall personally meet with a person designated by the Director of OPMC as requested by the Director.
- d. 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].
- e. Any period of probation shall be tolled during periods in which Respondent is not engaged in the active practice as a Physician in New York State. Respondent shall notify the Director of OPMC, in writing, if he is not currently engaged in or intends to leave the active practice as a Physician 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. The tolling provision set forth in this paragraph may be waived by the Director of OPMC, in the Director's discretion.
- f. 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 staff at practice locations or OPMC offices.

- g. 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.
- h. 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.

IN THE MATTER
OF
PAUL H. ROSENBERG, M.D.

STATEMENT
OF
CHARGES

PAUL H. ROSENBERG, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 31, 1987, by the issuance of license number 172092 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about September 15, 1999, the New York State Board for Professional Medical Conduct issued an order of conditions pursuant to New York State Public Health Law §230(13), hereto attached as Exhibit 1, wherein Paul H. Rosenberg, M.D., Respondent, agreed to various conditions. The Order imposed a condition requiring Respondent to maintain current registration of his medical license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition became effective on or about September 15, 1999 and continues until the full term of the Order has run, September 14, 2004. Respondent has failed to maintain current license registration as a physician with the New York State Education Department Division of Professional Licensing Services.
- B. The Order imposed a condition (Exhibit A-2) and whereby the, "licensee shall notify the Department of Health, in writing, of the following:....the existence of any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institutional facility, within 30 days thereafter." The

Respondent failed to notify the Department of Health within 30 days of the New Jersey State Board of Medical Examiners investigation and/or discipline.

- C. The Order imposed a condition (Exhibit A-9) that the, "licensee shall continue enrollment in the Medical Society of New Jersey Physicians' Health Program (PHP) and shall engage in a contract with PHP that fully describes the terms, conditions and duration of the recovery program. Licensee shall comply with the contract." Respondent did not comply with his contract with PHP which required him to remain abstinent from controlled substances. Respondent relapsed into substance abuse through his use of the drug Dilaudid. PHP reported the relapse to the New Jersey State Board of Medical Examiners which resulted in the voluntary surrender of Respondent's New Jersey medical license.
- D. The Order imposed a condition (Exhibit A-10) that the, "licensee shall provide written authorization for PHP to provide the Director of OPMC with any/all information or documentation requested by OPMC to determine whether licensee is in compliance with the contracts." Respondent did not provide written authorization to PHP to release information to the Director of OPMC until July 12, 2000.
- E. The Order imposed a condition (Exhibit A-3) that the, "licensee shall respond promptly to each and every request from OPMC for written periodic verification of licensee's compliance with the terms of this order." On three occasions, September 23, 1999, October 25, 1999, and May 1, 2000, the Office of Professional Medical Conduct sent him written communications requesting that he authorize PHP to provide OPMC with quarterly reports regarding his compliance with his contract with that program. Respondent did not respond to these requests

and failed to provide OPMC with any quarterly reports from PHP regarding his compliance with his contract with that program.

- F. The Order imposed a condition (Exhibit A-1) that the, "licensee's conduct shall conform to moral and professional standards and to those obligations imposed by law and the profession." Respondent's failure to respond to written communications from the Department of Health and his various violations of his Board Order did not conform to professional standards imposed upon him by law.
- G. On or about August 28, 2000, Respondent entered into a consent order with the New Jersey State Board of Medical Examiners whereby he surrendered his medical license to practice medicine and surgery in the state of New Jersey for a minimum period of six months. The indefinite surrender was based on Respondent's testing positive for Dilaudid, thus establishing a relapse to substance abuse.

SPECIFICATIONS OF MISCONDUCT

FIRST THROUGH SIXTH OF SPECIFICATIONS

HAVING VIOLATED A CONDITION IMPOSED BY PHL SECTION 230

Respondent is charged with professional misconduct under N.Y. Education Law section 6530(29) by reason of his having violated a condition imposed upon him pursuant to Section 230 of the Public Health Law, in that Petitioner charges:

1. The facts in paragraph A.
2. The facts in paragraphs A and B.
3. The facts in paragraphs A and C.
4. The facts in paragraphs A and D.
5. The facts in paragraphs A and E.
6. The facts in paragraphs A and F.

SEVENTH SPECIFICATION
FAILING TO RESPOND TO DEPARTMENT OF HEALTH COMMUNICATIONS

Respondent is charged with professional misconduct within the meaning of N.Y. Education Law section §6530(28) by reason of his failing to respond to written communications from the Department of Health within thirty days, in that the Petitioner charges:

7. The facts in paragraphs A and E.

EIGHTH SPECIFICATION
HAVING BEEN FOUND GUILTY OF
PROFESSIONAL MISCONDUCT

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(b) by having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state [namely N.Y. Educ. Law §§6530 (8)] as alleged in the facts of the following:

8. The facts in paragraphs A and G.

NINTH SPECIFICATION
HAVING HAD DISCIPLINARY ACTION TAKEN

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(9)(d) by having his or her license to practice medicine revoked, suspended or having other disciplinary action taken, or having his or her

application for a license refused, revoked or suspended or having voluntarily or otherwise surrendered his or her license after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the revocation, suspension or other disciplinary action involving the license or refusal, revocation or suspension of an application for a license or the surrender of the license would, if committed in New York state, constitute professional misconduct under the laws of New York state [namely N.Y. Educ. Law §6530(8)] as alleged in the facts of the following:

9. The facts in paragraphs A and G.

DATED: January 18, 2001
Albany, New York


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

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

IN THE MATTER
OF
PAUL HOWARD ROSENBERG, M.D.

STIPULATION,
APPLICATION
FOR AN ORDER
OF CONDONING
Pursuant to
§230(13) OF THE
PUBLIC HEALTH

STATE OF NEW YORK)
COUNTY OF *New York*) ss.:

PAUL HOWARD ROSENBERG, M.D., being duly sworn, deposes and says
That on or about August 31, 1987, I was licensed to practice as a physician
in the State of New York, having been issued License No. 172092 by the New York
State Education Department.

My current residence address is 1600 Parker Avenue #27D, Fort Lee, N.J.
07024 and my current office address is 1567 Palisade Avenue, 3rd Floor, Fort Lee,
N.J. 07024. The following is a complete list of the hospitals and facilities with which
I am affiliated: Dobbs Ferry Community Hospital, Dobbs Ferry, New York. I will notify
the Director of the Office of Professional Medical Conduct ("the Director") of any
change in my residence, employment or medical practice addresses or affiliations.

I understand that the New York State Board for Professional Medical Conduct
has investigated allegations of professional misconduct by me related to substance
abuse impairment.

I am currently in recovery with respect to my substance abuse.

I hereby request that the State Board for Professional Medical Conduct ("Board") and the Director conclude the investigation of the allegations of substance abuse, and upon my current fitness to practice, as I have set forth and sworn to above, decline to bring misconduct charges against me for misconduct as defined in Educ. Law Sec. 6530(7) and 6530(8) with respect to my conduct to date. I understand that this Application does not relate to, and will not cause the Board and the Director to decline to bring, misconduct charges against me under any other section. In consideration of the Board and Director's granting this Application, I consent to have the Chair of the Board issue an Order with the full force and effect of a Restoration Order issued pursuant to New York Public Health Law §230(13) (McKinney Supp. 1999). The Order shall remain in effect for five years and shall impose the following Conditions upon my practice, as set forth in attached Exhibit "A." Violation(s) of those conditions, if proven and found at a Hearing pursuant to New York Public Health Law §230(10), shall constitute professional misconduct as defined in N.Y. Educ. Law §6530(15) and/or (29)(McKinney Supp. 1999). PHR
(Licensee must initial).

I further agree that the Order shall impose a condition that I maintain current registration of my license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall continue until the full term of the Order has run, and until any associated period of probation and all probation terms have been completed and satisfied. My failure to

comply with this condition, if proven and found at a Hearing pursuant to New York Public Health Law §230(10), shall constitute professional misconduct as defined in N.Y. Educ. Law §6530(15) and/or (29)(McKinney Supp. 1999). [

— (Licensee must initial).


I agree that if I am charged with professional misconduct in future, this Application 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 if the Board does not grant this Application, the Application shall be of no effect, shall not bind me in any way, shall not be construed to be an admission of any act of alleged misconduct, shall not be used against me, shall be kept in strict confidence, and shall not be used as evidence during the pendency of any professional misconduct disciplinary proceeding; likewise, the Board's denial shall be without prejudice to the Department's initiation or continuance of any related disciplinary proceeding and/or the Board's final determination of such matter, pursuant to the Public Health Law.

I agree that if the Board grants this Application, the Chair of the Board shall issue an Order in accordance with the terms and conditions set forth in this Application.


I make this Application of my own free will and not under duress, compulsion or restraint of any kind. 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 any right I may have to contest the Order for which I apply, whether administratively or judicially, I agree to be bound by the Order, and I ask that the Board grant this Application.



PAUL HOWARD ROSENBERG, M.D.
Licensee

Sworn to before me this

20th day of September, 1999.



NOTARY PUBLIC

WILEY J. ...
NOTARY PUBLIC, State of New York
No. 31-4954326
Qualified in New York County
My Commission Expires August 11, 2001

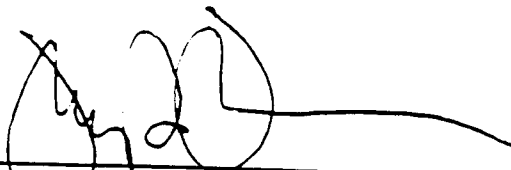
NEW YORK STATE DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
PAUL HOWARD ROSENBERG, M.D.


STIPULATION A
APPLICATION
FOR AN ORDE
OF CONDITION
PURSUANT TO
§230(13) OF TH
PUBLIC HEALTH L

The undersigned agree to the attached Application of the Licensee and to
issuance of the proposed Order of Conditions Pursuant to §230(13) of the Public
Health Law.

DATE: 9/2/99


WILFRED T. FRIEDMAN, ESQ.
Attorney for Licensee

DATE: Sept. 7, 1999


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: September 10, 1999

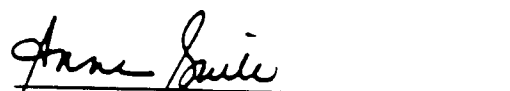

ANNE F. SAILE
Director
Office of Professional
Medical Conduct

EXHIBIT A

1. Licensee's conduct shall conform to moral and professional standards and those obligations imposed by law and the profession.
2. Licensee shall notify the Department of Health, in writing, of the following: full description of any employment and practice; professional and residential addresses and telephone numbers, both within and outside New York State and the existence of any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility within thirty days thereafter. Licensee shall address this correspondence to Director, Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299.
3. Licensee shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and its investigation of all matters regarding Licensee. Licensee shall respond promptly to each and every request from OPMC for written periodic verification of Licensee's compliance with the terms of this Order. Licensee shall meet with a person designated by the Director of OPMC, and shall promptly provide any and all documents and information within Licensee's control, as directed by OPMC.
4. Licensee'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 Licensee and his staff at practice locations or OPMC offices.

5. Licensee shall maintain legible, complete office and hospital medical records that accurately reflect the evaluation and treatment of Licensee's patients. Licensee's medical records shall contain all information required by State rules and regulations regarding controlled substances.

6. Licensee shall not practice medicine in New York unless supervised by a licensed physician, proposed by him and subject to the written approval of the Director of OPMC, in accordance with the conditions contained in or annexed to the Order. Said supervising physician shall be familiar with Licensee's history of substance abuse and with the Order and its conditions. Said supervisor shall supervise Licensee's compliance with the conditions of practice imposed by the Order. Said supervising physician shall be in a position regularly to observe and assess Licensee's medical practice. Licensee shall submit the name of a proposed successor within seven days of learning the approved supervising physician is no longer willing or able to serve. Said supervising physician shall acknowledge his or her willingness to comply with the supervision by executing the acknowledgment provided by OPMC.
 - a. Said supervising physician shall submit to OPMC quarterly reports regarding the quality of Licensee's medical practice, any unexplained absences from work and certifying Licensee's compliance or detailing his failure to comply with each condition imposed.
 - b. Said supervising physician shall report to OPMC within 24 hours any suspected impairment, inappropriate behavior, questionable medical practices or possible misconduct.
 - c. Said supervising physician shall notify OPMC immediately if Licensee violates any term(s) of this Order.

7. Licensee shall continue in treatment with a health care professional proposed by Licensee and subject to the written approval of the Director of OPMC, as long as the health care professional determines it is necessary. Said health care professional shall be familiar with Licensee's history of substance abuse with this Order, and with the conditions of practice set forth in or annexed to the Order. Licensee shall submit the name of a proposed successor within seven days of learning the approved health care professional is no longer willing or able to serve. Said treating health care professional shall acknowledge his willingness to comply with the above-mentioned reporting requirements by executing the acknowledgment provided by OPMC.
 - a. Licensee's treating health care professional shall submit to OPMC quarterly reports certifying that Licensee is complying with the treatment.
 - b. Said treating health care professional shall report to OPMC immediately if Licensee is noncompliant with his treatment plan, or if Licensee demonstrates any significant pattern of absences.
8. At the direction of the Director of OPMC, Licensee shall submit to evaluation by a board certified psychiatrist or other licensed mental health practitioner designated by the Director. Said practitioner shall report to the Director regarding Licensee's condition and fitness or incapacity to practice medicine. Licensee shall comply with all treatment recommendations based upon the evaluation.
9. Licensee shall continue enrollment in the Medical Society of New Jersey Physicians' Health Program (PHP) and shall engage in a contract with PHP that fully describes the terms, conditions and duration of a recovery program. Licensee shall comply with the contract.

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

IN THE MATTER
OF
PAUL HOWARD ROSENBERG, M.D.

ORDER
OF CONDITIONS
PURSUANT TO
§230(13) OF THE
PUBLIC HEALTH
LAW

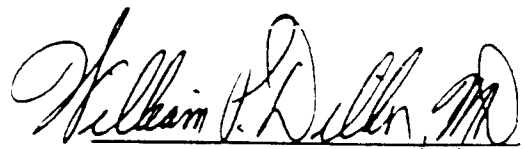
Upon the proposed agreement of PAUL HOWARD ROSENBERG, M.D.
(Licensee) for an Order of Conditions Pursuant to Pub. Health Law 230(13), which
application is made a part hereof, it is agreed to and

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

ORDERED, that this order shall take effect as of the date of the issuance of
this Order and shall remain in effect as set forth in the Stipulation and Application.

SO ORDERED.

DATED: 9/15/99



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

10. Licensee shall provide written authorization for PHP to provide the Direct OPMC with any/all information or documentation requested by OPMC to determine whether Licensee is in compliance with the contracts.
11. Licensee shall cause PHP to report to OPMC if Licensee refuses to comply with the contract, refuses to submit to treatment or if Licensee's impairment is not substantially alleviated by treatment. PHP shall report immediately to OPMC if Licensee is regarded at any time to be an imminent danger to the public.
12. Licensee shall comply with all terms, conditions, restrictions, and limitations 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 violation of these terms, the Director of OPMC and/or the Board may initiate any proceeding against Licensee as may be authorized pursuant to the law. Any failure by Licensee to comply with these terms, conditions, restrictions and limitations shall, if proven, constitute professional misconduct as defined by the New York State Education Law, including but not limited to N.Y. Educ. Law Section 6530(29) (McKinney Supp. 1999). That section defines professional misconduct to include "violating any... condition... imposed on licensee pursuant to section two hundred thirty of the public health law."