

PUBLIC

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

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**IN THE MATTER
OF
ALAN DAVID ROSENBERG, M.D.**

**COMMISSIONER'S
ORDER AND
NOTICE OF HEARING**

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**TO: Alan David Rosenberg, M.D.
2186 Vallejo Street
San Francisco, CA 94109**

The undersigned, Antonia C. Novello, M.D., M.P.H., Commissioner of the New York State Department of Health, after an investigation, upon the recommendation of a committee on professional medical conduct of the State Board for Professional Medical Conduct, and upon the Statement of Charges attached hereto and made a part hereof, has determined that Alan David Rosenberg, M.D. has been disciplined by a duly authorized professional disciplinary agency of another jurisdiction, namely, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, for acts which if committed in the state of New York would have constituted the basis for summary action pursuant to New York Public Health Law Section 230(12)(a), and has further determined that the continued practice of medicine in the state of New York by Alan David Rosenberg, M.D., the Respondent, constitutes imminent danger to the health of the people of this state.

It is therefore,

ORDERED, pursuant to N.Y. Public Health Law Section 230(12)(b), that effective immediately, Alan David Rosenberg, M.D., 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 Section 230(12).

**STATE OF NEW YORK : DEPARTMENT OF HEALTH
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**IN THE MATTER
OF
ALAN DAVID ROSENBERG, M.D.**

**STATEMENT
OF
CHARGES**
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ALAN DAVID ROSENBERG, M.D., the Respondent, was authorized to practice medicine in New York state on July 9, 1964, by the issuance of license number 092492 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 27, 1999, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs (hereinafter "California Board"), by a Decision and Order (hereinafter "California Order"), accepted the surrender of Respondent's Certificate of Licensure, based on repeated acts of prescribing controlled substances for himself, unlawful possession of Rohypnol, possession of prescriptive drugs and controlled substances in unmarked containers, possession of illegal and misbranded drugs, prescribing a Schedule II controlled substance to a non-patient without performing a physical examination, prescribing a variety of psychoactive drugs and controlled substances over a long period of time to persons not his patients, and writing false and fraudulent prescriptions.

B. The conduct resulting in the California Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. **New York Education Law §6530(2) (practicing the profession fraudulently);**
2. **New York Education Law §6530(8) (being dependent on or an habitual user of narcotics or other drugs having similar effects);**
3. **New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine);**
4. **New York Education Law §6530(20) (moral unfitness);**
5. **New York Education Law §6530(21) (failing to file a report required by law);
and/or**
6. **New York Education Law §6530(32) (failure to maintain an accurate record).**

SPECIFICATION

Respondent is charged with professional misconduct by reason of his having violated New York State Education Law §6530(9)(d) by reason of his having surrendered his license or having other disciplinary action taken against him after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the surrender or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

1. The facts in paragraphs A and/or B.

DATED: *Mar. 7*, 2000
Albany, New York


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