

## 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. Commissioner NYS Department of Health Dennis P. Whalen Executive Deputy Commissioner NYS Department of Health Anne F. Saile, 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

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March 29, 2000

## **CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Alan D. Rosenberg, M.D. 1 Los Arboles El Sobrante, CA 94803

## RE: License No. 092492

Dear Dr. Rosenberg:

Enclosed please find Order #BPMC 00-95 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 29, 2000.

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: Robert Bogan, Esq. STATE OF NEW YORK : DEPARTMENT OF HEALTH STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER OF ALAN DAVID ROSENBERG, M.D. SURRENDER ORDER BPMC# 00-95

ALAN DAVID ROSENBERG, M.D., says:

On or about July 9, 1964, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 092492 by the New York State Education Department. My address is 2186 Vallejo Street, San Francisco, California 94109. I has ARGOLES, E. Schaarte, G. 94803

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I understand that I have been charged with one (1) specification of professional medical 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 do not contest the one(1) specification set forth in the Statement of Charges.

I understand that, in the event that this proposed agreement is not granted by the State Board for Professional Misconduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged 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 agree 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 Order to me at the address set forth above, or to my attorney, or upon transmission via facsimile to me or my attorney, whichever is earliest.

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

Date: 3/15, 2000

ALAN DAVID ROSENBERG, M.D. Respondent

---------AGREED TO: Date: \_\_\_\_\_, 2000 EMILY J. LAWRENCE, ESQ. Attorney for the Respondent lar0 2000 Date: ROBERT BOGAN Assistant Counsel Bureau of Professional Medical Conduct Date: 3 22 , 2000 AL ANNE F. SAILE Director, Office of Professional Medical Conduct ·... \_ 3

#### ORDER

Upon the proposed agreement of ALAN DAVID ROSENBERG, 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 be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of this Order to Respondent at the address set forth in this agreement or to the Respondent's attorney, or upon transmissions via facsimile to Respondent or Respondent's attorney, whichever is earliest.

25,2000 DATE

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EXA	BKT	Å

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

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

STATEMENT OF CHARGES

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.

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# FACTUAL ALLEGATIONS

A. On or about August 27, 1999, the Division of Medical Quality, Medical Board of California, (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 variety of psychoactive substances over a long period of time to a person not his patient, 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.

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DATED: , 1999 Albany, New York PETER D. VAN BUREN Deputy Counsel Bureau of Professional Medical Conduct · · . ·.... ••• 3