



**THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK**

DIRECTOR, OFFICE OF PROFESSIONAL DISCIPLINE  
1411 BROADWAY, 10<sup>TH</sup> FLOOR  
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Tel: (212) 951-8500  
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*Public*

March 25, 2011

Alan Roitman, Physician

REDACTED

Re: Application for Restoration

Dear Dr. Roitman:

Enclosed please find the Commissioner's Order regarding Case No. CP-10-23 which is in reference to Calendar No. 23542. This order and any decision contained therein goes into effect five (5) days after the date of this letter.

Very truly yours,

Donald Dawson  
Director of Investigations

By:

REDACTED

Ariana Miller  
Supervisor

DD/AM/go

cc:

The  
University of the  
Education  State of New York  
Department

IN THE MATTER

of the

Application of ALAN ROITMAN for  
restoration of his license to practice as a  
physician in the State of New York.

Case No. CP-10-23

It appearing that the license of ALAN ROITMAN, REDACTED

to practice as a physician in the State of New York, was surrendered by Order of the State Board for Professional Medical Conduct, dated March 25, 2002, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having reviewed the record, and having disagreed with the recommendation of the Peer Committee, and having agreed with and adopted the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on November 16, 2010, it is hereby

ORDERED that the petition for restoration of License No. 148930, authorizing ALAN ROITMAN to practice as a physician in the State of New York, is denied, but after he has taken and passed, at his own expense, the Special Purpose Examination offered by the Federation of State Medical Boards; has completed, at his own expense, a clinical skills evaluation that has been pre-approved by the Director of the Office of Professional Medical Conduct; and has successfully followed any recommendations, including but not limited to the taking of specific

courses, proposed by the clinical skills examiners, then his license to practice as a physician in the State of New York shall be fully restored.



IN WITNESS WHEREOF, I, David M. Steiner, Commissioner of Education of the State of New York for and on behalf of the State Education Department, do hereunto set my hand and affix the seal of the State Education Department, at the City of Albany, this 8 day of March 2011.

REDACTED

Commissioner of Education

Case No. CP-10-23

It appearing that the license of ALAN ROITMAN, REDACTED

to practice as a physician in the State of New York, was surrendered by Order of the State Board for Professional Medical Conduct, dated March 25, 2002, and he having petitioned the Board of Regents for restoration of said license, and the Regents having given consideration to said petition and having reviewed the record, and having disagreed with the recommendation of the Peer Committee, and having agreed with and adopted the recommendation of the Committee on the Professions, now, pursuant to action taken by the Board of Regents on November 16, 2010, it is hereby

VOTED that the petition for restoration of License No. 148930, authorizing ALAN ROITMAN to practice as a physician in the State of New York, is denied, but after he has taken and passed, at his own expense, the Special Purpose Examination offered by the Federation of State Medical Boards; has completed, at his own expense, a clinical skills evaluation that has been pre-approved by the Director of the Office of Professional Medical Conduct; and has successfully followed any recommendations, including but not limited to the taking of specific courses, proposed by the clinical skills examiners, then his license to practice as a physician in the State of New York shall be fully restored.

THE UNIVERSITY OF THE STATE OF NEW YORK  
The State Education Department

Report of the Committee on the Professions  
Application for Restoration of Physician License

Re: **Alan Roitman**

Alan Roitman, REDACTED, petitioned for restoration of his physician license. The chronology of events is as follows:

- 11/24/81 Issued license number 148930 to practice as a physician in New York State.
- 03/19/02 Application submitted for surrender of physician license.
- 03/25/02 Order of the State Board for Professional Medical Conduct accepting the surrender of Dr. Roitman's license.
- 09/07/05 Application submitted for restoration of physician license.
- 02/25/08 Peer Committee restoration review hearing.
- 06/18/08 Report and recommendation of Peer Committee.
- 02/25/09 Committee on the Professions meeting with applicant.
- 11/02/10 Report and Recommendation of Committee of the Professions.

**Disciplinary History.** (See attached disciplinary documents.) On March 25, 2002, Dr. Roitman's application to surrender his license was granted by the State Board for Professional Medical Conduct, after he pled guilty to Office of Professional Medical Conduct charges that he had practiced medicine while being impaired by a psychiatric condition. He later pled guilty in December of 2002 to Attempted Forgery in state court with respect to using another physician's prescription pad to secure narcotic drugs for his own consumption. He received a conditional discharge and was ordered to pay a \$500 fine.

On September 7, 2005, Dr. Roitman submitted the instant application for restoration of his physician license.

**Recommendation of Peer Committee.** (See attached Report of the Peer Committee.) The Peer Committee (Kavaler, Diamond, Colgan) convened on October 18, 2007 to consider Dr. Roitman's application for restoration of his physician license. In its report dated June 18, 2008, the Committee voted unanimously to recommend that Dr. Roitman's application for restoration be denied.

**Recommendation of the Committee on the Professions.** On February 25, 2009, the Committee on the Professions (Templeman, Cannell, Earle), met with Dr.

Roitman to consider his application for restoration. He was not represented by an attorney.

#### *Applicant's Statements to the COP*

The Committee asked Dr. Roitman to explain the events that brought him to his present situation of having to seek restoration of his license. He explained that he had started to use the drug *Stadol* in 1996 for depression after the death of his father and a close friend. He eventually developed an addiction to the drug. He was also having family difficulties at the time. In order to secure *Stadol*, Dr. Roitman self-prescribed the medication, but also wrote prescriptions for other family members under false pretenses and used the drug himself. In addition, he used the prescription pads of other physicians to write prescriptions for himself. He would take the drug after his working day in order to help him sleep. After an investigation by the Office of Professional Medical Conduct, he applied to surrender his license, and his license was surrendered in March of 2002. Dr. Roitman indicated that he has not used any illicit drugs since March 25, 2002, even prior to his arrest for forging prescriptions.

With regard to rehabilitation, Dr. Roitman indicated that he had begun chemical dependence treatment in 2002. He had previously started psychotherapy treatment in 2001 and, at our meeting with him, he reported that he continues to see his psychiatrist on a weekly basis. He entered the Committee for Physician Health (CPH) program in June of 2002 and underwent drug monitoring for five years. He attended self-help meetings at AA, which he still attends three times a week, and has a sponsor from whom he can seek further support. He also attended a five-day session at Marworth, a rehabilitation center in Pennsylvania, at the behest of CPH, for an official clinical evaluation of his recovery. Based in part on the recommendation he received there, CPH supports his application for restoration and a representative of CPH testified on his behalf before the Peer Committee in regards to his recovery efforts. Dr. Roitman indicated that he has taken 500 hours of education in the field of substance abuse and has participated in 2,000 hours of voluntary work as a counselor, and that he became credentialed as a trainee substance abuse counselor.

With respect to re-education, Dr. Roitman indicated that he had taken continuing medical education (CME) courses prior meeting with the Peer Committee, but not for credit. He has not taken any live courses because of the expense. However, subsequent to receiving the Report of the Peer Committee in June of 2008, which indicated that he had failed to convince them that he had remained current and competent in his profession, Dr. Roitman has taken over 700 hours of CME credits in a wide variety of medical fields through Medscape and Modern Medicine, both of which are internet services. Copies of proof of the earned credits taken by him through September of 2009 have been provided to the COP. Dr. Roitman also indicated that, although he had told the Peer Committee that he hoped to return to practicing anesthesiology as he had before the loss of his license, he now believes that it would be less stressful to him if he went into addiction medicine. He told the COP that he hopes to pursue membership in the American Society of Addiction Medicine. He also reported that he might do medical consultation for legal defense work. He expressed confidence in himself to return to work in those fields, but stated that he would also be open to supervision, monitoring, or other safeguards recommended by the COP.



In closing, Dr. Roitman emphasized that he loves the practice of medicine and has spent the last seven years trying to re-earn the trust of his colleagues, friends, and family. He indicated that he now feels good about himself, has good relations with his family, has an excellent support group, and has recovered from his addiction problem. He believes that he could now make a valuable contribution to the public as a physician. He noted that he had never harmed any patient in the years before he relinquished his license.

### *COP Recommendation*

The overarching concern in all restoration cases is the protection of the public. Education Law §6511 gives the Board of Regents discretionary authority to make the final decision regarding applications for the restoration of a professional license. Section 24.7 of the Rules of the Board of Regents charges the COP with submitting a recommendation to the Board of Regents on restoration applications. Although not mandated by law or regulation, the Board of Regents has instituted a process whereby a Peer Committee first meets with an applicant for restoration and provides a recommendation to the COP. A former licensee petitioning for restoration has the significant burden of satisfying the Board of Regents that there is a compelling reason that licensure should be granted in the face of misconduct that resulted in the loss of licensure. There must be clear and convincing evidence that the petitioner is fit to practice safely, that the misconduct will not recur, and that the root causes of the misconduct have been addressed and satisfactorily dealt with by the petitioner. It is not the role of the COP to merely accept, without question, the arguments presented by the petitioner but to weigh and evaluate all of the evidence submitted and to render a determination based upon the entire record.

The Committee on the Professions believes, as was expressed by the Peer Committee in its report, that Dr. Roitman is genuinely remorseful for his actions and that he has provided compelling evidence of his rehabilitation and recovery from his drug addiction. Although the Peer Committee determined that Dr. Roitman had not provided evidence of having taken a sufficient amount of continuing education courses in medicine to convince them that he could be safely returned to practice, especially in his former field of anesthesiology, Dr. Roitman has provided proof of having taken hundreds of credit hours of online continuing education courses following receipt of the Peer Committee Report to address its concerns. We find those efforts to be indicative of his sincere desire to do all that he can to improve himself so that he can resume the practice of medicine. He also has indicated that he does not want to return to practicing anesthesiology, and would prefer to get into the field of addiction medicine. We believe that his commitment to online continuing medical education is sufficient for us to disagree with the recommendation of the Peer Committee that his restoration application be denied. However, we do recommend that, before he can safely return to practice, he be required to successfully complete the Special Purpose Examination of the Federation of State Medical Boards and that he undertake a clinical competency evaluation, such as that offered at the Upstate New York Clinical Competency Center at Albany Medical College, and successfully complete any recommended remediation resulting therefrom.

Based on all of the foregoing, a complete review of the record, and its meeting with him, the Committee on the Professions votes to recommend that Dr. Roitman's application for restoration of his license to practice as a physician in the State of New York, be granted, but only after such time as he has submitted proof satisfactory to the Director of the Office of Professional Medical Conduct that he has taken and passed, at his own expense, the Special Purpose Examination offered by the Federation of State Medical Boards, and has completed, at his own expense, a clinical skills evaluation that has been pre-approved by the Director of the Office of Professional Medical Conduct, and has successfully followed any recommendations, including, but not limited to, the taking of specific courses, proposed by the clinical skills examiners.

Leslie Templeman, Chair  
Jeffrey Cannell  
Steven Earle





# The University of the State of New York

NEW YORK STATE EDUCATION DEPARTMENT  
OFFICE OF PROFESSIONAL RESPONSIBILITY  
STATE BOARD FOR MEDICINE

-----X  
In the Matter of the Application of

**ALAN ROITMAN**

for the restoration of his license to  
practice as a physician in the State of  
New York.

REPORT OF  
THE PEER  
COMMITTEE  
CAL. NO. 23542

-----X  
ALAN ROITMAN, hereinafter known as applicant, was previously  
licensed to practice as a physician in the State of New York by  
the New York State Education Department. Applicant's license to  
practice medicine in the State Of New York was surrendered  
effective March 25, 2002 by an Order of the Chairperson of the  
State Board for Professional Medical Conduct.

Applicant has applied for restoration of his license.

## CHRONOLOGY OF EVENTS

- 12/24/81      Applicant was issued license #148930 to  
practice medicine in the State of New York.
- 03/19/02      Applicant applied for permission to surrender  
his license to practice medicine admitting  
one specification of misconduct under New  
York Education Law section 6530(8), having a  
psychiatric condition which impairs the  
licensee's ability to practice.

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03/25/02 Applicant's application to surrender his license to practice medicine was granted and applicant's license was ordered surrendered by order of William P. Dillon, M.D. chairperson of the New York State Board for Professional Medical Conduct.

09/07/05 Applicant submitted application for restoration of license

02/25/08 Peer Committee restoration review completed.

BACKGROUND INFORMATION

The written application, supporting papers provided by applicant and papers resulting from the investigation conducted by the Office of Professional Discipline (OPD) have been compiled by the prosecutor from OPD into a packet that has been distributed to this Peer Committee in advance of its meeting and also provided to applicant.

DISCIPLINE PROCEEDING

SURRENDER APPLICATION:

On March 19, 2002, applicant executed an application to surrender his license to practice medicine in the State of New York wherein he admitted guilt to one specification of professional misconduct, having a psychiatric condition which impairs the licensee's ability to practice.

BPMC ACTION:

On March 25, 2002, the Board for Professional Medical Conduct granted applicant's application to surrender his license to practice medicine. Effective March 25, 2002, by order of the Chairperson of the State Board for Professional Medical Conduct,

ALAN ROITMAN (23542)

applicant's license was surrendered.

SPECIFICATION OF MISCONDUCT:

Applicant admitted one specification of misconduct: having a psychiatric condition which impairs the licensee's ability to practice, as defined in New York Education Law section 6530(8).

OTHER STATES'S PROCEEDINGS:

At all times relevant to these proceedings, applicant has held no professional license in any other state.

APPLICATION FOR RESTORATION

On September 7, 2005, applicant executed the State Education Department's standard form for applying for restoration of licensure. The application contained information and attachments as referred to, below:

Entries in the basic application form:

Continuing Professional Education: Applicant provided documentation that he had completed the necessary hours of education to become a Certified Alcohol and Substance Abuse Counselor (CASAC) from Molloy College. Applicant indicated that he reads materials available on the internet in the field of anesthesia, as well as general medicine. Applicant also consults with attorneys on questions involving medicine and, as part of that work, researches medical issues.

Professional Rehabilitation Activities: Applicant has undertaken long-term substance abuse counseling both as an inpatient and as an outpatient. In addition he has undertaken

ALAN ROITMAN (23542)

CASAC studies which, "...have added depth to the insight I have gained through group meetings at NACC, AA and private work with my therapist."

Community Service: Applicant has performed volunteer maintenance and construction work at the Chabad of Oyster Bay and donated blood platelets at the New York Blood Center.

Submissions of Affidavits:

Applicant submitted affidavits from three licensed physicians, including his treating psychiatrist, one licensed dentist and a licensed addiction counselor, each supporting restoration of applicant's license.

Additional attachments to the application:

None.

INVESTIGATIVE INFORMATION

The packet provided by OPD contains the following information from the investigation that resulted from the filing of the application for restoration:

- January 22, 2007 report of the OPD investigator reviewing the application. The report reiterates the information set forth in the application. Persons who submitted affidavits supporting applicant's license restoration do not appear to have been contacted by the investigator. The investigator indicated applicant advised he had been arrested three times after surrender of his license, "Which led to 2 convictions

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and one acquittal." The investigative report then cites two arrests, only one of which had reached disposition. The investigator goes on to list, "D.C.J.S. Report: All arrests are documented in file"

- A copy of a letter dated January 2, 2007 from Dennis Graziano, Director Office of Professional Medical Conduct, opposing the restoration of applicant's license to practice medicine citing lack of information in applicant's papers and questions about applicant's clinical skills.

PEER COMMITTEE MEETING

On October 18, 2007 this Peer Committee met to consider this matter. Applicant appeared before us personally and was represented by his attorney, Fred Friedman, Esq.

Also present was Michael Gary Hilf, Esq., an attorney from the Division of Prosecutions, OPD.

Applicant testified in support of his application for restoration and presented the testimony of four witnesses, each of whom testified in support of restoration of applicant's license to practice medicine.

Applicant testified at length regarding how he became addicted to Stadol, his conviction for forging prescriptions, and his ongoing rehabilitation from addiction. Applicant has engaged in inpatient and outpatient rehabilitation, membership in a Twelve Step program, six years of private psychiatric treatment,

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involvement with the Committee for Physician Health and ongoing counseling with Nassau Alternative Counseling Center. Applicant testified the he has not abused any substance since March 2002. His description of his participation in rehabilitation programs was characterized as regular, cooperative and without relapse. Applicant completed 500 hours of education and 2000 hours of volunteer work in the field of substance abuse counseling and is credentialed as a trainee substance abuse counselor.

Applicant admitted that he has focused on rehabilitation and his reeducation has been primarily online CME courses, for which he received no credit, together with reading professional journals. Applicant explained that he does not have certificates evidencing his completion of online courses because, while he could take the courses for free, obtaining the certificate proving satisfactory completion required the payment of a fee. Applicant did not provide a list or description of the specific CME courses taken, the subject of the courses, the sponsor, or number of credit hours, individually or in total.

Applicant was able to clarify, to some degree, his arrest and conviction history. Applicant testified he was arrested based upon an allegation made by a Dr. L,\* the physician who made the professional misconduct complaint, that applicant had made calls

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\* Initials rather than names may be used in this report when referring to persons other than the applicant, committee members, the legal advisor, and those representing the parties, except as may appear in any annexed exhibit.

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to Dr. L threatening Dr. L and his wife if the allegations of misconduct were not withdrawn. Approximately one month later, applicant was charged with forging prescriptions. Applicant pled guilty to prescription forgery, was fined five hundred dollars, and was later granted relief from civil disabilities arising out of this conviction. Dr. L leveled additional charges that applicant had set fire to his office and vandalized his auto but it was ultimately found that Dr. L's wife had committed those acts for which she was convicted and sentenced.

Applicant also testified that there were criminal charges pending against him at the time of the peer review hearing for harassment arising out of a dispute with a tenant of one of the buildings applicant owns and manages. The record was kept open to allow the applicant to present evidence of the disposition of these charges and applicant submitted a disposition record showing the applicant was acquitted of the charge after a bench trial.

Applicant testified that, if his license were to be restored, he planned to practice anesthesiology in an outpatient setting such as a dental office or a gastro-intestinal practice. Applicant felt that this would allow him to practice while under the direct observation of another practitioner. Applicant stated that his self-study CME, together with his reading and research as part of a group providing medical reviews for attorneys, had allowed him to maintain and update his medical knowledge. Applicant feels that his manual skills have not suffered during his absence from



ALAN ROITMAN (23542)

practice and that he is fully capable of starting an I.V. or intubating a patient.

Carol Glanzberg, M.D. testified as applicant's treating psychiatrist. Dr. Glanzberg has been treating applicant for approximately six years. Her initial diagnosis was major depression which she treated with psychotherapy and Prozac. Within a year of beginning treatment, applicant informed Dr. Glanzberg of his addiction to Stadol. She continues to see applicant once per week and describes him as honest and truthful regarding his condition and prompt and consistent in his attendance at appointments. Dr. Glanzberg agreed that applicant is currently in good sobriety and described his recovery as "pretty stable". She described applicant as someone who recognizes his problem and knows what he has to do to stay clean.

Pamela Granda, Senior Assistant Director of the Committee for Physician's Health, is applicant's case manager with CPH. Ms Granda testified that the CPH had evaluated applicant's current condition through reports from treatment providers and monitors, as well as an in-depth interview with applicant conducted by the executive director, six clinicians and the medical director of CPH. Applicant was also examined at the direction of CPH by Marworth, a facility located in Pennsylvania, for an "official clinical evaluation of his recovery". Based upon all of the above information, CPH is advocating for the restoration of applicant's medical license. Ms. Granda testified that, based upon all of the

ALAN ROITMAN (23542)

facts concerning applicant's addiction and recovery, CPH was making a clinical recommendation that applicant was fit to practice medicine and specifically practice in the field of anesthesiology. The witness did admit that neither she nor CPH had the ability to evaluate applicant's clinical skills.

Frank H. Andrews, Program Director of Nassau Alternative Counseling Center and Certified Alcohol and Substance Abuse Counselor, has been working with applicant since 2002. Mr. Andrews described applicant as someone who participated actively in his recovery from substance abuse, has not abused drugs since entering the program, and is now in good recovery from substance abuse. He testified that, based upon his experience and interaction with applicant, he thought applicant was safe to practice with an unrestricted medical license.

Mitchell Weiler, M.D. testified as applicant's friend of approximately twenty years. Dr. Weiler testified he was surprised to learn of applicant's addiction because in the entire time he has known applicant he has never suspected him of abusing any substance. He testified he had never seen applicant take a drink. Dr. Weiler offered the opinion that, from his personal observations, applicant is in good recovery and committed to maintaining a healthy lifestyle.

Dr. Glanzberg, Mr. Andrews and Dr. Weiler were each asked in some manner whether they would allow applicant to administer

ALAN ROITMAN (23542)

anesthesia to them personally and each testified that he or she would feel comfortable having applicant as their anesthesiologist.

Mr. Hilf, on behalf of the Office of Professional Discipline, recommended that the application for restoration be denied primarily because of a lack of proof that applicant had participated in continuing profession education or any activity to maintain his clinical skills.

#### RECOMMENDATION

We have reviewed the entire record in this matter, including the written materials received before our meeting. In arriving at our recommendation, we note that, in a licensure restoration proceeding, the burden is on applicant to demonstrate that which would compel the return of the license. Greenberg v. Board of Regents of University of New York, 176 A.D. 2d, 1168, 575 N.Y.S. 2d 608, 609. In reaching our recommendation, we consider whether applicant demonstrates sufficient remorse, rehabilitation and reeducation. However, we are not necessarily limited to such formulaic criteria but may consider other factors, particularly the seriousness of the original offense and, ultimately, our judgment as to whether the health and safety of the public would be in jeopardy should the application be granted.

The Peer Committee deferred rendering a decision in this case until receipt of the disposition of the criminal charge pending against applicant. As noted above, that charge was resolved in

ALAN ROITMAN (23542)

applicant's favor with a judgment of acquittal after a bench trial.

In reviewing the evidence before us, the Committee finds applicant and the other witnesses who gave testimony to be credible witnesses. Applicant's efforts to rehabilitate himself from his substance abuse have been sincere, effective, honest and sustained. Applicant and several of the witnesses noted that, in dealing with substance abuse, there is always a possibility of relapse. However, we feel that applicant has taken every reasonable step to reduce the possibility of relapse and are satisfied that applicant presents minimal risk of relapsing into the addiction which brought about the surrender of his license.

Applicant did not specifically address the question of remorse during his testimony. However, we find, when viewed in its totality, that applicant's testimony reveals a man who is remorseful. Applicant's remorse extends beyond the failures and omissions which gave rise to his addiction; applicant regrets the personality flaws he now recognizes created the circumstances in which his misconduct arose. Applicant testified he was arrogant and self-centered. As a result of his therapy and rehabilitation, applicant describes himself as having become grateful and humble.

We recognize that in the six years since applicant surrendered his license, he has committed significant amounts of time to employment to support his family, as well as extraordinary time and effort toward his rehabilitation, study of substance

ALAN ROITMAN (23542)

abuse, and fulfilling the requirements of his agreement with the Committee for Physician's Health. Although applicant testified that he has engaged in continuing professional education on line, read professional journals ("as best as possible within my finances"), and read textbooks as part of his work as a consultant, applicant presented no evidence of the quantity, subject, or specific facts from which this committee can reasonably assess applicant's preparedness to return to practice. While much was made during both direct and cross examination about applicant's financial ability or willingness to spend money to receive certificates of completion of CME, of more concern to this committee is applicant's failure to enumerate in testimony or in writing the details which would provide the Committee a basis to evaluate applicant's efforts to remain current and competent. Applicant's witnesses provided compelling testimony as to applicant's state of recovery from his addiction, but there was no testimony from a physician in his field providing an opinion that applicant is competent to return to practice as an anesthesiologist after having not practiced a period of six years. The complete absence of specific testimony or other evidence of applicant's competence to return to the practice of medicine leaves this Committee unable to satisfy our obligation to protect the public unless the application before us is denied.

It is the unanimous recommendation of this Peer Committee that the application before us be denied.

ALAN ROITMAN (23542)

Respectfully submitted:

Florence Kavalier, MD, Chairperson

Martin Diamond, DO

Margaret Colgan, MD

REDACTED

~~Chairperson~~

~~Dated~~



**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. Botan, R.P.A.  
Vice Chair

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

March 25, 2002

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Alan Leonard Roitman, M.D.

REDACTED

RE: License No. 148930

Dear Dr. Roitman:

Enclosed please find Order #BPMC 02-87 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 25, 2002.

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,

REDACTED

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

Enclosure

cc: Ralph Erbaio, Esq.  
Lifshutz, Polland & Hoffman, P.C.  
675 Third Avenue  
New York, NY 10027



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

IN THE MATTER  
OF  
ALAN LEONARD ROITMAN, M.D.

SURRENDER  
ORDER

BPMC 02-87

Upon the application of (Respondent) ALAN LEONARD ROITMAN, M.D. to Surrender his license as a physician in the State of New York, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted and SO ORDERED, and it is further

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

- ORDERED; that this Order shall be effective upon issuance by the Board, either
- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
  - upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 3-25-02

REDACTED

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  
ALAN LEONARD ROITMAN, M.D.

SURRENDER  
of  
LICENSE

ALAN LEONARD ROITMAN, M.D., representing that all of the following statements are true, deposes and says:

That on or about December 24, 1981, I was licensed to practice as a physician in the State of New York, and issued License No. 148930 by the New York State Education Department.

My current address is REDACTED ... and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and part of this Surrender of License.

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the first specification of misconduct, in full satisfaction of the charges against me.

I ask the Board to accept the Surrender of my License.

I understand that if the Board does not accept this Surrender, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this application shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the

pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board accepts the Surrender of my License, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to accept this Surrender of License of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's acceptance of this Surrender of License, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Surrender Order for which I apply, whether administratively or judicially, and I agree to be bound by the Surrender Order.

DATED

3/19/02

REDACTED

~~ALAN LEONARD ROTHMAN, M.D.~~  
RESPONDENT

The undersigned agrees to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

DATE: 3/17/02

REDACTED

~~RALPH ERBAO, ESQ.~~  
Lifshutz, Pollard and Associates, P.C.  
Attorney for Respondent

DATE: 3/19/02

REDACTED

~~Daniel Guenzburger~~  
Associate Counsel  
Bureau of Professional  
Medical Conduct

DATE: 3/22/02

REDACTED

~~DENNIS J. GRASMANO~~  
Director  
Office of Professional  
Medical Conduct

EXHIBIT A

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

IN THE MATTER  
OF  
ALAN LEONARD ROITMAN, M.D.

STATEMENT  
OF  
CHARGES

ALAN LEONARD ROITMAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 24, 1981, by the issuance of license number 148930 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about May 22, 2000, at the Parkway Hospital, Forest Hills, New York, Respondent fell asleep while administering anesthesia to Patient A. (The patients in the Statement of Charges are identified in the annexed appendix.)
- B. On or about September 10, 2001, at the Parkway Hospital, Respondent fell asleep twice while administering anesthesia to Patient B.
- C. On or about and between January, 2000 and the present the Respondent had a psychiatric condition which impaired his ability to practice medicine.
- D. In or about and between May 22, 2000 and September 10, 2001 the Respondent practiced medicine while impaired by drugs and/or physical disability.
- E. On or about and between January 2000 and the present the Respondent prescribed Stadol to himself and various family members (Patients C, D & E,

F, and G). Respondent:

1. Inappropriately prescribed Stadol.
2. Intentionally concealed, with the intent to deceive, that he was diverting the Stadol prescribed to family members for his own use.
3. Knowingly and falsely represented the medical condition of family members when filling prescriptions; including falsely representing the medical condition of Patient C and D to CVS pharmacists Annabelle Macedo and Christine Ingrassia.  
Respondent intended to deceive.

F. Respondent engaged in the following acts to conceal his inappropriate prescribing of Stadol and his habitual use of narcotics:

1. Following the incident alleged in Paragraph A, the Parkway Hospital administration requested that the Respondent undergo a medical evaluation to determine the cause of his daytime somnolence. Respondent intentionally concealed his use of Stadol from the various specialists who evaluated him.  
Respondent intended to deceive;
2. At the request of the Office of Professional Medical Conduct ("OPMC"), the Respondent underwent a four day drug impairment evaluation (July 9 through July 12, 2000) at the William J. Farley Center ("Farley"), Williamsburg, Virginia. With the intent to deceive the drug impairment evaluators and the

OPMC, Respondent knowingly and falsely represented that he had never personally used any opioid substance, narcotic or other controlled substance;

3. Subsequent to Respondent's evaluation at the William J. Farley Center, in or about August, 2000, Respondent underwent a substance abuse evaluation with Manuel Trujillo, M.D. Respondent knowingly and falsely represented to Dr. Trujillo, with the intent to deceive, that he had never personally used any opioid substance, narcotic or other controlled substance;
4. Respondent intentionally concealed, with the intent to deceive, that he had fabricated multiple Stadol prescriptions. The prescriptions were purportedly issued by John lamatteo, M.D.
5. Respondent attempted to induce John lamatteo, M.D. to give a false statement to the OPMC with respect to the facts alleged in Paragraph F(4).
6. At an interview conducted by the Office of Professional Medical Conduct on or about May 14, 2001, [REDACTED] [REDACTED] asked the Respondent for the names of pharmacies where he filled Stadol prescriptions. Respondent intentionally concealed, with the intent to deceive, that he had filled large numbers of Stadol prescriptions at Pathmark, Genovese and Rite-Aide pharmacies.



## SPECIFICATION OF CHARGES

### FIRST SPECIFICATION HAVING A PSYCHIATRIC CONDITION WHICH IMPAIRS THE ABILITY TO PRACTICE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(8) by having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

1. Paragraphs A, B, and/or C.

### SECOND SPECIFICATION PRACTICING WHILE IMPAIRED

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(7) by practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability as alleged in the facts of the following:

2. A, B, and D

### THIRD AND FOURTH SPECIFICATION GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the facts of the following:

3. Paragraph A
4. Paragraph B

### FIFTH 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:

5. Paragraphs A, B, E, and/or E1

### SIXTH THROUGH THIRTEENTH SPECIFICATIONS FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by

N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

6. E and E2
7. E and E3
8. F and F1
9. F and F2
10. F and F3
11. F and F4
12. F and F5
13. F and F6

**FOURTEENTH SPECIFICATION  
FALSE REPORT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

14. Paragraph E and E2.

**FIFTEENTH SPECIFICATION  
MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

15. Paragraphs A, B, C, D, E, E1, E2, E3, F, F1, F2, F3, F4, F5, and/or F6

DATED: March 2002  
New York, New York

REDACTED

Roy Nemerson  
Deputy Counsel  
Bureau of Professional  
Medical Conduct