



Public

New York State Board for Professional Medical Conduct

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

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Office of Professional Medical Conduct

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Chair
Michael A. Gonzalez, R.P.A.
Vice Chair
Ansel R. Marks, M.D., J.D.
Executive Secretary

November 17, 2008

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Ottilie Tina Rose, M.D.
11 Woodland Drive
Woodbridge, CT 06525

Re: License No. 166688

Dear Dr. Rose:

Enclosed is a copy of Modification Order #BPMC 08-155 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect November 24, 2008.

If the penalty imposed by this Order is a surrender, revocation or suspension, you are required to deliver your license and registration within five (5) days of receipt of this Order and return it to the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299

Sincerely,

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

Enclosure

cc: Mary Alice Moore Leonhardt, Esq.
Moore, Leonhardt & Associates, LLC
67 Russ Street, 3rd Floor
Hartford, CT 06106

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

IN THE MATTER
OF
OTTILIE TINA ROSE, M.D.

ORDER
BPMC No. #08-155

Upon the proposed agreement of OTTILIE TINA ROSE, M.D., (Respondent), for Modification and Supplement amending Determination and Order 05-152, which is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are adopted, hereby, and so ORDERED, and 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: 11-17-2008



KENDRICK A. SEARS, M.D.
Chair
State Board for Professional
Medical Conduct

IN THE MATTER
OF
OTTILIE TINA ROSE, M.D.

MODIFICATION OF AND
SUPPLEMENT TO
DETERMINATION AND
ORDER BPMC NO. 08-155

The following Modification and Supplement is submitted to the Office of Professional Medical Conduct for its acceptance and adoption as an agreed modification of and supplement to Determination and Order BPMC No. 08-155 (hereinafter "Original Order"). The Modification and Supplement has been signed by Respondent, attorney for Respondent, and counsel for the Department of Health.

Determination and Order BPMC No. 08-155, is, modified and supplemented, hereby, to amend Paragraph 2 in the Original Order as follows:

2. Respondent is placed on five (5) years probation co-terminous and concurrent with the Connecticut probation. The terms of probation are attached, hereto, as Appendix II and are incorporated into this Order.

And to add the following paragraphs to the Original Order:

3. Respondent shall comply fully with the August 28, 2007, Consent Order of the Connecticut Board and any extension or modification thereof.
4. Respondent shall provide a written authorization for the Connecticut Board to provide the Director of OPMC with any/all information or documentation as requested by OPMC to enable OPMC to determine whether Respondent is in compliance with the Connecticut Order.
5. Respondent shall submit semi-annually a signed Compliance Declaration to the Director of OPMC, which truthfully attests whether Respondent has been in compliance with the Connecticut Order during the declaration period specified.



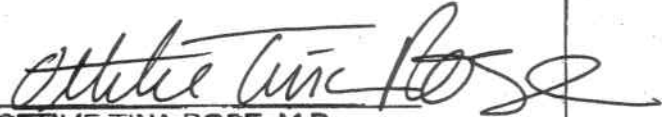
6. Should Respondent return to the practice of medicine in New York State or in any other jurisdiction where that practice is predicated on Respondent's New York State medical license to practice medicine prior to Respondent being fully restored by the State of Connecticut, Respondent shall provide ninety (90) days notice in writing, to the Director, OPMC. The Director in his sole discretion, may impose whatever limitations, or further conditions, he deems appropriate.

And to renumber Paragraph 3 as Paragraph 7 as follows:

7. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

The above changes are agreed to by and between the undersigned and are submitted to the Office of Professional Medical Conduct for acceptance and incorporation into Determination and Order BPMC No. 08-155.

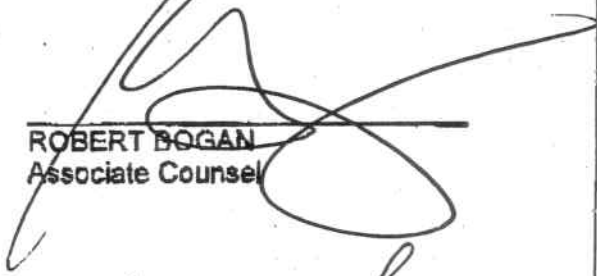
DATE: 10/22/08


 OTTILIE TINA ROSE, M.D.
 Respondent

DATE: 10/23/08


 MARY ALICE MOORE LEONHARDT
 Attorney for Respondent

DATE: 28 October 2008


 ROBERT BOGAN
 Associate Counsel

DATE: 11/14/08


 KEITH W. SERVIS
 Director
 Office of Professional Medical Conduct

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

COPY

IN THE MATTER
OF
OTTILIE TINA ROSE, M.D.

DETERMINATION

AND

ORDER

BPMC NO. 08-155

A hearing was held on July 17, 2008, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated May 6, 2008, were served upon the Respondent, **Ottilie Tina Rose, M.D.** Pursuant to Section 230(10)(e) of the Public Health Law, **Mohammad-Reza Ghazi-Moghaddam, M.D.**, Chairperson, **Raman Kaul, M.D.**, and **Richard H. Edmonds, Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.**, Administrative Law Judge, served as the Administrative Officer.

The Petitioner appeared by **Thomas Conway, Esq.**, General Counsel, by **Robert Bogan, Esq.**, of Counsel. The Respondent appeared with counsel, **Mary Alice Moore Leonhardt, Esq.**, of Hartford, Connecticut.

Evidence was received and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

STATEMENT OF THE CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing when a licensee is charged solely with a

violation of Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(b) by having been found guilty of 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 and also with violation of New York Education Law Section 6530(9)(d) by having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state.

Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

WITNESSES

For the Petitioner:	None
For the Respondent:	Otilie Tina Rose, M.D
By telephone:	Dr. Kurt Myers and Dr. Peter Jacoby,

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to transcript page numbers or exhibits, denoted by the prefixes "T." or "Ex." These citations refer to evidence found persuasive

by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. **Ottile Tina Rose, M.D.**, the Respondent, was authorized to practice medicine in New York State on July 1, 1986, by the issuance of license number 166688 by the New York State Education Department (Petitioner's Ex. 4).

2. The Respondent was a licensed Medical Doctor in the State of Connecticut holding Connecticut license number 030635. (Petitioner's Ex. 5),

3. The Respondent was charged, in 2006, in the State of Connecticut, with an episode of alcohol intoxication and excessive use of alcohol. The Respondent acknowledged this episode in a consent agreement before the Connecticut Department of Public Health and she entered into a consent agreement pursuant to Chapter 370 of the General Statutes of Connecticut in August of 2006, which placed her in a five-year rehabilitation program. (Petitioner's Ex. 5.)

4. The above consent agreement obliged the Respondent to refrain from alcohol consumption. (Petitioner's Ex. 5.)

5. The Respondent violated the 2006 Connecticut consent agreement in that between August of 2006 and May of 2007 she consumed alcohol once or twice a week. (Petitioner's Ex. 5.)

6. The above violation brought the Respondent again before the Connecticut authority and this time she entered into a Consent Agreement whereby she was placed on probation for a period of five years subject to strict monitoring whereby she was, among other provisions, obliged to enter into a regularly scheduled program of therapy with a licensed psychiatrist or psychologist trained in addiction and approved by the Connecticut Department of Health. (Petitioner's Ex. 5.)

7. The Respondent and her Attorney signed the above stated Consent Order of Probation on August 27, 2007. (Petitioner's Exhibit # 5.)

VOTE OF THE HEARING COMMITTEE

FIRST SPECIFICATION

Respondent violated New York Education Law Section 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 in New York State, in that Respondent violated a term of her probation in that she did not refrain from the use of alcohol as agreed.

VOTE: Sustained (3-0)

SECOND SPECIFICATION

Respondent violated New York Education Law Section 6530(9)(d) by having disciplinary action taken 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 in New York State, in that Respondent had violated a consent agreement and continued to consume alcohol.

VOTE: Sustained (3-0)

HEARING COMMITTEE DETERMINATION

The record in this case shows that the Respondent, was authorized to practice medicine in New York State on July 1, 1986, by the issuance of license number 166688

by the New York State Education Department and that she was also a licensed Medical Doctor in the State of Connecticut holding a Connecticut medical license # 030635.

At the hearing, the Petitioner presented extensive documentation establishing that the Respondent was charged in the State of Connecticut with violation of a probation order. There was no dispute about the basic facts of the case and the State's attorney presented detailed documentation showing, by clear evidence, that the Respondent was charged, in 2006, in the State of Connecticut with an episode of alcohol intoxication and excessive use of alcohol. It appears that the Respondent acknowledged this episode in a Consent Agreement before the Connecticut Department of Public Health and the record shows that she entered into a consent agreement pursuant to Chapter 370 of the General Statutes of Connecticut in August of 2006, which placed her in a five-year rehabilitation program.

A review of the record goes on to show that this August 2006 Consent Agreement obliged the Respondent to refrain from alcohol consumption and that she violated this Consent Agreement in that, by her own admission, between August of 2006 and May of 2007, she consumed alcohol once or twice a week. The Respondent candidly acknowledged this failure at the present hearing (T. 17) and this violation brought the Respondent again before the Connecticut authority and the record goes on to show that she entered into another Consent Agreement whereby she was placed on probation for a period of five years subject to strict monitoring whereby she was, among other provisions, obliged to enter into a regularly scheduled program of therapy with a licensed psychiatrist or psychologist trained in addiction and approved by the Connecticut Department of Health. There was no dispute about the clear fact that the Respondent and her Attorney both signed the above stated new Consent Order of Probation on August 27, 2007.

The Respondent testified on her own behalf (T. 16 *et seq.*) and did not deny the fact that she entered the above Consent Order in the State of Connecticut and that she was currently on a five-year probation for her conduct, by order of the Connecticut Board. In hopes of mitigating the New York penalty, the Respondent had two Connecticut Doctors, Dr. Kurt Myers and Dr. Peter Jacoby, testify by telephone on her behalf. These Doctors testified (T. 31 *et seq.*) that they know her and were familiar with her work and her practice. They both emphasized the fact that she is a very good and valuable Doctor and that she never misses a shift at her hospital. The Respondent's attorney also presented a copy of a letter from Dr. Myers to the Connecticut board, attesting to the good work and responsible work ethic of Dr. Rose. (Ex. C-1) and a letter from Dr. Jacoby, dated June 22, 2007, attesting, in writing, to what he had testified to over the phone at the hearing. (Ex. C-5)

Also submitted was a letter from a Physician's Assistant in the Emergency Department at Respondent's Connecticut Hospital, attesting to the value and high professionalism of Dr. Rose. (Ex. C-2) There was also submitted a similar letter, dated June 20, 2007, from a Connecticut nurse, Susan Collins (Ex. C-3) and a letter from a physician's assistant, Brooke Kokus, (Ex-6) also speaking well of the Respondent.

To complete the record, the Respondent's Attorney submitted copies of the Urine Screen Reports and the Breathalyzer Screen Reports, which had been submitted to the Connecticut Board. (Exhibits. C 7 and 8). The Hearing Committee found this testimony and documentation about the good work this Respondent is doing both credible and persuasive. One of the panel members, however, was taken aback by the fact that the Respondent who had testified about going to "Step" meetings as part of her recovery was, nevertheless, not able to answer a question about the fourth step, (T. 23). That lapse in her testimony notwithstanding, the panel, did concur in its estimation that the

Respondent was serious about her recovery, and was now in compliance with the Connecticut probation requirements.


Accordingly, the panel was unanimous in its conclusion that probation, similar to Connecticut's, would suffice to protect the people of the State of New York.

ORDER

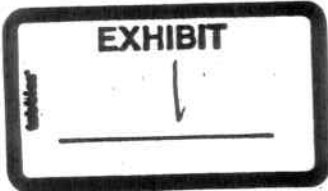
IT IS HEREBY ORDERED THAT:

1. The specifications of professional misconduct, as set forth in the Statement of Charges, are **SUSTAINED**.
2. Respondent is placed on a term of probation co-terminus and concurrent with the Connecticut probation. The terms of the Connecticut probation are attached hereto as Appendix 2 and are incorporated into this Order.
3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

**DATED: Amsterdam, New York
August, 15th, 2008**


**Mohammad-Reza Ghazi-Moghaddam, M.D.,
Chairperson
Raman Kaul, M.D.
Richard H. Edmonds, Ph.D.,**

APPENDIX I



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

IN THE MATTER
OF
OTTILIE TINA ROSE, M.D.
CO-07-11-6744-A

NOTICE OF
REFERRAL
PROCEEDING

TO: OTTILIE TINA ROSE, M.D.
11 Woodland Drive
Woodbridge, CT 06525

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of New York Public Health Law §§230(10)(p) and New York State Administrative Procedures Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 19th day of June, 2008, at 10:00 a.m., at the offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5th Floor, Troy, NY 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. JAMES F. HORAN, ACTING DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than ten days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of New York Public Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a written brief and affidavits with the Committee. Six copies of all papers you submit must be filed with the Bureau of Adjudication at the address indicated above, no later than fourteen days prior to the scheduled date of the Referral Proceeding, and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York

May 6, 2008



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

Inquiries should be addressed to:

Robert Bogan
Associate Counsel
New York State Department of Health
Office of Professional Medical Conduct
433 River Street – Suite 303
Troy, New York 12180
(518) 402-0828

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

IN THE MATTER
OF
OTTILIE TINA ROSE, M.D.
CO-07-11-6744-A

STATEMENT
OF
CHARGES

OTTILIE TINA ROSE, M.D., Respondent, was authorized to practice medicine in New York state on July 1, 1986, by the issuance of license number 166688 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about August 28, 2007, the State of Connecticut, Department of Public Health, Healthcare Systems Branch, (hereinafter "Connecticut Board"), by a Consent Order, (hereinafter "Connecticut Order"), placed Respondent's license to practice medicine on probation for five (5) years with terms and conditions, based on violating a Consent Agreement entered into by Respondent with the Connecticut Board, wherein, inter alia, Respondent was required to refrain from alcohol consumption during the rehabilitation program and Respondent violated the Consent Agreement, in that between approximately August 2006 through May 2007, she consumed alcohol one or twice per week.

B. The conduct resulting in the Connecticut Board disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following section of New York state Law:

1. New York Education Law §6530(29) (violating any term of probation or condition or limitation imposed on the licensee).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) 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, in that Petitioner charges:

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

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

DATED: *May 6*, 2008
Albany, New York

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

APPENDIX II



STATE OF CONNECTICUT
DEPARTMENT OF PUBLIC HEALTH
HEALTHCARE SYSTEMS BRANCH

In re: O. Tina Rose, MD

Petition No. 2007-0611-001-108

CONSENT ORDER

WHEREAS, O. Tina Rose of Woodbridge, Connecticut (hereinafter "respondent") has been issued license number 030635 practice medicine and surgery by the Department of Public Health (hereinafter "the Department") pursuant to Chapter 370 of the General Statutes of Connecticut, as amended; and,

WHEREAS, respondent hereby admits:

1. Due to concerns about an episode of alcohol intoxication and excessive use of alcohol, respondent entered into a confidential Consent Agreement in August 2006 which placed her in a five-year rehabilitation program.
2. The Consent Agreement required respondent to refrain from alcohol consumption during the rehabilitation program.
3. Between approximately August 2006 through May 2007 respondent violated the Consent Agreement in that she consumed alcohol once or twice per week.
4. The above described facts constitute grounds for disciplinary action pursuant to the Connecticut General Statutes §20-13c.

NOW THEREFORE, pursuant to §§19a-14, 19a-17 and 20-13c of the General Statutes of Connecticut, respondent hereby stipulates and agrees to the following:

1. Respondent hereby waives her right to a hearing on the merits of this matter.

2. Respondent's license shall be placed on probation for a period of five (5) years subject to the following terms and conditions:

a. Respondent shall participate in regularly scheduled therapy at her own expense with a licensed psychiatrist or psychologist who has training in addiction pre-approved by the Department (hereinafter "therapist").

(1) Respondent shall provide a copy of this Consent Order to her therapist.

(2) Respondent's therapist shall furnish written confirmation to the Department of his or her engagement in that capacity and receipt of a copy of this Consent Order within fifteen (15) days of the effective date of this Consent Order.

(3) If the therapist determines that therapy is no longer necessary, that a reduction in frequency of therapy sessions is warranted, or that respondent should be transferred to another therapist, the therapist shall advise the Department, and the Department shall pre-approve said termination of therapy, reduction in frequency of therapy sessions, and/or respondent's transfer to another therapist.

(4) The therapist shall submit reports monthly for the duration of probation which shall address, but not necessarily be limited to, respondent's ability to practice medicine in an alcohol and substance free state safely and competently. Said reports shall continue until the therapist determines that therapy is no longer necessary or the period of probation has terminated.

(5) The therapist shall immediately notify the Department in writing if the therapist believes respondent's continued practice poses a danger to the public, or if respondent discontinues therapy and/or terminates her or her services.

b. Respondent shall refrain from ingestion of alcohol in any form and the ingestion,

inhalation, injection or other use of any controlled substance and/or legend drug unless prescribed by a licensed health care professional authorized to prescribe medications. In the event a medical condition arises requiring treatment utilizing controlled substances, legend drugs, or alcohol in any form, respondent shall notify the Department and, upon request, provide such written documentation of the treatment as is deemed necessary by the Department.

- (1) During the probationary period, respondent at her own expense, shall submit to random observed urine screens for alcohol, controlled substances, and legend drugs in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto, with the following frequency:

During years one and two of the probationary period, she shall submit to two random observed urine screens each week.

During year three of the probationary period, she shall submit to one random observed screen each week.

During years four and five of the probationary period, she shall submit to one random observed urine screen every other week.

During the entire probationary period respondent shall also submit to random hair testing once every three months for alcohol, controlled substances, and legend drugs in accordance with Department Requirements for Drug and Alcohol Screens, attached hereto. She shall submit to such screens and hair tests on a more frequent basis if requested to do so by the therapist or the Department. Said screens and hair tests shall be administered by a facility approved by the Department. All such random screens and hair tests shall be legally defensible in that the specimen donor and chain of custody shall be identified throughout the

screening process. All laboratory reports shall state that the chain of custody procedure has been followed.

- (2) Laboratory reports of random alcohol and drug screens and/or any drug or alcohol related laboratory reports, including but not limited to results of DNA testing, shall be submitted directly to the Board and the Department by the testing laboratory. All such screens shall be negative for alcohol, controlled substances, and legend drugs, except for medications prescribed by respondent's physician. If respondent has a positive urine screen, the facility shall immediately notify the Department. All positive random drug and alcohol screens shall be confirmed by gas chromatograph/mass spectrometer testing.
 - (3) Respondent understands and agrees that if she fails to submit a urine sample when requested by her monitor, such missed screen shall be deemed a positive screen.
 - (4) Respondent shall notify each of her health care professionals of all medications prescribed for him by any and all other health care professionals.
 - (5) Respondent is hereby advised that the ingestion of poppy seeds, mouthwash and over the counter cough or cold medicines or remedies has from time to time, been raised as a defense to a positive screen result for morphine, opiates, and/or alcohol. For that reason, respondent agrees to refrain from ingesting poppy seeds in any food substances, mouthwash and over the counter cough or cold medicines or remedies during the term of this consent order. In the event respondent has a positive screen for morphine, opiates and/or alcohol, respondent agrees that the ingestion of poppy seeds and/or mouthwash and/or over the counter cold or cough medicines or remedies shall not constitute a defense to such a screen.
- c. During the entire probationary period respondent shall attend "anonymous" or similar

such support group meetings a minimum of eight to ten times per month and shall provide quarterly reports to the Department concerning her record of attendance.

- d. During the entire probationary period respondent shall provide her chief of service, employer, partner and/or associate at any hospital, clinic, partnership and/or association at which she is employed or with which she is affiliated or has privileges and at each where respondent practices as a physician throughout the probationary period, with a copy of this Consent Order within fifteen (15) days of its effective date, or within fifteen (15) days of commencement of employment at a new facility. Respondent agrees to provide reports from such employer quarterly for the entire duration of probation, stating that respondent is practicing with reasonable skill and safety and in an alcohol and substance-free state.
- f. During the entire probationary period respondent shall only practice medicine in an office and practice setting that includes other physicians. Respondent shall provide a copy of this Consent Order to each and every physician in her practice.

3. All correspondence and reports are to be addressed to:

Bonnie Pinkerton, Nurse Consultant
Department of Public Health
410 Capitol Avenue, MS #13HSR
P.O. Box 340308
Hartford, CT 06134-0308

4. All reports required by the terms of this Consent Order shall be due according to a schedule to be established by the Department of Public Health.
5. Respondent shall fully comply with all state and federal statutes and regulations applicable to her licensure.
6. Respondent shall pay all costs necessary to comply with this Consent Order.

7. Any alleged violation of any provision of this Consent Order may result in the following procedures at the discretion of the Department:
 - a. The Department shall notify respondent in writing by first-class mail that the term(s) of this Consent Order have been violated, provided that no prior written consent for deviation from said term(s) has been granted.
 - b. Said notification shall include the acts or omission(s) which violate the term(s) of this Consent Order.
 - c. Respondent shall be allowed fifteen (15) days from the date of the mailing of notification required in paragraph 7a above to demonstrate to the satisfaction of the Department that she has complied with the terms of this Consent Order or, in the alternative, that she has cured the violation in question.
 - d. If respondent does not demonstrate compliance or cure the violation by the limited fifteen (15) day date certain contained in the notification of violation to the satisfaction of the Department, she shall be entitled to a hearing before the Board which shall make a final determination of the disciplinary action to be taken.
 - e. Evidence to be presented to the Board by either the Department or respondent in any such hearing shall be limited to the alleged violation(s) of the term(s) of this Consent Order.
8. In the event respondent violates any term of this Consent Order, respondent agrees immediately to refrain from practicing as a physician and surgeon, upon request by the Department, with notice to the Board, for a period not to exceed 45 days. During that time period, respondent further agrees to cooperate with the Department in its investigation of the violation. Respondent further agrees that failure to cooperate with the Department in its investigation during said 45 day period shall constitute grounds for the Department to seek a

summary suspension of respondent's license. In any such summary action, respondent stipulates that failure to cooperate with the Department's investigation shall constitute an admission that her conduct constitutes a clear and immediate danger as required pursuant to the General Statutes of Connecticut, §§ 4-182(c) and 19a-17(c).

9. In the event respondent violates any term of this Consent Order, said violation may also constitute grounds for the Department to seek a summary suspension of her license before the Board.
10. In the event respondent is not practicing medicine for period of thirty (30) consecutive days or longer, or is practicing medicine less than twenty (20) hours per week, or is employed outside the state of Connecticut, respondent shall notify the department in writing within seven days of the occurrence of said event. During said periods of time, respondent shall continue to comply with all of the terms of this Consent Order.
11. Legal notice shall be sufficient if sent to respondent's last known address of record reported to the Practitioner Licensing and Investigations Section of the Healthcare Systems Branch of the Department.
12. This Consent Order is effective on the first day of the month immediately following the date this Consent Order is accepted and ordered by the Board.
13. Respondent understands this Consent Order is a public document and evidence of the above admitted violations in any proceeding before the Board in which her compliance with this Consent Order or §20-13c of the General States of Connecticut, as amended, is at issue. Further, respondent understands that this Consent Order will be reported to the National Practitioner Data Bank and will appear on her physician profile pursuant to Connecticut General Statutes §20-13j.

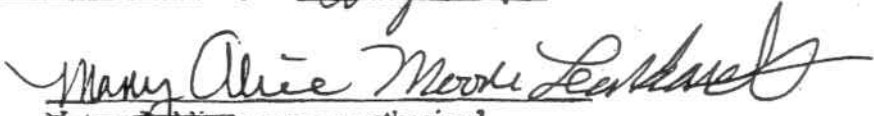
14. Any extension of time or grace period for reporting granted by the Department shall not be a waiver or preclude the Department from taking action at a later time. The Department shall not be required to grant future extensions of time or grace periods.
15. This Consent Order and terms set forth herein are not subject to reconsideration, collateral attack or judicial review under any form or in any forum. Further, that this Consent Order is not subject to appeal or review under the provisions of Chapters 54 or 368a of the General Statutes of Connecticut, provided that this stipulation shall not deprive respondent of any rights that she may have under the laws of the State of Connecticut or of the United States.
16. This Consent Order is a revocable offer of settlement which may be modified by mutual agreement or withdrawn by the Department at any time prior to its being executed by the last signatory.
17. Respondent permits a representative of the Legal Office of the Bureau of Healthcare Systems of the Department to present this Consent Order and the factual basis for this Consent Order to the Board. Respondent understands that the Board has complete and final discretion as to whether an executed Consent Order is approved or accepted.
18. Respondent understands and agrees that she is responsible for satisfying all of the terms of this Consent Order during vacations and other periods in which she is away from her residence.
19. Respondent has consulted with an attorney prior to signing this document.
20. The execution of this document has no bearing on any criminal liability without the written consent of the Director of the Medicaid Fraud Control Unit or the Bureau Chief of the Division of Criminal Justice's Statewide Prosecution Bureau.

I, O. Tina Rose, have read this Consent Order, and I stipulate and agree to the terms as set forth therein. I further declare the execution of this Consent Order to be my free act and deed.




O. Tina Rose, MD

Subscribed and sworn to before me this 27th day of August 2007.




Notary Public or person authorized
by law to administer an oath or affirmation
COMME OF THE SUPERIOR COURT

The above Consent Order having been presented to the duly appointed agent of the Commissioner of the Department of Public Health on the 20th day of August 2007, it is hereby accepted.



Jennifer Filippone, Section Chief
Practitioner Licensing and Investigations
Healthcare Systems Branch

The above Consent Order having been presented to the duly appointed agent of the Connecticut Medical Examining Board on the 20th day of August 2007, it is hereby ordered and accepted.



Connecticut Medical Examining Board