

**STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS**

**RHODE ISLAND DEPARTMENT OF HEALTH
BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

In the matter of:

JERROLD ROSENBERG, M.D.

License Number MD 07222

Controlled Substance Registration CMD 07222

Complaint Number C13-759, C13-400, C14-320, C14-440

CONSENT ORDER

Jerrold Rosenberg, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. After a review of the complaint, records, and appearances by Respondent before a Board of Medical Licensure and Discipline (hereinafter "Board") investigative committee, the Board makes the following:

FINDINGS OF FACT

1. Jerrold Rosenberg, M.D. (herineafter "Respondent") has been a licensed physician in Rhode Island since December 2, 1987. His practice is located in Providence, Rhode Island. He is a 1980 graduate of George Washington University of School of Medicine.
2. Respondent was the attending physician for several patients who had various causes of chronic pain. These patients were treated with various opioids and many were treated with a particular opioid, Subsys (sublingual fentanyl).
3. In the cases reviewed, Respondent prescribed Subsys to patients who have chronic pain, and did not clearly document the use of Subsys "off-label" or for reasons other than those approved by the FDA, such as for "break through"

cancer pain.

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4. Respondent had poor medical record-keeping. Specifically, progress notes that are not entirely legible, and did not always include vital signs. This could create difficulty for another treating provider who assumed care of these patients based on the medical record alone.
5. Respondent has in the past on occasion prescribed controlled substances to his immediate family members, primarily a cough syrup with opioid and Adderall.
6. Based on the foregoing, Respondent has engaged in unprofessional conduct as defined by Rhode Island General Laws §5-37-5.1.

Based on the foregoing, the parties agree as follows:

1. Respondent admits to the jurisdiction of the Board.
2. Respondent has reviewed this Consent Order and understands that it is subject to final approval of the Board; and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby acknowledges and waives:
 - a. The right to appear personally or by counsel or both before the Board;
 - b. The right to produce witnesses and evidence on his behalf at a hearing;
 - c. The right to cross-examine witnesses;
 - d. The right to have subpoenas issued by the Board;

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- e. The right to further procedural steps except for those specifically contained herein;
 - f. Any and all rights of appeal of this Consent Order; and
 - g. Any objection to the fact that this Consent Order will be presented to the Board for consideration and review.
4. Respondent hereby agrees to a Reprimand based on the facts referenced above.
 5. Respondent shall continue his practice of consulting with the Prescription Monitoring Program prior to prescribing a controlled substance for each patient.
 7. Respondent shall continue his practice of collecting urine toxicology screens at least every ninety (90) days for any patient who has been prescribed controlled substances for at least ninety (90) days.
 8. Respondent shall continue his practice of having a pain agreement in place for every patient who uses opioids for more than 29 days. Respondent will also continue his practice of not accepting any new chronic pain patients (unless the patient has a documented diagnosis of cancer and documented pain related to the cancer and the treatment for that cancer). Respondent agrees to continue his practice of actively weaning all of his chronic opioid patients from chronic pain medications.
 9. Respondent agrees to register for and attend Board-approved courses regarding medical records, boundary violations and appropriate opioid prescribing within twelve (12) months of ratification of this Consent Order. Respondent will engage

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Affiliated Monitors for the next twelve (12) months to monitor monthly a sufficient sample of his medical records and controlled substance prescribing.

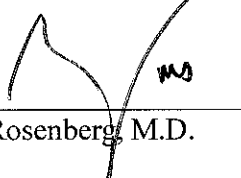
10. Respondent agrees to pay an administrative fee to the Board for costs associated with investigating this complaint. Respondent shall submit to the Board within sixty (60) days a check made payable to the Rhode Island General Treasury in the amount of \$1950.00.
11. In the event that any conditions of this Consent Order are violated after it is ratified, the Director of the Department of Health shall have the discretion to impose disciplinary action, including summary suspension of Respondent's license to practice medicine in the State of Rhode Island. If the Director suspends such license or imposed other summary discipline, Respondent shall be given notice and shall have the right to request an administrative hearing within ten (10) days of the summary action. The Director of the Department of Health shall also have the discretion to request an administrative hearing after notice to Respondent of any violation of this Consent Order.

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Signed this 8 day of September, 2014.



Jerrold Rosenberg, M.D.

Ratified by the Board of Medical Licensure and Discipline on the ___ day of
September, 2014.



Michael Fine, M.D.
Director of Health
Rhode Island Department of Health

