

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS RHODE ISLAND
DEPARTMENT OF HEALTH BOARD OF MEDICAL LICENSURE & DISCIPLINE C15-1150
DR. JERROLD ROSENBERG

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 C15-1150

CONSENT ORDER

Jerrold Rosenberg, M.D. (hereinafter "Respondent") is licensed as a physician in Rhode Island. Respondent agreed to a Consent order stemming from complaints C13-759, C13-400, C14-320 and C14-440, which was ratified on September 10, 2014. After a review of the complaint, response, and appearance 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. (hereinafter "Respondent") has been a licensed physician in Rhode Island since December 2, 1987. His practice is located in North Providence, Rhode Island. He is a 1980 graduate of George Washington University of School of Medicine.
2. Respondent agreed to a Consent Order and did not comply with the terms of the Consent order during the specified time period. Specifically, Respondent did not complete Board approved CME within 12 months of ratification of the order, nor did he engage Affiliated Monitors as agreed upon.

3. Respondent did attend and successfully complete Board approved CME and did engage Affiliated Monitors as agreed to in the previous consent order, but only after notification of his non-compliance to do so.
4. Respondent admitted he checked the Prescription Drug Monitoring Program (PDMP) for all new patients, but not at every visit thereafter. At every other patient visit, Respondent used a different database On Call Data, because it provides similar information and includes more information about prescription of non-controlled substances to check compliance with overall treatment program, and includes data on his many patients who reside in Massachusetts.
5. Respondent has continued to improve his medical record keeping and continues to be monitored by Affiliated Monitors as previously agreed upon.
6. Based on the foregoing, Respondent is in civil violation of Rhode Island General Laws §5-37-5.1. (24) *Violating any provision or provisions of this chapter or the rules and regulations of the board or any rules or regulations promulgated by the director or of an action, stipulation, or agreement of the board;*

Based on the foregoing, the parties agree as follows:

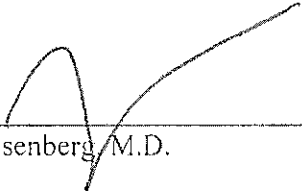
1. Respondent admits to the jurisdiction of the Board.
2. Respondent has reviewed this Consent Order and understands that it is subject to final approval of the Board; and this Consent Order is not binding on Respondent until final ratification by the Board.
3. If ratified by the Board, Respondent hereby 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;
 - 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 consult with the Prescription Monitoring Program prior to prescribing a controlled substance for each patient.
 7. Respondent shall continue as he currently does to collect 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 agrees to continue as he currently does have a pain agreement in place for every patient who uses opioids for more than 29 days. Respondent will continue as he currently does to decline any new chronic pain patients who report that they are taking more than 120 mg morphine equivalent dose per day (unless the patient has a diagnosis of active cancer, and active pain related to the cancer diagnosis). Respondent will continue as he currently does to attempt to actively wean all his chronic opioid patients from chronic pain medications.
 9. Respondent will continue to engage Affiliated Monitors for the balance of the agreed upon twelve (12) month period 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 \$850.00.

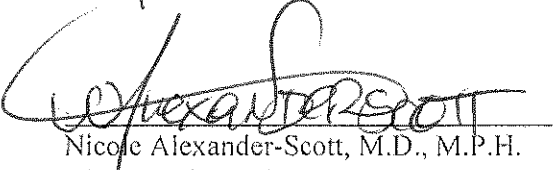
11. Respondent agrees to a seven (7) calendar day Suspension of his License and Controlled Substance Registration. The Suspension will start at midnight Thursday April 28, 2016 and end on Wednesday May 4, 2016 at 23:59 PM. Respondent's license will automatically reinstate upon completion of the seven (7) calendar day suspension.
12. 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 imposes 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.

Signed this 11 day of April, 2016.



Jerrold Rosenberg, M.D.

Ratified by the Board of Medical Licensure and Discipline on the 13th day of April, 2016.



Nicole Alexander-Scott, M.D., M.P.H.
Director of Health
Rhode Island Department of Health