

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

IN THE MATTER  
OF  
IGOR ROSIEN, M.D.

CONSENT  
ORDER

BPMC No.#08-100

Upon the application of (Respondent) Igor Rosien, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

ORDERED, that the Consent Agreement, and its terms, are adopted and it is further

ORDERED, that this Consent 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.

DATE: 6-13-2008

Redacted Signature

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KENDRICK A. SEARS, 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  
IGOR ROSIEN, M.D.

CONSENT  
AGREEMENT  
AND  
ORDER

Igor Rosien, M.D., representing that all of the following statements are true, deposes and says:

That on or about December 22, 1997, I was licensed to practice as a physician in the State of New York, and issued License No. 209198 by the New York State Education Department.

My current address is Redacted Address 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 (Board) 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 Consent Agreement.

I agree not to contest the misconduct alleged in the first specification as it pertains to the facts in paragraphs C and D, in full satisfaction of the charges against me, and agree to the following penalty:

I shall not practice emergency medicine until I have completed a clinical competency assessment in emergency medicine and have complied with the terms set forth in Exhibit "B," which is attached and part of this Consent Agreement.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall remain in continuous compliance with all requirements of N.Y. Educ Law § 6502 including but not limited to the requirements that a licensee shall register and continue to be registered with the New York State Education Department (except during periods of actual suspension) and that a licensee shall pay all registration fees. Respondent shall not exercise the option provided in N.Y. Educ. Law § 6502(4) to avoid registration and payment of fees. This condition shall take effect 30 days after the Consent Order's effective date and will continue so long as Respondent remains a licensee in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Consent Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Consent Order. Respondent shall meet with a person designated by the Director of OPMC, as directed.

Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I stipulate that my failure to comply with any conditions of this Consent

Order shall constitute misconduct as defined by N.Y. Educ. Law § 6530(29).

I agree that, if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement 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 N.Y. Pub. Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Consent Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first. The Consent Order, this agreement, and all attached Exhibits shall be public documents, with only patient identities, if any, redacted. As public documents, they may be posted on the Department's website.

I stipulate that the proposed sanction and Consent Order are authorized by N.Y. Pub. Health Law §§ 230 and 230-a, and that the Board and OPMC have the requisite powers to carry out all included terms. I ask the Board to adopt this

Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, 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 Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and I ask that the Board adopt this Consent Agreement.

I understand and agree that the attorney for the Department, the Director of OPMC and the Chair of the Board each retain complete discretion either to enter into the proposed agreement and Consent Order, based upon my application, or to decline to do so. I further understand and agree that no prior or separate written or oral communication can limit that discretion.

DATE 5/26/08

Redacted Signature

 IGOR ROSIEN, M.D.  
Respondent

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE: 05/26/08

Redacted Signature

THOMAS M. PRATO, ESQ.  
Attorney for Respondent

DATE: 05/30/08

Redacted Signature

VALERIE B. DONOVAN  
Associate Counsel  
Bureau of Professional Medical Conduct

DATE: 6/12/08

Redacted Signature

KEITH W. SERVIS  
Director  
Office of Professional Medical Conduct

Exhibit "A"

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

IN THE MATTER  
OF  
IGOR ROSIEN, M.D.

STATEMENT  
OF  
CHARGES

IGOR ROSIEN, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 22, 1997, by the issuance of license number 209198 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

- A. On or around May 12, 2005, Respondent provided medical care to Patient A (patients are identified in Appendix "A" attached hereto), a 25-year-old male who presented to Lakeside Memorial Hospital (LMH) Emergency Department with complaints of fever, chills, joint aches, headache, diarrhea, lethargy and weakness. Respondent's treatment and/or care of Patient A did not meet acceptable standards in that Respondent failed to consider a diagnosis of bacterial sepsis and/or failed to administer appropriate intravenous antibiotics for Patient A.
- B. On or around February 5, 2006, Respondent provided medical care to Patient B, who presented to the LMH Emergency Department with complaints of lower abdominal cramping and vaginal bleeding, and who reported positive results from pregnancy tests. Respondent's treatment and/or care of Patient B did not meet acceptable standards in that

Respondent failed to perform an internal pelvic exam and/or order an appropriate ultrasound.

- C. On or around December 10, 2003, Respondent provided medical care to Patient C, an 81-year-old diabetic male who presented to the LMH Emergency Department with complaints of exhaustion, chills and having difficulty staying awake. Respondent's treatment and/or care of Patient C did not meet acceptable standards in that after treating Patient C's elevated blood sugar level with insulin and appropriate fluids, Respondent failed to repeat the blood sugar laboratory test prior to discharging the patient.
- D. On or around June 17 and 18, 2003, Respondent provided medical care to Patient D, a 68-year-old female who presented to LMH with complaints of weakness, dizziness and periods of confusion associated with unsteadiness of gait. Respondent's treatment and/or care of Patient D did not meet acceptable standards in that Respondent failed to perform or record balance tests, failed to order a CT and/or failed to further investigate the cause of Patient D's symptoms.

### **SPECIFICATION OF CHARGES**

#### **FIRST 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 following:

1. The facts in Paragraphs A, B, C, and/or D.

**SECOND SPECIFICATION**

**INCOMPETENCE ON MORE THAN ONE OCCASION**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(5) by practicing the profession of medicine with incompetence on more than one occasion as alleged in the following:

2. The facts in Paragraphs A, B, C, and/or D.

DATE: May *30*, 2008  
Albany, New York

Redacted Signature

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

Exhibit "B"

**CLINICAL COMPETENCY ASSESSMENT**

1. Respondent shall obtain a clinical competency assessment (CCA) performed by a program for such assessment as directed by the Director of the Office of Professional Conduct (OPMC). Respondent shall cause a written report of such assessment to be provided directly to the Director of OPMC within sixty (60) days of the completion of the assessment.
  - a. Respondent shall be responsible for all expenses related to the CCA and shall provide to the Director of OPMC proof of full payment of all costs that may be charged. This shall not be satisfied in the absence of actual receipt, by the Director, of such documentation.
2. At the direction of the Board and within 60 days following the completion of the CCA the Respondent shall identify a Preceptor, preferably a physician who is board certified in the same specialty, to be approved in writing, by the Director of OPMC. The Respondent shall cause the Preceptor to:
  - a. Develop and submit to the Director of OPMC for written approval a remediation plan, which addresses any deficiencies /retraining recommendations identified in the CCA. Additionally, this proposal shall establish a time frame for completion of the remediation program.
  - b. Submit progress reports at periods identified by OPMC certifying whether the Respondent is fully participating in the personalized continuing medical education program and is making satisfactory progress towards the completion of the approved remediation plan.
  - c. Report immediately to the Director of OPMC if the Respondent withdraws from the program and report promptly to OPMC any significant pattern of non-compliance by the Respondent.
  - d. At the conclusion of the program, submit to the Director of OPMC a detailed assessment of the progress made by the Respondent toward remediation of all identified deficiencies.
3. Respondent shall be solely responsible for all expenses associated with these terms, including fees, if any, for the clinical competency assessment, the personalized continuing medical education program, or to the monitoring physician.