



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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NYS Department of Health

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

PUBLIC

November 27, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Jerome Rothbaum, M.D.
5486 East Placita Del Maquite
Tucson, AZ 85712

RE: License No. 083225

Dear Dr. Rothbaum:

Enclosed please find Order #BPMC 02-358 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect November 27, 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,

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

Board for Professional Medical Conduct

Enclosure
cc:

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

IN THE MATTER
OF
JEROME ROTHBAUM, M.D.
CO-02-09-4577-A

SURRENDER
ORDER

02-358

JEROME ROTHBAUM, M.D., says:

On or about September 21, 1959, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 083225 by the New York State Education Department. I currently reside at 5486 East Placita Del Maquite, Tucson, AZ 85712.

I am not currently registered with the New York State Education Department to practice as a physician assistant in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I have not practiced medicine in New York state for many years and do not intend to return to the practice of medicine in New York state. I am, therefore, applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license to practice medicine in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or

construed to be an admission of any act of misconduct alleged or charged against me, such proposed agreement shall not be used against me in any way, and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

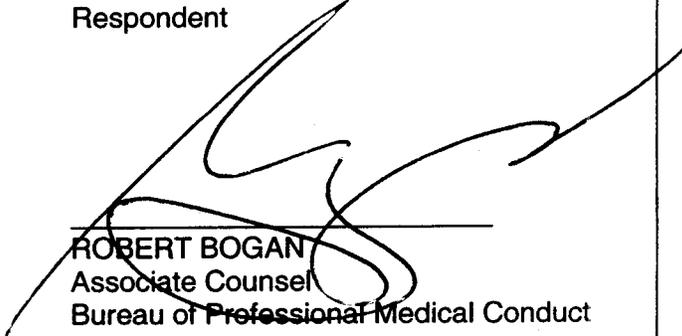
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: Nov 20, 2002


JEROME ROTHBAUM, M.D.
Respondent

AGREED TO:

Date: 21 November, 2002


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 21 November, 2002


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

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

IN THE MATTER	STATEMENT
OF	OF
JEROME ROTHBAUM, M.D.	CHARGES
CO-02-09-4577-A	

JEROME ROTHBAUM, M.D., the Respondent, was authorized to practice medicine in New York state on September 21, 1959, by the issuance of license number 083225 by the New York State Education Department.

FACTUAL ALLEGATIONS

A On or about June 5, 2002, the Arizona Board of Medical Examiners (hereinafter "Arizona Board"), by a Findings of Fact, Conclusions of Law and Order (hereinafter "Arizona Order"), issued Respondent a Letter of Reprimand and placed him on probation for one (1) year with terms and conditions, based on failing or refusing to maintain adequate records on a patient; conduct or practice that is or might be harmful or dangerous to the health of the patient or the public; and/or gross negligence, repeated negligence or negligence resulting in harm to or the death of a patient.

B. The conduct resulting in the Arizona Board disciplinary action against Respondent would constitute misconduct under the laws of New York State, pursuant to the following sections of New York State law:

1. New York Education Law §6530(3) (negligence on more than one occasion);
2. New York Education Law §6530(4) (gross negligence);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(6) (gross incompetence); and/or
5. New York Education Law §6530(32) (failing to maintain a record for each patient which accurately reflects the evaluation and treatment of the patient).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §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 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) 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, in that Petitioner charges:

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

DATED: *Oct. 11*, 2002
Albany, New York


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

ORDER

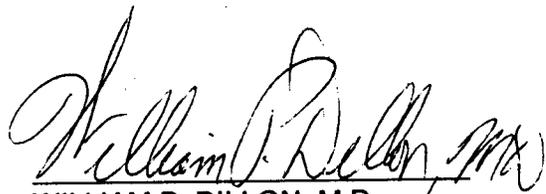
Upon the proposed agreement of **JEROME ROTHBAUM, M.D.**, to Surrender his license to practice medicine as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

ORDERED, that the proposed agreement and the provisions thereof are hereby adopted; it is further

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

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 11/26, 2002


WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct