



New York State Board for Professional Medical Conduct

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

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
Commissioner
NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

Public

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Chair

Denise M. Bolan, R.P.A.
Vice Chair

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

March 25, 2002

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Alan Leonard Roitman, M.D.

REDACTED

RE: License No. 148930

Dear Dr. Roitman:

Enclosed please find Order #BPMC 02-87 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 25, 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,

REDACTED

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

Enclosure

cc: Ralph Erbaio, Esq.
Lifshutz, Polland & Hoffman, P.C.
675 Third Avenue
New York, NY 10027

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

**IN THE MATTER
OF
ALAN LEONARD ROITMAN, M.D.**

**SURRENDER
ORDER**

BPMC 02-87

Upon the application of (Respondent) ALAN LEONARD ROITMAN, M.D. to Surrender his license as a physician in the State of New York, which is made a part of this Surrender Order, it is

ORDERED, that the Surrender, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that the name of 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, 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: 3-25-02

REDACTED

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

2)

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

IN THE MATTER
OF
ALAN LEONARD ROITMAN, M.D.

SURRENDER
of
LICENSE

ALAN LEONARD ROITMAN, M.D., representing that all of the following statements are true, deposes and says:

That on or about December 24, 1981, I was licensed to practice as a physician in the State of New York, and issued License No. 148930 by the New York State Education Department.

My current address is REDACTED 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 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 Surrender of License.

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I agree not to contest the first specification of misconduct, in full satisfaction of the charges against me.

I ask the Board to accept the Surrender of my License.

I understand that if the Board does not accept this Surrender, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this application 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 the Public Health Law.

I agree that, if the Board accepts the Surrender of my License, the Chair of the Board shall issue a Surrender Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Surrender Order by first class mail to me at the address in this Surrender of License, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

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

DATED

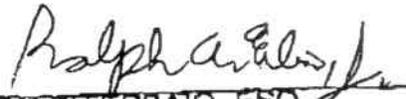
3/19/02

REDACTED

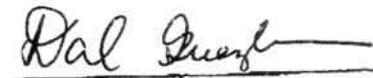
~~ALAN LEONARD ROTTMAN, M.D.~~
RESPONDENT

The undersigned agree to Respondent's attached Surrender of License and to its proposed penalty, terms and conditions.

DATE: 3/19/02


RALPH ERBATO, ESQ.
Lifshutz, Polland and Associates, P.C.
Attorney for Respondent

DATE: 3/19/02


Daniel Guenzburger
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 3/22/02


DENNIS J. GRAZIANO
Director
Office of Professional
Medical Conduct

EXHIBIT A

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

IN THE MATTER
OF
ALAN LEONARD ROITMAN, M.D.

STATEMENT
OF
CHARGES

ALAN LEONARD ROITMAN, M.D., the Respondent, was authorized to practice medicine in New York State on or about December 24, 1981, by the issuance of license number 148930 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about May 22, 2000, at the Parkway Hospital, Forest Hills, New York, Respondent fell asleep while administering anesthesia to Patient A. (The patients in the Statement of Charges are identified in the annexed appendix.)
- B. On or about September 10, 2001, at the Parkway Hospital, Respondent fell asleep twice while administering anesthesia to Patient B.
- C. On or about and between January, 2000 and the present the Respondent had a psychiatric condition which impaired his ability to practice medicine.
- D. In or about and between May 22, 2000 and September 10, 2001 the Respondent practiced medicine while impaired by drugs and/or physical disability.
- E. On or about and between January 2000 and the present the Respondent prescribed Stadol to himself and various family members (Patients C, D E,

F, and G). Respondent:

1. Inappropriately prescribed Stadol.
2. Intentionally concealed, with the intent to deceive, that he was diverting the Stadol prescribed to family members for his own use.
3. Knowingly and falsely represented the medical condition of family members when filling prescriptions, including falsely representing the medical condition of Patient C and D to CVS pharmacists Annabelle Macedo and Christine Ingrassia.
Respondent intended to deceive.

F. Respondent engaged in the following acts to conceal his inappropriate prescribing of Stadol and his habitual use of narcotics:

1. Following the incident alleged in Paragraph A, the Parkway Hospital administration requested that the Respondent undergo a medical evaluation to determine the cause of his daytime somnolence. Respondent intentionally concealed his use of Stadol from the various specialists who evaluated him.
Respondent intended to deceive;
2. At the request of the Office of Professional Medical Conduct ("OPMC"), the Respondent underwent a four day drug impairment evaluation (July 9 through July 12, 2000) at the William J. Farley Center ("Farley"), Williamsburg, Virginia. With the intent to deceive the drug impairment evaluators and the

OPMC, Respondent knowingly and falsely represented that he had never personally used any opioid substance, narcotic or other controlled substance;

3. Subsequent to Respondent's evaluation at the William J. Farley Center, in or about August, 2000, Respondent underwent a substance abuse evaluation with Manual Trujillo, M.D. Respondent knowingly and falsely represented to Dr. Trujillo, with the intent to deceive, that he had never personally used any opioid substance, narcotic or other controlled substance;
4. Respondent intentionally concealed, with the intent to deceive, that he had fabricated multiple Stadol prescriptions. The prescriptions were purportedly issued by John Iamatteo, M.D.
5. Respondent attempted to induce John Iamatteo, M.D. to give a false statement to the OPMC with respect to the facts alleged in Paragraph F(4).
6. At an interview conducted by the Office of Professional Medical Conduct on or about May 14, 2001, [REDACTED] [REDACTED] asked the Respondent for the names of pharmacies where he filled Stadol prescriptions. Respondent intentionally concealed, with the intent to deceive, that he had filled large numbers of Stadol prescriptions at Pathmark, Genovese and Rite-Aide pharmacies.

SPECIFICATION OF CHARGES

**FIRST SPECIFICATION
HAVING A
PSYCHIATRIC CONDITION WHICH IMPAIRS
THE ABILITY TO PRACTICE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(8) by having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

1. Paragraphs A, B, and/or C.

**SECOND SPECIFICATION
PRACTICING WHILE IMPAIRED**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(7) by practicing the profession while impaired by alcohol, drugs, physical disability, or mental disability as alleged in the facts of the following:

2. A, B, and D

**THIRD AND FOURTH SPECIFICATION
GROSS NEGLIGENCE**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of medicine with gross negligence on a particular occasion as alleged in the facts of the following:

3. Paragraph A
4. Paragraph B

**FIFTH 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 facts of two or more of the following:

5. Paragraphs A, B, E, and/or E1

**SIXTH THROUGH THIRTEENTH SPECIFICATIONS
FRAUDULENT PRACTICE**

Respondent is charged with committing professional misconduct as defined by

N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

6. E and E2
7. E and E3
8. F and F1
9. F and F2
10. F and F3
11. F and F4
12. F and F5
13. F and F6

**FOURTEENTH SPECIFICATION
FALSE REPORT**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by wilfully making or filing a false report, or failing to file a report required by law or by the department of health or the education department, as alleged in the facts of:

14. Paragraph E and E2.

**FIFTEENTH SPECIFICATION
MORAL UNFITNESS**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

15. Paragraphs A, B, C, D, E, E1, E2, E3, F, F1, F2, F3, F4, F5, and/or F6

DATED: March, 2002
New York, New York

REDACTED

Roy Nemerson
Deputy Counsel
Bureau of Professional
Medical Conduct