



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

William P. Dillon, M.D.
Chair

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

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

February 28, 2002

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Joel Mark Rosenberg, M.D.
101 Union Avenue
Syracuse, NY 13203

RE: License No. 167087

Dear Dr. Rosenberg:

Enclosed please find Order #BPMC 02-65 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect February 28, 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: George H. Lowe, Esq.
Bond, Schoeneck and King, LLP
One Lincoln Center
Syracuse, New York 13202

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

IN THE MATTER
OF
JOEL MARK ROSENBERG, M.D.
SY-01-04-1888-C

CONSENT
AGREEMENT
AND ORDER

BPMC No. 02-65

JOEL MARK ROSENBERG, M.D., (Respondent) being duly sworn deposes and says:

That on or about July 17, 1986, I was licensed to practice as a physician in the State of New York, having been issued License No. 167087 by the New York State Education Department.

My current address is 101 Union Avenue, Syracuse, New York 13203, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with one (1) specification of professional misconduct.

A copy of the Amended Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A."

I agree not to contest the one (1) specification, in full satisfaction of the charges against me, and agree, hereby, to the following penalty:

\$100,000.00 fine payable in full within thirty (30) days of the effective date of this Consent Agreement and Order;

Forty-five (45) day suspension of my New York State license to practice medicine as set forth in Exhibit "B";

Cardiac Surgery Associates of CNY, P.C. and I shall comply with, and not violate, breach or default any provisions of the April 18, 2001, Integrity Agreement with the Office of Inspector General of the Department of Health and Human Services. Any non-compliance, violation, breach or default of the April 18, 2001, Integrity Agreement shall constitute misconduct as defined by New York Education Law §6530(29); and

I shall cause copies of all notifications and reports required to be submitted to the Office of Inspector General of the Department of Health and Human Services, under the April 18, 2001, Integrity Agreement to be submitted simultaneously to the Director, OPMC. I shall cause copies of all notifications and reports that have already been submitted to the Office of Inspector General, to be submitted to the Director, OPMC within fifteen (15) days of the effective date of this Consent Agreement and Order.

The fine payment must be submitted to the Bureau of Accounts Management, New York State Department of Health, Empire State Plaza, Corning Tower, Room 1245, Albany, New York 12237-0016. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes, but is not limited to, the imposition of interest, late payment charges, and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or license [Tax Law section 171(27); State Finance Law Section 18; CPLR section 5001; Executive Law section 32].

I further agree that the Consent Order for which I, hereby, apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of his license with the New York State Education Department, Division of Professional Licensing Services and pay all registration fees. This condition shall be in effect beginning thirty (30) days after the effective date of the Consent Order, and will continue while the licensee possesses

his license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent which arise as the result of this Order. Respondent shall respond in a timely manner to each and every request by OPMC to provide written, periodic verification of Respondent's compliance with the terms of this Order.

Respondent shall meet with a person designated by the Director, OPMC, as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue until April 17, 2006, upon which the Integrity Agreement of April 18, 2001, terminates.

I, hereby, stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

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

I, hereby, make this application to the State Board for Professional Medical Conduct (the Board) and request that it be granted.

I understand that, in the event that this application is not granted by the Board, 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 application 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board 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. I agree that such order

shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Consent Order to me at the address set forth in this agreement or to my attorney or upon transmission via facsimile to me or my attorney, whichever is earliest.

I am making this application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner, in consideration of the value to me of the acceptance by the Board of this application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits. I knowingly waive any right I may have to contest the Consent Order for which I, hereby, apply, whether administratively or judicially, and ask that the application be granted.

AFFIRMED:

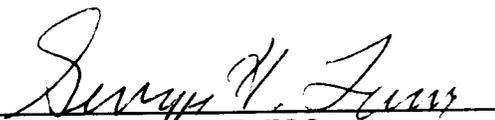
DATED: 2/25/02



JOEL MARK ROSENBERG, M.D.
Respondent

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

DATE: 2/26/02



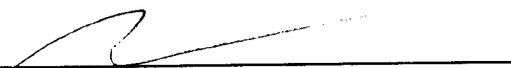
GEORGE H. LOWE, ESQ.
Attorney for Respondent

DATE: 27 February 2002



ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

DATE: 27 February 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
OF
JOEL MARK ROSENBERG, M.D.

AMENDED
STATEMENT
OF
CHARGES

JOEL MARK ROSENBERG, M.D., the Respondent, was authorized to practice medicine in New York state on July 17, 1986, by the issuance of license number 167087 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about April 18, 2001, in the United States District Court, Northern District of New York, Respondent was found guilty of Conversion of Public Money not exceeding \$100.00, in violation of Title 18, U.S.C. §641(1) and §2, and was sentenced to a \$100,000.00 fine, \$1,000.00 restitution, and a \$25.00 special assessment.

SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) by having been convicted of committing an act constituting a crime under federal law, in that Petitioner charges:

1. The facts in paragraph A.

DATED: *February 27*, 2002
Albany, New York


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

EXHIBIT B

I shall serve my forty-five (45) day suspension, in fifteen (15) day terms as set forth herein:

1. Beginning at 0001 hours, April 5, 2002, and ending at 2400 hours, April 19, 2002;
2. Beginning at 0001 hours, November 9, 2002, and ending at 2400 hours, November 23, 2002;
3. Beginning at 0001 hours, April 5, 2003, and ending at 2400 hours, April 19, 2003.

Within fifteen (15) days of the completion of each of the above periods of suspension I shall submit to the Director, OPMC, a written, signed statement, affirming that I did not practice medicine during the period of suspension.

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

IN THE MATTER
OF
JOEL MARK ROSENBERG, M.D.

CONSENT
ORDER

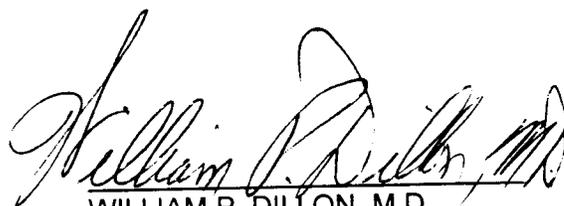
Upon the proposed agreement of **JOEL MARK ROSENBERG, M.D.**, (Respondent) for a Consent Order, which application is made a part hereof, it is agreed and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 2/28/02



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