



Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.
Commissioner

C. Maynard Guest, M.D.
Executive Secretary

August 29, 1995

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Byron David Roseman, M.D.
Five Douglas Road
Chelmsford, Massachusetts 01824

RE: License No. 116152

Effective Date: 09/05/95

Dear Dr. Roseman:

Enclosed please find Order #BPMC 95-192 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Joseph Huberty, Esq.

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

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IN THE MATTER :
OF : ORDER
BYRON DAVID ROSEMAN, M.D. : BPMC #95-192

-----X

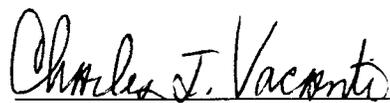
Upon the Application of BYRON DAVID ROSEMAN, M.D.
(Respondent) to Surrender his/her license as a physician in the
State of New York, which application is made a part hereof, it is
ORDERED, that the application and the provisions thereof are
hereby adopted; it is further

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 take effect as of the date of
the personal service of this order upon Respondent, upon receipt
by Respondent of this order via certified mail, or seven days
after mailing of this order via certified mail, whichever is
earliest.

SO ORDERED,

DATED: 23 August 1995



CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

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

IN THE MATTER : APPLICATION TO
OF : SURRENDER
BYRON DAVID ROSEMAN, M.D. : LICENSE
-----X

COMMONWEALTH OF MASSACHUSETTS)
COUNTY OF) ss.:

BYRON DAVID ROSEMAN, M.D., being duly sworn, deposes and says:

On or about June 6, 1973 I was licensed to practice as a physician in the State of New York having been issued license number 116152 by the New York State Education Department.

I am currently not registered as a physician in the State of New York. My address, as shown on my last registration with the New York State Education Department is Five Douglas Road, Chelmsford, Massachusetts 01824.

I understand that I have been charged with two (2) specifications of misconduct as set forth in the Statement of Charges annexed hereto and marked Exhibit "A".

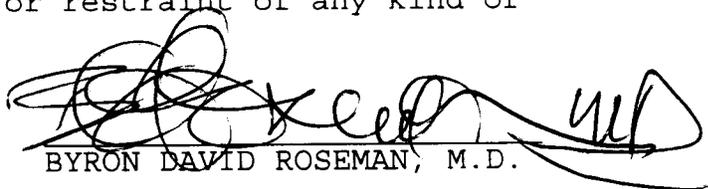
I hereby make application to the State Board for Professional Medical Conduct for permission to surrender my license to practice medicine in the State of New York on the ground that I do not contest the Second Specification of professional misconduct set forth in the Statement of Charges annexed hereto.

I hereby make this application to the State Board For Professional Medical Conduct and request that it be granted.

I understand that in the event that the application is not granted by the State Board For Professional Medical Conduct, nothing contained herein shall be binding on 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 proceedings against me; 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 State Board For Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

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


BYRON DAVID ROSEMAN, M.D.

Sworn to before me this
8th day of August 1995

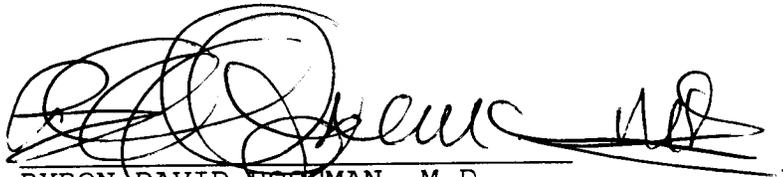

Notary Public, State of Massachusetts
My Comm. Exp. 11 / 6 / 98

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

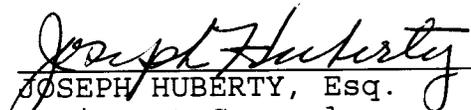
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IN THE MATTER : APPLICATION TO
OF : SURRENDER
BYRON DAVID ROSEMAN, M.D. : LICENSE
-----X

The undersigned agree to the attached application of Respondent to surrender his license to practice medicine in New York State.

Date: July 1995


BYRON DAVID ROSEMAN, M.D.
Respondent

Date: ~~July~~ ^{August 1st} 8, 1995


JOSEPH HUBERTY, Esq.
Assistant Counsel
Bureau of Professional Medical
Conduct

Date: August 22, 1995


KATHLEEN M. TANNER
Director, Office of
Professional Medical Conduct

Date: August 23, 1995


CHARLES J. VACANTI, M.D.
Chairperson, State Board For
Professional Medical Conduct

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

-----X

IN THE MATTER : STATEMENT
OF : OF
BYRON DAVID ROSEMAN, M.D. : CHARGES

-----X

Byron David Roseman, M.D., the Respondent, was authorized to practice medicine in New York State on June 6, 1973 by the issuance of license number 116152 by the New York State Education Department. Respondent is not currently registered to practice medicine in New York State. Respondent's address as shown on Respondent's last registration with the New York State Education Department is Five Douglas Road, Chelmsford, Massachusetts 01824.

FACTUAL ALLEGATIONS

A. Upon stipulated facts, on or about September 24, 1993 Respondent entered into a Consent Judgment with The Board of Registration of Medicine of the Commonwealth of Massachusetts (hereinafter Massachusetts Board) which was accepted and entered by that Board on October 13, 1993.

B. By the aforesaid stipulation, Respondent, a pediatrician, admitted that on several office visits he had greeted a particular infant patient's mother with a kiss on the cheek; that on another office visit Respondent kissed the same woman on the

EXHIBIT¹
= A

lips and on one subsequent office visit Respondent embraced the infant's mother, kissed her on the lips and touched her clothed breast.

C. The Massachusetts Board found and concluded that Respondent was guilty of professional misconduct in violation of 243 CMR 1.03(5)(a)18 and disciplined Respondent by issuing a Reprimand and suspending Respondent from the practice of medicine in the state of Massachusetts for a period of one(1) year.

D. The conduct admitted by Respondent, found by the Massachusetts Board and described in paragraph B hereof, if committed in New York State would constitute conduct in the practice of medicine which evidences moral unfitness to practice medicine, a violation of NY Educ. Law Sec. 6530(20) [formerly NY Educ. Law Sec. 6509(9)(8 NYCRR 29.1(5))].

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

HAVING BEEN FOUND GUILTY OF PROFESSIONAL MISCONDUCT

BY A DISCIPLINARY AGENCY OF ANOTHER STATE

Petitioner charges Respondent with professional misconduct in that Respondent was 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 pursuant to NY Educ. Law 6530(9)(b) in that

Petitioner charges:

1. The facts in paragraphs A, B, C and D.

SECOND SPECIFICATION

HAVING DISCIPLINARY ACTION TAKEN BY ANOTHER STATE

Petitioner charges Respondent with professional misconduct in that Respondent was issued a reprimand and had his license to practice medicine suspended by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the reprimand and suspension of Respondent's license would, if committed in New York State, constitute professional misconduct under the laws of New York State pursuant to NY Educ. Law 6530(9)(d) in that Petitioner charges:

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

Dated: Albany, New York
July 5, 1995



PETER D. VAN BUREN
DEPUTY COUNSEL
BUREAU OF PROFESSIONAL MEDICAL
CONDUCT

Address Inquires To:
Joseph Huberty, Asst. Counsel
(518) 473-4282

AFFIDAVIT OF PERSONAL SERVICE

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

IN THE MATTER OF

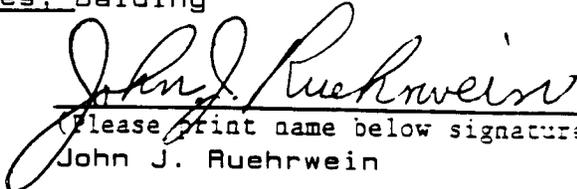
BYRON DAVID ROSEMAN, M.D.

STATE OF MASSACHUSETTS
COUNTY OF MIDDLESEX

John J. Ruehrwein, being duly sworn, deposes and says,
that he served the annexed NOTICE OF REFERRAL PROCEEDING, STATEMENT OF
CHARGES, SUMMARY OF NYS HEALTH HEARING RULES
in the above entitled action or proceeding upon _____
BYRON DAVID ROSEMAN, M.D., the person named therein as defendant/respondent
at 10 Brentwood Rd., Chelmsford, Mass. on July 13 19 95
at _____ AM 6:25 PM, by personally delivering to and leaving with said
BYRON DAVID ROSEMAN, M.D. a true copy thereof, and that he knew
the person so served to be the person mentioned and described in said NOTICE
OF REFERRAL PROCEEDING, STATEMENT OF CHARGES, SUMMARY OF NYS HEALTH HEARING
RULES

Description of person served:

Approximate age: 66 Weight: 160
Height: 5'9" Sex: M Color of skin W
Color of Hair Black Other: Glasses, Balding


(Please print name below signature)
John J. Ruehrwein

Sworn to before me this 13
day of July 1995


NOTARY PUBLIC

My Commission Expires JULY 20, 2001



ALEXANDER POOLE & CO., INC.
11 N. PEARL ST., P.O. BOX 69
ALBANY, N. Y. 12201