

FILED

Department of Professional Regulation  
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE

*Paul Cope*

CLERK

DATE October 12, 1989

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

-vs-

DPR CASE NUMBER: 0100515  
LICENSE NUMBER: ME 0049592

ARTHUR CHARLES ROSENBLATT, M.D.,

Respondent.

FINAL ORDER


THIS MATTER came before the Board of Medicine (Board) pursuant to Section 120.57(3), Florida Statutes, on October 7, 1989, in Tampa, Florida, for consideration of a Stipulation (attached hereto as Exhibit A) entered into between the parties in the above-styled case. Upon consideration of the Stipulation, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Stipulation as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all of the terms and conditions of the Stipulation.

This Order takes effect upon filing with the Clerk of the Department.

DONE AND ORDERED this 7 day of October, 1989.

BOARD OF MEDICINE

  
FUAD S. ASHKAR, M.D.  
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Arthur Charles Rosenblatt, M.D., Route 3, 1606 Highway 64 West, Wauchula, Florida 33873, and by interoffice delivery to Larry G. McPherson, Jr., Attorney at Law, Department of Professional Regulation, Northwood Centre, 1940 North Monroe Street, Tallahassee, Florida 32399-0792, at or before 5:00 P.M., this 12 day of October, 1989.

  
Arthur Charles Rosenblatt

MAIL RECEIVED  
AUG 18 1989

STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

VS.

DOAH CASE NO. 89-2525  
DPR CASE NO. 0100515

ARTHUR CHARLES ROSENBLATT, M.D.,

Respondent.

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STIPULATION

Arthur Charles Rosenblatt, M.D., referred to as Respondent, and the Department of Professional Regulation, referred to as Department, stipulate and agree to the following joint Stipulation and Final Order of the Board of Medicine, referred to as Board, incorporating this Stipulation and agreement in this case.

STIPULATED FACTS

1. At all times material to this matter, Respondent was a licensed physician in the State of Florida having been issued license number ME 0049592.
2. Respondent was charged by an Administrative Complaint filed by the Department and properly served upon Respondent with violations of Chapter 458, Florida Statutes, and the rules enacted pursuant thereto. A true and correct copy of the Administrative Complaint is attached and incorporated by reference as Exhibit A.

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3. Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint attached as Exhibit A.

STIPULATED CONCLUSIONS OF LAW

1. Respondent, in his capacity as a licensed physician, admits that in such capacity he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts set forth in the Administrative Complaint, attached hereto as Exhibit "A", if proven, constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.

STIPULATED DISPOSITION

1. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto.

2. The Respondent shall receive a reprimand from the Board of Medicine.

3. Effective on the date of the filing of the Final Order incorporating the terms of this Stipulation, Respondent's license to practice medicine shall be placed on probation for a period of three (3) years, to run concurrently with the probationary period included in the Final Order of the Board of Medicine, filed April 19, 1989. The terms and conditions of probation shall include:

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a. Respondent shall comply with all state and federal statutes, rules and regulations pertaining to the practice of medicine, including Chapters 455, 458, and 893, Florida Statutes, and Rule 21M, Florida Administrative Code.

b. Respondent shall appear before the Board's designated probationer's committee at the first meeting after said probation commences, at the last meeting of the Board's designated probationer's committee preceding termination of the probation, quarterly and at such other times as requested by the Board's probationer's committee. Failure of Respondent to appear as requested or directed shall be considered a violation of the terms of this Stipulation, and shall subject the Respondent to disciplinary action.

c. In the event the Respondent leaves the State of Florida for a period of thirty days or more or otherwise does not engage in the active practice of medicine in the State of Florida, then certain provisions of Respondent's probation (and only those provisions of said probation) shall be tolled as enumerated below and shall remain in a tolled status until Respondent returns to active practice in the State of Florida. Respondent must keep current residence and business addresses on file with the Board. Respondent shall notify the Board within ten (10) days of any changes of said addresses. Furthermore, Respondent shall notify the Board within ten (10) days in the event that Respondent leaves the active practice of medicine in Florida.

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d. In the event that Respondent leaves the active practice of medicine in this state for a period of thirty days or more, the following provisions of his probation shall be tolled:

1. The time period of probation shall be tolled.

2. The provisions regarding preparation of investigative reports detailing compliance with this Stipulation shall be tolled. See paragraphs 3g below.

3. The community service requirements detailed in paragraph 3i below shall be tolled.

e. In the event that Respondent leaves the active practice of medicine for a period of one year or more, the Probationers' Committee may require Respondent to appear before the Probationers' Committee and demonstrate his ability to practice medicine with skill and safety to patients prior to resuming the practice of medicine in this State.

f. Respondent shall submit quarterly reports, in affidavit form, the contents of which shall be specified by the Board. The reports shall include:

i. Brief statement of why physician is on probation.

ii. Description of practice location.

iii. Describe current practice (type and composition).

iv. Brief statement of compliance with probationary terms.

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v. Copy of a telephone log maintained by Respondent of all calls received at his residence from any hospital concerning the care, treatment or status of his patients.

g. Respondent understands that during the course of the probation quarterly reports shall be prepared by investigators with the Department detailing Respondent's compliance with the terms and conditions of this probation. Respondent waives confidentiality of these reports as to the Department only so that the Board may review these reports.

h. Respondent shall comply with all of the terms and conditions of the Stipulation.

i. Respondent shall perform thirty (30) hours of community service in a not-for profit setting, outside of the physician's office, per year. Community service shall consist of medical service without fee for the good of the people of the State of Florida. Respondent shall submit a written plan for performance and completion of the community service to the probationer's committee for approval prior to performance of said community service. Affidavits detailing the community service performed shall be filed with the Board.

j. Respondent shall pay all costs necessary to comply with the terms of the Final Order issued based on this Stipulation. Such costs include, but are not limited to, the cost of preparation of investigative reports detailing compliance with the terms of this Stipulation and the Board's administrative costs directly associated with Respondent's probation. See Section 458.331(2), Florida Statutes.

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4. It is expressly understood that this Stipulation is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs of the Stipulated Facts, Stipulated Conclusions of Law and Stipulated Disposition) shall have no force and effect unless a Final Order is entered incorporating the terms of this Stipulation, by the Board.

5. Respondent shall appear before the Board at the meeting of the Board where this Stipulation is considered. Respondent, in conjunction with the consideration of this Stipulation by the Board, shall respond to questions under oath from the Board, Board Staff or Department Staff.

6. Should this Stipulation be rejected, no statement made in furtherance of this Stipulation, by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment only.

7. Respondent and the Department fully understand that this joint Stipulation and subsequent Final Order incorporating same will in no way preclude additional proceedings by the Board and/or the Department against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit "A" herein.

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8. Upon the Board's adoption of this Stipulation, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the joint Stipulation of facts, conclusions of law and imposition of discipline, and the Final Order of the Board incorporating said Stipulation.

9. Upon the Board's adoption of this Stipulation, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution and/or defense of this proceeding. Respondent waives the right to seek any attorney's fees or costs from the Department in connection with this disciplinary proceeding.

10. This Stipulation is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Stipulation. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration of this Stipulation and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its

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APPROVED this 12th day of September, 1989.

Larry Gonzalez  
Secretary



By: Stephanie A. Daniel  
Chief Attorney  
Medical Section

LGM/mkh  
8/3/89  
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STATE OF FLORIDA  
DEPARTMENT OF PROFESSIONAL REGULATION  
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL  
REGULATION,

Petitioner,

DPR CASE NOS. 0100515

vs.

ARTHUR CHARLES ROSENBLATT,

Respondent.

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ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Department of Professional Regulation, hereinafter referred to as "Petitioner", and files this Administrative Complaint before the Board of Medicine against Arthur C. Rosenblatt, M.D., hereinafter referred to as "Respondent", and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.30, Florida Statutes; Chapter 455, Florida Statutes; and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the State of Florida, having been issued license number ME 0049592. Respondent's last known address is Route 3, 1606 Highway 64 West, Wauchula, Florida 33873.

3. On or about April 27, 1988, at or about 12:50 a.m., Patient #1 was brought to the emergency room at Hardee Memorial Hospital with status epilepticus and high fever.

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4. Patient #1's symptoms represented an absolute medical emergency.

5. The emergency room physician on duty called the Respondent because the Respondent had previously treated patient #1 for status epilepticus and the Respondent instructed the emergency room physician to admit patient #1 to the coma unit and put patient #1 on Respondent's service.

6. Respondent was patient #1's treating physician.

7. At or about 4 a.m., patient #1 was transferred to the intensive care unit (I.C.U.) from the coma unit after the emergency room physician had spoken with Respondent concerning said transfer.

8. Hardee Memorial Hospital's Medical Staff rules require a treating physician to attend to his I.C.U. patient within two hours following admission to the unit.

9. Respondent did not arrive at the hospital until at or about 9:30 a.m. on or about April 27, 1988, approximately 9-10 hours subsequent to admission.

COUNT ONE

10. Petitioner realleges and incorporates paragraphs one (1) through nine (9) as if fully set forth above.

11. Respondent failed to practice medicine with an acceptable level of care, skill, and treatment in that Respondent failed to attend his I.C.U. patient #1 within the two-hour time limit established by the hospital and, in fact, was not even present to treat patient #1 within that critical period of time.

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12. Based on the foregoing, Respondent violated section 458.331(1)(t), Florida Statutes, by failing to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances.

COUNT TWO

13. Petitioner realleges and incorporates paragraphs one (1) through nine (9) and eleven (11) as if fully set forth above.

14. Respondent failed to keep written medical records justifying the course of treatment of the patient including, but not limited to the following: Respondent by failing to appear at the hospital until approximately 9-10 hours after his patient was admitted can not justify the course of the patient's treatment within this time period.

15. Based on the preceding allegations, Respondent violated Section 458.331(1)(m), Florida Statutes, by failing to keep written medical records justifying the course of treatment of the patient, including, but not limited to, patient histories, examination, and test results.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an Order imposing one or more of the following penalties: revocation or suspensio. of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the

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Respondent on probation, and/or any other relief that the Board deems appropriate.

SIGNED this 5th day of April, 1989.

LARRY GONZALEZ  
Secretary

SAD  
By: Stephanie A. Daniel  
Chief Medical Attorney

COUNSEL FOR DEPARTMENT:

Don A. Hyman  
Senior Attorney  
Department of Professional  
Regulation  
130 North Monroe Street  
Tallahassee, Florida 32399-0750  
(904) 488-0062

EAH/JK/gs

3/2/89  
PCP:

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Department of Professional Regulation  
AGENCY CLERK

Joel Coyle  
CLERK  
DATE 4-6-89

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