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Department of Professional Regulation
AGENCY CLERK

DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

Paul Cope

DEPARTMENT OF PROFESSIONAL
REGULATION

CLERK

DATE

4-19-89

Petitioner,

-vs-

DPR CASE NUMBER: 0095089
LICENSE NUMBER: ME 0049592

ARTHUR CHARLES ROSENBLATT, M.D.

Respondent,

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Section 120.57(2), Florida Statutes, on April 8, 1989, in Miami, Florida, for consideration of the Administrative Complaint (attached hereto as Exhibit A) in the above-styled cause. At the hearing, Petitioner was represented by Jonathan King, Attorney at Law; Respondent was present and represented by Jack T. Edmund, Attorney at Law. The facts are not in dispute.

Upon consideration, it is ORDERED:

1. The allegations of fact set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the findings of fact by the Board, with the exception that Paragraph 7 is accepted as amended to read:

On or about November 4, 1988, in the Circuit Court of Hardee County, Respondent pleaded "nolo contendere" to the charge of cultivation of marijuana and possession of marijuana -- the plea of "nolo contendere" being considered a conviction for the purposes of Chapter 458, Florida Statutes -- and was duly sentenced.

2. The conclusions of law alleged and set forth in the Administrative Complaint are approved and adopted and incorporated herein by reference as the conclusions of law by the Board.

3. The violations set forth warrant disciplinary action by the Board. THEREFORE,

IT IS HEREBY ORDERED AND ADJUDGED:

PENALTY

1. Respondent's license to practice medicine shall be **SUSPENDED** for a period of 6 months; however, said suspension shall be stayed. The stay shall be lifted upon a finding that Respondent has used or cultivated illicit drugs or controlled substances in violation of paragraph 3.e. below.

2. Respondent shall pay an administrative fine in the amount of \$2000.00 to the Executive Director within 30 days of the date this Final Order is filed.

3. Respondent's license to practice medicine in the State of Florida is placed on **PROBATION** for a period of 5 years, subject to the following terms and conditions:

a. Respondent shall comply with all state and federal statutes, rules and regulations pertaining to the practice of medicine, including Chapters 455, 48 and 893, Florida Statutes, and Rules 21M, Florida Administrative Code.

b. Respondent shall appear before the Probation Committee at the first meeting after said probation commences, at the last meeting of the Probation Committee preceding termination of probation, and at such other times requested by the Committee or the Board.

c. In the event Respondent leaves the State of Florida for a period of thirty (30) days or more, or otherwise does not engage in the practice of medicine in Florida, Respondent's probation shall be tolled and shall remain in a tolled status until Respondent returns to active practice in the State of Florida, at which time the probationary status shall resume. 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.

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

- (1) Brief statement of why physician is on probation.
- (2) Practice location.
- (3) Describe current practice.
(type and composition)
- (4) Brief statement of compliance with probationary terms.
- (5) Advise Board of any problems.

e. Respondent shall not consume, inject, ingest or cultivate any controlled or illicit substance unless prescribed or administered by a practitioner authorized by law to prescribe or dispense controlled substances. However, the drugs shall be consumed, injected, or ingested only for a medically justifiable purpose.

f. Respondent shall submit to random blood and/or urine testing for the purposes of ascertaining Respondent's compliance with his probation. The random blood and/or urine screen shall be conducted as follows:

1. An investigator shall at unannounced times

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present himself/herself to the Respondent and shall request that the Respondent furnish a specimen of blood and/or urine to the investigator.

2. The Respondent shall, upon such request, immediately provide said blood and/or urine specimen and shall provide it in the presence of the investigator.

3. Respondent shall not at any time refuse to immediately provide the requested specimen.

4. Respondent shall, at the time that the specimen is furnished, advise the investigators of all drugs or medications taken by the Respondent (whether legend or otherwise) in the period since the last random specimen was obtained.

Failure to submit to a random blood and/or urine screen shall constitute a violation of the terms of this Order.

g. Respondent shall pay all reasonable costs of obtaining random urine and/or blood screens.

h. During the term of probation Respondent shall perform 30 hours per year of community service, subject to a structured plan prepared by Respondent and approved by the Probation Committee. Community service shall consist of medical services without fee or costs to the patient for the good of the people of the State of Florida. Respondent shall periodically file affidavits detailing the community service performed in accordance with the provisions of the structured plan.

i. During this period of probation, semi-annual investigative reports will be compiled by the Department of Professional Regulation concerning Respondent's compliance with the terms and conditions of probation and the rules and statutes regulating the practice of medicine.

STATE OF FLORIDA
DEPARTMENT OF PROFESSIONAL REGULATION
BOARD OF MEDICINE

DEPARTMENT OF PROFESSIONAL
REGULATION,

Petitioner,

VS.

CASE NO. 0095089

ARTHUR C. ROSENBLATT, M.D.,

Respondent.

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 520 W. Carlton Street, Wauchula, Florida 33873.

COUNT ONE

3. On or about February 5, 1988, in accordance with a legally executed search warrant, members of the Hardee County Sheriff's Office searched Respondent's home.

4. Subsequent to the search of Respondent's home, members of the Hardee County Sheriff's Office seized two live marijuana (Cannabis) plants along with other evidence of both the cultivation and the use of marijuana in the home.

5. Respondent was thereupon arrested and charged with the offenses of cultivation of marijuana, possession of marijuana, and possession of paraphernalia.

6. Respondent admits to the occasional use of marijuana, and stated that the plants were grown strictly for his and his wife's consumption.

7. On or about November 4, 1988, in the Circuit Court of Hardee County, Respondent pleaded "Nolo Contendere" to the charges of cultivation of marijuana, possession of marijuana, and possession of paraphernalia -- the plea of "Nolo Contendere" being considered a conviction for the purposes of Chapter 458, Florida Statutes -- and was duly sentenced.

8. Based on the preceding allegations, Respondent violated Section 458.331(1)(c), Florida Statutes, in that Respondent was convicted of a crime in any jurisdiction which directly relates to the practice of medicine or to the ability to practice medicine.

COUNT TWO

9. Petitioner realleges and incorporates paragraphs one (1) through seven (7) as if fully set forth herein this Count Two.

10. Respondent prescribed, dispensed, administered, mixed, or otherwise prepared a legend drug, including any controlled substance, other than in the course of his professional practice in that Respondent cultivated and possessed marijuana both for his own and for his wife's use.

11. Based on the foregoing allegations, Respondent violated Section 458.331(1)(g), Florida Statutes, in that Respondent prescribed, dispensed, administered, mixed, or otherwise prepared a legend drug, including any controlled substance, other than in the course of his professional practice.

COUNT THREE

12. Petitioner realleges and incorporates paragraphs one (1) through seven (7) as if fully set forth herein this Count Three.

13. Respondent prescribed, dispensed, or administered Cannabis, a Schedule I drug under Chapter 893, Florida Statutes, to himself.

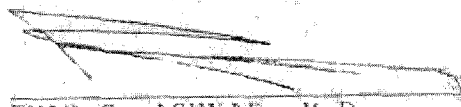
14. Based on the preceding allegations, Respondent violated Section 458.331(1)(r), Florida Statutes, in that Respondent prescribed, dispensed, or administered a medicinal drug appearing on any schedule set forth in Chapter 893 to himself.

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This order takes effect upon filing with the Clerk of the Department of Professional Regulation.

DONE AND ORDERED this 13 day of April, 1989.

BOARD OF MEDICINE

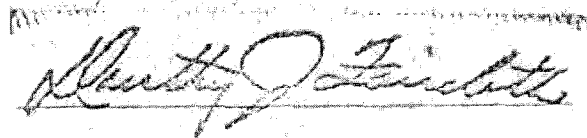

FUAD S. ASHKAR, M.D.
CHAIRMAN

NOTICE OF RIGHT TO JUDICIAL REVIEW

A PARTY WHO IS ADVERSELY AFFECTED BY THIS FINAL ORDER IS ENTITLED TO JUDICIAL REVIEW PURSUANT TO SECTION 120.68, FLORIDA STATUTES. REVIEW PROCEEDINGS ARE GOVERNED BY THE FLORIDA RULES OF APPELLATE PROCEDURE. SUCH PROCEEDINGS ARE COMMENCED BY FILING ONE COPY OF A NOTICE OF APPEAL WITH THE AGENCY CLERK OF THE DEPARTMENT OF PROFESSIONAL REGULATION AND A SECOND COPY, ACCOMPANIED BY FILING FEES PRESCRIBED BY LAW, WITH THE DISTRICT COURT OF APPEAL, FIRST DISTRICT, OR WITH THE DISTRICT COURT OF APPEAL IN THE APPELLATE DISTRICT WHERE THE PARTY RESIDES. THE NOTICE OF APPEAL MUST BE FILED WITHIN THIRTY (30) DAYS OF RENDITION OF THE ORDER TO BE REVIEWED.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Order has been provided by certified mail to Arthur C. Rosenblatt, M.D., 520 W. Carlton Street, Wauchula, Florida 33873, and Jack T. Edmund, Attorney at Law, 423 Pool Branch Road, Fort Meade, Florida 33041, and by interoffice delivery to Jonathan King, Attorney at Law, Department of Professional Regulation, 130 North Monroe Street, Tallahassee, Florida 32399-0750, at or before 5:00 P.M., this 19 day of April, 1989.


Arthur C. Rosenblatt