



1 patient because he began dating SK's ex-wife. Respondent continued to prescribe thyroid  
2 medication to LK after she was no longer a patient.

3 5. During the course of the Michigan Board's investigation, Respondent  
4 provided treatment notes and billing records for SK and LK. The clinical notes provided for  
5 SK ended in 2002, yet sessions were billed regularly through 2008. Clinical notes for LK  
6 end in 2003, but the billing records show regular sessions occurred through 2005. There  
7 was no documentation regarding the thyroid medications prescribed to LK after 2006.

8 6. The Michigan Board subsequently issued Respondent a Public Reprimand  
9 with Two Year Probation for failure to conform to minimal standards of acceptable medical  
10 practice, negligence, and moral unfitness. Respondent was assessed a fine in the mount  
11 of \$5,000 and required to complete CME in medical and legal ethics, documentation,  
12 conflicts of interest, and dual relationships.

13 7. Board staff noted that Respondent has been compliant with the terms of the  
14 Michigan Board's Order for a Public Reprimand and Probation, which include mandatory  
15 quarterly meetings with a Board member, records review, compliance with the Michigan  
16 Public Health Code, and practice notification requirements should he choose to practice  
17 out of state. Respondent provided a certificate of attendance for CME relating to medical  
18 records and the law.

19  
20  
21 **CONCLUSIONS OF LAW**

22 1. The Board possesses jurisdiction over the subject matter hereof and over  
23 Respondent.

24 2. The conduct and circumstances described above constitute unprofessional  
25 conduct pursuant to A.R.S. § 32-1401(27)(o) ("[a]ction that is taken against a doctor of

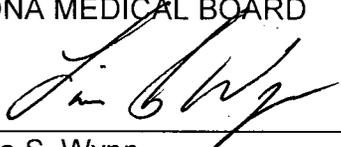
1 medicine by another licensing or regulatory jurisdiction due to that doctor's mental or  
2 physical inability to engage safely in the practice of medicine, the doctor's medical  
3 incompetence or for unprofessional conduct as defined by that jurisdiction and that  
4 corresponds directly or indirectly to an act of unprofessional conduct prescribed by this  
5 paragraph. The action taken may include refusing, denying, revoking or suspending a  
6 license by that jurisdiction or a surrendering of a license to that jurisdiction, otherwise  
7 limiting, restricting or monitoring a licensee by that jurisdiction or placing a licensee on  
8 probation by that jurisdiction. r practice that is or might be harmful or dangerous to the  
9 health of the patient or the public”).

10 **ORDER**

11 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

12  
13 DATED AND EFFECTIVE this 3rd day of Aug, 2012.

14  
15 ARIZONA MEDICAL BOARD

16  
17 By   
18 Lisa S. Wynn  
Executive Director

19 **CONSENT TO ENTRY OF ORDER**

20 1. Respondent has read and understands this Consent Agreement and the  
21 stipulated Findings of Fact, Conclusions of Law and Order (“Order”). Respondent  
22 acknowledges he has the right to consult with legal counsel regarding this matter.

23 2. Respondent acknowledges and agrees that this Order is entered into freely  
24 and voluntarily and that no promise was made or coercion used to induce such entry.

25 3. By consenting to this Order, Respondent voluntarily relinquishes any rights to  
a hearing or judicial review in state or federal court on the matters alleged, or to challenge

1 this Order in its entirety as issued by the Board, and waives any other cause of action  
2 related thereto or arising from said Order.

3 4. The Order is not effective until approved by the Board and signed by its  
4 Executive Director.

5 5. All admissions made by Respondent are solely for final disposition of this  
6 matter and any subsequent related administrative proceedings or civil litigation involving  
7 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
8 or made for any other use, such as in the context of another state or federal government  
9 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or  
10 any other state or federal court.

11 6. Upon signing this agreement, and returning this document (or a copy thereof)  
12 to the Board's Executive Director, Respondent may not revoke the consent to the entry of  
13 the Order. Respondent may not make any modifications to the document. Any  
14 modifications to this original document are ineffective and void unless mutually approved  
15 by the parties.

16 7. This Order is a public record that will be publicly disseminated as a formal  
17 disciplinary action of the Board and will be reported to the National Practitioner's Data  
18 Bank and on the Board's web site as a disciplinary action.

19 8. If any part of the Order is later declared void or otherwise unenforceable, the  
20 remainder of the Order in its entirety shall remain in force and effect.

21 9. If the Board does not adopt this Order, Respondent will not assert as a  
22 defense that the Board's consideration of the Order constitutes bias, prejudice,  
23 prejudgment or other similar defense.

24 10. Any violation of this Order constitutes unprofessional conduct and may result  
25 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,

1 consent agreement or stipulation issued or entered into by the board or its executive  
2 director under this chapter") and 32-1451.

3  
4   
5 Harvey J. Rosenberg, M.D.

DATED: 7/5/12

6 EXECUTED COPY of the foregoing mailed  
7 this 7th day of July, 2012 to:

8 Harvey J. Rosenberg, M.D.  
9 Address of Record

10 ORIGINAL of the foregoing filed  
11 this 7th day of July, 2012 with:

12 Arizona Medical Board  
13 9545 E. Doubletree Ranch Road  
14 Scottsdale, AZ 85258

15   
16 Arizona Medical Board Staff