

1 5. Respondent was concerned about MW's financial difficulties and struggles to
2 become independent. He had used his medical office as a place to draw/sketch models in
3 the past and offered to give MW a modeling job that paid above the standard rate.

4 6. MW agreed to model for Respondent and presented to his office on three
5 occasions, during one of which she posed nude.

6 7. Board referred this matter to a psychiatric Medical Consultant (MC) for
7 review. The MC opined that the treatment outlined in the progress notes was appropriate
8 for the content and the medications were also appropriate for the symptoms expressed.
9 He also opined that Respondent was unable to recognize the symptoms and
10 characteristics of a Borderline Personality Disorder, which were quite evident in his
11 progress notes over the time he treated MW. Although there was no overt sexual
12 relationship between Respondent and MW, the MC observed that another relationship was
13 established within the therapeutic model that is considered inappropriate. According to the
14 medical literature, a psychiatrist should guard against exploiting information furnished by a
15 patient and should not use his/her position of power in the psychotherapeutic situation to
16 influence the patient in any way not directly relevant to the treatment goals.

17 8. The standard of care required Respondent to establish patient boundaries;
18 dual roles are discouraged as it blurs the boundaries and trust issues.

19 9. Respondent deviated from the standard of care by establishing a dual
20 relationship with MW and by suggesting that she pose for him.

21 10. As a result of MW's ongoing personality dynamics, perceived injustices by
22 other men in her life and her family, this incident could have caused her harm, which would
23 thereby exacerbate her issues regarding lack of self esteem, blurred relationships and it
24 also was a reliving of previous relationships that there is attention and then perceived
25 abandonment.

1 **CONCLUSIONS OF LAW**

2 1. The Board possesses jurisdiction over the subject matter hereof and over
3 Respondent.

4 2. The conduct and circumstances described above constitute unprofessional
5 conduct pursuant to A.R.S. § 32-1401(27)(q) (“[a]ny conduct or practice that is or might be
6 harmful or dangerous to the health of the patient or the public.”).

7 **ORDER**

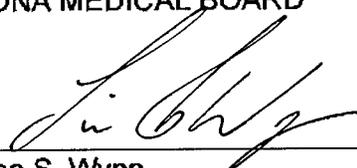
8 IT IS HEREBY ORDERED THAT Respondent is issued a Letter of Reprimand.

9
10 DATED AND EFFECTIVE this 7th day of April, 2011.



ARIZONA MEDICAL BOARD

17 By


18 Lisa S. Wynn
19 Executive Director

20 **CONSENT TO ENTRY OF ORDER**

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

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

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

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

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

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

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

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

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

22 10. Any violation of this Order constitutes unprofessional conduct and may result
23 in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order, probation,
24 consent agreement or stipulation issued or entered into by the board or its executive
25 director under this chapter") and 32-1451.

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Herschel D. Rosenzweig MD
Herschel D. Rosenzweig, M.D.

DATED: 2-18-2011

EXECUTED COPY of the foregoing mailed
this 18 day of April, 2011 to:

Herschel D. Rosenzweig
Address of Record

ORIGINAL of the foregoing filed
this 18 day of April, 2011 with:

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

Chap Bump
Arizona Medical Board Staff