

BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of  
**MICHAEL J. ROSEN, M.D.**  
 Holder of License No. 21267  
 For the Practice of Allopathic Medicine  
 In the State of Arizona

Case No. MD-06-0525A

**CONSENT AGREEMENT FOR  
LETTER OF REPRIMAND**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Michael J. Rosen, M.D. ("Respondent"), the parties agreed to the following disposition of this matter.

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

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement of any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver,

1 express or implied, of the Board's statutory authority or jurisdiction regarding any other  
2 pending or future investigation, action or proceeding. The acceptance of this Consent  
3 Agreement does not preclude any other agency, subdivision or officer of this State from  
4 instituting other civil or criminal proceedings with respect to the conduct that is the subject  
5 of this Consent Agreement.

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

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

17 8. If the Board does not adopt this Consent Agreement, Respondent will not  
18 assert as a defense that the Board's consideration of this Consent Agreement constitutes  
19 bias, prejudice, prejudgment or other similar defense.

20 9. This Consent Agreement, once approved and signed, is a public record that will  
21 be publicly disseminated as a formal action of the Board and will be reported to the  
22 National Practitioner Data Bank and to the Arizona Medical Board's website.

23 10. If any part of the Consent Agreement is later declared void or otherwise  
24 unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force  
25 and effect.

1           11. Any violation of this Consent Agreement constitutes unprofessional conduct  
2 and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) ("[v]iolating a formal order,  
3 probation, consent agreement or stipulation issued or entered into by the board or its  
4 executive director under this chapter") and 32-1451.

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8 MICHAEL J. ROSEN, M.D.

DATED: 06-04-2007

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FINDINGS OF FACT

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1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 21267 for the practice of allopathic medicine in the State of Arizona.

3. The Board initiated case number MD-06-0525A after receiving notification that the United States Department of Health and Human Services (DHHS) sanctioned Respondent.

4. On July 5, 2006, the Board received notification from DHHS advising that Respondent was sanctioned for defaulting on repayment of his student loans. DHHS issued a sanction excluding Respondent from participation in the Medicare, Medicaid and all federal health care programs.

5. In response to the Board's investigation, Respondent stated he had defaulted on his student loans and he provided information from the Department of Justice that he has since entered into an agreement to repay the student loans and therefore, remedying the action.

CONCLUSIONS OF LAW

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

2. The conduct and circumstances described above constitute unprofessional conduct pursuant to A.R.S. § 32-1401(27)(p) ("[s]anctions imposed by an agency of the federal government, including restricting, suspending, limiting or removing a person from the practice of medicine or restricting that person's ability to obtain financial remuneration.").

ORDER

1 IT IS HEREBY ORDERED THAT:

2 1. Respondent is issued a Letter of Reprimand for being excluded from  
3 Medicare, Medicaid and all federal health care programs for failure to pay student loans.

4 2. This Order is the final disposition of case number MD-06-0525A.

5 DATED AND EFFECTIVE this 8th day of June, 2007.



(SEAL)

ARIZONA MEDICAL BOARD

By [Signature]  
TIMOTHY C. MILLER, J.D.  
Executive Director

11 ORIGINAL of the foregoing filed  
12 this 8th day of June, 2007 with:

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

16 EXECUTED COPY of the foregoing mailed  
17 this 8th day of June, 2007 to:

18 Michael J. Resen, M.D.  
19 Address of Record

20 [Signature]  
Investigational Review