

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

In The Matter of:	:	
	:	
MILTON P. ROSENKRANTZ, M.D.	:	NO. 89-A-036
(Certificate No. 05140R)	:	
	:	
Respondent	:	CONSENT ORDER

An investigation conducted on behalf of the Louisiana State Board of Medical Examiners (Board) beginning in 1988 developed information indicating that Milton P. Rosenkrantz, M.D. (Dr. Rosenkrantz), a physician licensed to practice medicine in the state of Louisiana, and practicing as an Orthopedic Surgeon in the New Orleans and Chalmette areas, had written and issued prescriptions for a variety of legally controlled dangerous substances, principally narcotic analgesics, in apparently excessive quantities to a number of patients. The investigation included analysis of prescription records maintained by pharmacies together with the physician's own office records with respect to these patients. Expert opinion was obtained indicating that the prescriptions issued to the nineteen (19) patients in question were without legitimate medical justification.

Predicated on the information received during the course of its investigation, the above-entitled and numbered proceeding was noticed and docketed for hearing before the Board upon Administrative Complaint¹, specifying alleged violations of the Louisiana Medical Practice Act, LSA-R.S. 37:1261-92, to wit: "[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner" LSA-R.S. 37:1285A(6); "[p]rofessional or medical incompetency" LSA-R.S. 37:1285A(12); and "[c]ontinuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in this state" LSA-R.S. 37:1285A(14).

As evidenced by his subscription hereto, and without denying the accuracy of the charges asserted in the Administrative Complaint described hereinabove, Dr. Rosenkrantz now acknowledges the existence of probable cause for the institution of administrative proceedings against his medical licensure, further acknowledging that proof of such information upon administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension or

¹ Administrative Complaint, "In the Matter of: Milton P. Rosenkrantz, M.D.," No. 89-A-036 before the Louisiana State Board of Medical Examiners, dated February 15, 1990.

revocation of his license to practice medicine in Louisiana, or for such other action as the Board might deem appropriate, pursuant to LSA-R.S. 37:1285.

Recognizing his right to have the allegations and charges asserted in the aforesaid Administrative Complaint adjudicated, pursuant to LSA-R.S. 49:955-58, and to a final decision rendered upon findings of fact and conclusions of law, Dr. Rosenkrantz, nonetheless, hereby waives his right to formal adjudication and, pursuant to LSA-R.S. 49:955D, consents to entry of the order set forth hereinafter. By his subscription hereto, Dr. Rosenkrantz also hereby authorizes the investigating officer designated by the Board with respect hereto to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation.

Based upon the information provided, accordingly, and on the recommendation of the investigating officer assigned to this matter, Richard M. Nunnally, M.D., the Board has concluded that its responsibility to ensure the health, safety and welfare of the citizens of this state, pursuant to LSA-R.S. 37:1261, will be effectively served by entry of the order set forth hereinafter, by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by LSA-R.S. 37:1285 and LSA-R.S. 49:955D;

IT IS ORDERED that the license of Milton P. Rosenkrantz, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 05140R, shall, and the same is hereby **SUSPENDED** for a period of one (1) year, said suspension to be effective August 15, 1990;

IT IS FURTHER ORDERED that the foregoing order of suspension will itself be suspended as of February 15, 1991, at which time the licensure of Dr. Rosenkrantz shall be placed on **PROBATION** for a period of four and one-half (4 1/2) years, or until August 15, 1995. However, the issuance of Dr. Rosenkrantz's medical license and the resumption of his practice of medicine following the six (6) month period of active suspension period referred to hereinabove, shall be expressly conditioned on Dr. Rosenkrantz's strict compliance with and satisfaction of the following probationary terms, conditions, and restrictions:

- a) *Dispensation of Controlled Substances -Schedule II:* Dr. Rosenkrantz may not, at any time following the date of execution hereof, and for the duration of his medical career, prescribe, dispense, or administer any Schedule II or IIN substance as defined, enumerated, or included in 21 C.F.R. § 1308 and/or LSA-R.S. 40:964, and any substance which may hereafter be included in such schedule by amendment or revision of the cited regulations or statutes. This prohibition shall not extend to medications ordered or prescriptions written by Dr. Rosenkrantz for institutional or hospital in-patients, under the permit or license of said institution or hospital;

- b) ***Dispensation of Controlled Substances - Schedule III-V:*** Dr. Rosenkrantz may not, during the first six (6) months following his return to the practice of medicine, or until August 16, 1991, prescribe, dispense or administer any scheduled controlled substance, without regard to the schedule in which such substance may be classified as defined, enumerated, or included in 21 C.F.R. § 1308 and/or LSA-R.S. 40:964, and any substance which may hereafter be included in such schedule by amendment or revision of the cited regulations or statutes. This probation shall not extend to medications ordered or prescriptions written by Dr. Rosenkrantz for institutional or hospital in-patients, under the permit or license of said institution or hospital;
- c) ***Prescription Log:*** At the conclusion of the six (6) month prohibition on prescription of Schedule III-V substances referred to hereinabove, Dr. Rosenkrantz may prescribe, dispense or administer Schedule III-V substances to patients in his private practice using his own controlled substance permits, provided that Dr. Rosenkrantz shall keep and maintain an accurate log indicating the substance prescribed, dispensed or administered, the date prescribed, dispensed or administered, patient to whom prescribed, dispensed or administered (designated by patient number or chart number to preserve patient confidentiality), and reason prescribed. Dr. Rosenkrantz shall keep and maintain the prescription log for the four (4) year balance of the probationary period ordered hereinabove, submitting copies of such log to the Board's probation officer or other designated representative quarterly during the first year, and semi-annually through the remaining three years. Further, Dr. Rosenkrantz shall permit access by the Board's probation officer or other authorized representative to the prescription log at any time throughout the probationary period;
- d) ***Continuing Medical Education:*** Dr. Rosenkrantz shall obtain not less than fifty (50) credit hours per year for five (5) years (August 15, 1990 - August 15, 1995) through attendance at and participation in continuing medical education (CME) programs accredited by and qualifying for the Physicians Recognition Award of the American Medical Association, and he shall obtain such award within three (3) years of the date hereof. On or before August 15, 1991, 1992, 1993, 1994, and 1995, Dr. Rosenkrantz shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.
- e) ***Community Service:*** Commencing from the date of suspension, on August 15, 1990, at latest, and for a period of five (5) years thereafter, Dr. Rosenkrantz shall perform one hundred (100) hours of community service per year, as directed and approved by the Board. On or before

August 15, 1991, 1992, 1993, 1994, and 1995, Dr. Rosenkrantz shall cause to be submitted to the Board written certification of the community service activity completed by him during the preceding twelve (12) months; and

- f) **Payment of Fine:** Dr. Rosenkrantz shall pay to the Board a fine in the amount of FIVE THOUSAND AND NO/100 (\$5,000.00) DOLLARS, to be paid in full on or before August 15, 1991.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

IT IS FURTHER ORDERED that any violation of or failure of strict compliance with any of the terms, conditions or restrictions of this order by Dr. Rosenkrantz shall, upon proof of such violation or failure, be deemed adequate and/or sufficient cause, upon proof of such violation or failure, for the suspension and/or revocation of Dr. Rosenkrantz's medical license or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in LSA-R.S. 37:1285.

IT IS FURTHER ORDERED that the Administrative Complaint be, and the same are hereby dismissed, without prejudice.

New Orleans, Louisiana, this 19th day of July, 1990.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: Ike Muslow
IKE MUSLOW, M.D., PRESIDENT

ACKNOWLEDGMENT AND CONSENT

I, MILTON P. ROSENKRANTZ, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 19 day of July, 1990.

Milton Rosenkrantz, MD
MILTON P. ROSENKRANTZ, M.D.