BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:	)	
Aron Louis Rotman, M.D.	)	**Case No. 800-2018-046882**
Physician's and Surgeon's Certificate No. G 73976	)	
Respondent	)	

DECISION

The attached Proposed Decision is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on December 18, 2019.

IT IS SO ORDERED November 18, 2019.

MEDICAL BOARD OF CALIFORNIA

By: Kristina Lawson
Kristina D. Lawson, J.D., Chair
Panel B

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation against:

ARON LOUIS ROTMAN, Respondent

Agency Case No. 800-2018-046882

OAH No. 2019030985

PROPOSED DECISION

Matthew Goldsby, Administrative Law Judge, Office of Administrative Hearings (OAH), State of California, heard this matter on September 23, 2019, in Los Angeles, California.

Rebecca D. Wagner, Deputy Attorney General, appeared and represented complainant Kimberly Kirchmeyer, Executive Director of the Medical Board of California (Board), Department of Consumer Affairs.

Henry R. Fenton, Attorney at Law, appeared and represented respondent Aron Louis Rotman, M.D., who was present throughout the hearing.

Oral and documentary evidence was received. The record was closed and the matter was submitted for decision on September 23, 2019.

FACTUAL FINDINGS

Jurisdictional Matters

1. Complainant brought the Accusation in her official capacity. Respondent timely submitted a Notice of Defense.

2. On April 28, 1992, the Board issued Physician's and Surgeon's Certificate Number G 73976 to respondent. The certificate is renewed and current with an expiration date of November 30, 2019.

Conviction

3. On April 29, 2016, respondent entered a plea of nolo contendere and was convicted of three counts of failing to make, keep, or furnish a record of information in violation of Florida Statute 893.13(7)(a)(2), a misdemeanor. (*People v. Rotman* (Cir. Ct., 9th Jud. Cir., Orange County, 2016, No. 2012-CF-1444-0).) Pursuant to the plea agreement, the court dismissed all remaining counts against respondent, including charges of conspiracy to commit racketeering and the unlawful delivery of oxycodone. (Exhibit 5, page 033.)

4. The court withheld adjudication, sentenced respondent to jail for a period of 19 days with credit for 19 days served, and placed respondent on probation for a period of one year, subject to standard conditions and additional orders to testify truthfully when requested by the state, and to appear or testify upon request.

5. Complainant referred to allegations made in the criminal complaint to demonstrate the facts and circumstances of the conviction. However, the allegations set forth in the counts that were dismissed are given no weight because there was no

adjudication of those allegations and complainant presented no evidence to independently establish those facts.

6. In his plea agreement, respondent agreed to plead nolo contendere to Count 14, which alleged that "on or about April 1, 2011, ... as part of a related transaction occurring in or in connection with an organized criminal conspiracy affecting two or more judicial districts of Florida ... [respondent] did unlawfully and knowingly refuse, or failed to make, keep, or furnish any record, notification, order form, statement, invoice, or information in violation of sections 893.13(7)(a)2 Florida statutes." (Exhibit 5, page 062.")

7. Respondent also agreed to plead nolo contendere to Counts 15 and 16, which made the same factual charges against respondent as in Factual Finding 6, except that the incidences occurred on April 14, 2011, and March 18, 2011, respectively.

8. At paragraph 18 of the plea agreement, respondent stipulated and agreed, "The state can present a factual basis for the charges to which I am entering my plea, and that the Affidavits, Police Reports or other documents filed in the Court file with a factual recitation made by the State constitutes a factual basis for the Court to accept my plea." (Exhibit 5, page 027.)

9. Respondent testified that the charges related to individuals he treated during his employment at a Florida clinic, but that he had no recall of any specific instance of failing to make or keep a medical record. On the contrary, respondent testified that the charges were not based on any evidence of wrongdoing, that he would never leave the office until a patient's record was completed, that he was not involved in the maintenance of a patient record at the clinic after he completed it, and

that he never engaged in unlawful conduct. Respondent denied any wrongdoing and testified that he accepted the plea agreement only to avoid the cost of defense. In support of his testimony, respondent presented a letter written by his defense attorney to the Florida Board of Medicine in which he wrote, "These were charges that were crafted, not based on actual evidence, but for the specific purpose of coming up with a resolution that would save face for the prosecution and avoid a criminal conviction for Dr. Rotman." (Exhibit D.)

10. Regardless of the various motives to enter a plea of nolo contendere, a conviction based on such a plea stands as conclusive evidence in disciplinary actions of a respondent's guilt. "To hold otherwise would impose upon administrative boards extensive, time-consuming hearings aimed at relitigating criminal charges which had culminated in final judgments of conviction." (*Arneson v. Fox* (1980) 28 Cal.3d 440, 449.) The licensee may introduce evidence of extenuating circumstances to establish mitigation, explanation, or rehabilitation. (*Brandt v. Fox* (1979) 90 Cal.App.3d 737.) However, an inquiry into the circumstances surrounding the offense "should not form the basis of impeaching a prior conviction." (*Matanky v. Board of Medical Examiners* (1978) 79 Cal.App.3d 293, 302.)

11. Accordingly, the 2016 conviction described at Factual Finding 3 is conclusive evidence that, on three separate instances in March and April 2011, respondent willfully and unlawful failed to keep medical records as part of a related transaction occurring in or in connection with an organized criminal conspiracy affecting two or more judicial districts of Florida.

Out-of-State Discipline

12. Respondent is a licensed physician in the state of Florida having been issued license number ME 103367.

13. The Department of Health for the State of Florida filed an Administrative Complaint alleging the 2016 conviction described at Factual Finding 3 violated Florida law and regulations.

14. On August 9, 2018, the Florida Board of Medicine issued a reprimand against respondent's Florida license and imposed an administrative fine in the sum of $4,000. Respondent was ordered to complete board-approved courses in "laws and rules" and medical records within one year of the date of the final order, or a California-equivalent course in each subject. (Exhibit 6, page 010.)

Mitigation and Rehabilitation.

15. Respondent completed all terms and conditions of probation ordered by the criminal court. (Exhibit A.)

16. Respondent paid all administrative fines imposed by the Florida Board of Medicine and timely satisfied the educational course requirements at the University of California, Irvine School of Medicine. (Exhibit C.)

17. Respondent has no prior record of discipline in California. There is no evidence that respondent has failed to maintain an adequate medical record since April 14, 2011, the most recent date for which there is evidence of his failure to keep adequate medical records.

18. Respondent presented a character reference letter written by a licensed physician who wrote that he has known and worked with respondent for two years and has observed him to provide "medical care in the highest standards of medical practice." (Exhibit E.)

19. Respondent is raising his son as a single parent and also supports his ex-wife.

LEGAL CONCLUSIONS

Standard of Proof

1. The standard of proof in an administrative action seeking to suspend or revoke a professional license is clear and convincing proof to a reasonable certainty. (*Ettinger v. Board of Medical Quality Assurance* (1982) 135 Cal.App.3d 853, 856.)

2. Clear and convincing evidence requires a finding of high probability. The evidence must be so clear as to leave no substantial doubt. It must be sufficiently strong to command the unhesitating assent of every reasonable mind. (*Christian Research Institute v. Alnor* (2007) 148 Cal.App.4th 71, 84.)

Governing Law

3. The Board shall take action against any licensee who is charged with unprofessional conduct. (Bus. & Prof. Code, § 2234.)

4. The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct. (Bus. & Prof. Code, § 2236, subd. (a).) A crime is considered to be substantially related

to the qualifications, functions or duties of a person holding a physician's and surgeon's certificate if to a substantial degree it evidences present or potential unfitness of the certificate holder to perform the functions authorized by the certificate in a manner consistent with the public health, safety, or welfare. (Cal. Code Regs, tit. 16, § 1360.)

5. Discipline imposed by another state upon a license or certificate to practice medicine issued by that state, that would have been grounds for discipline in California of a licensee, is grounds for disciplinary action for unprofessional conduct against the licensee in this state. (Bus. & Prof. Code, §§ 2305 and 141.) A certified copy of the record of the disciplinary action taken against the licensee by another state is conclusive evidence of the events related therein. (Bus. & Prof. Code, § 141.)

6. In this case, respondent was convicted of failing to maintain adequate medical records in relation to three patients. The unlawful conduct is substantially related to the qualifications, functions and duties of a person holding a physician's and surgeon's certificate because failing to maintain medical records is evidence, to a substantial degree, of a present or potential unfitness to perform the functions and duties of a licensed medical doctor in a manner consistent with the public health, safety, or welfare. Accordingly, cause exists to discipline respondent's license for unprofessional conduct under Business and Professions Code section 2236, subdivision (a).

7. The conviction was the basis for discipline imposed by the Board of Medicine for the State of Florida and is grounds for discipline in California. Accordingly, cause exists to discipline respondent's license for unprofessional conduct under Business and Professions Code sections 2305 and 141.

Level of Discipline

8. A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel, and who is found guilty may: (1) Have his or her license revoked upon order of the Board; (2) have his or her right to practice suspended for a period not to exceed one year upon order of the Board; (3) be placed on probation and be required to pay the costs of probation monitoring upon order of the board; (4) be publicly reprimanded by the Board, including a requirement that the licensee complete relevant educational courses approved by the Board; and (5) have any other action taken in relation to discipline as part of an order of probation, as the Board or an administrative law judge may deem proper. (Bus. & Prof. Code, § 2227, subd. (a).)

9. Protection of the public is the highest priority for the Board. (Bus. & Prof. Code, § 2229.) To the extent not inconsistent with public protection, disciplinary actions shall be calculated to aid in the rehabilitation of licensees.

10. In reaching a decision on a disciplinary action against a licensee, the Board is required to consider the orders and guidelines of the *Manual of Model Disciplinary Orders and Disciplinary Guidelines, 12th Edition, 2016* (Guidelines). (Cal. Code Regs., tit. 16, § 1361, subd. (a).)

11. For the conviction of a crime substantially related to the qualifications, functions or duties of a physician and surgeon and arising from or occurring during patient care, treatment, management or billing, the Guidelines recommend a minimum penalty of stayed revocation and probationary restrictions for seven years.

12. For a violation of Business and Profession Code sections 2305 and 141, the Guidelines recommend a minimum penalty commensurate with the discipline imposed by the other state.

Mitigating Factors and Rehabilitation

13. Deviating from the guidelines is appropriate where the facts of the particular case warrant such a deviation, such as the presence of mitigating factors, the age of the case, and evidentiary problems. (Cal. Code Regs., tit. 16, § 1361, subd. (a).) Rehabilitation requires a consideration of those offenses from which one has allegedly been rehabilitated. (*Pacheco v. State Bar* (1987) 43 Cal.3d 1041, 1048.)

14. Here, the nature of respondent's misconduct arose from or occurred during patient care management in that he failed to maintain proper medical records. The offense was severe enough to warrant a criminal conviction. At the hearing, respondent was defensive and refused to acknowledge wrongdoing, an essential step towards rehabilitation. (*Seide v. Committee of Bar Examiners* (1989) 49 Cal.3d 933.) While a candid admission of misconduct and full acknowledgment of wrongdoing may be a necessary step in the rehabilitation process, it is only a first step. A truer indication of rehabilitation is presented if an individual demonstrates by sustained conduct over an extended period of time that he is once again fit to practice. (*In re Trebilcock* (1981) 30 Cal.3d 312.)

15. Notwithstanding his denial of wrongdoing, respondent demonstrated cooperation by completing all terms and conditions of probation ordered by the criminal court and he paid all administrative fines and completed all coursework ordered by the Florida Medical Board. Also, respondent has been licensed for 27 years in California and the absence of a prior disciplinary record is a mitigating factor.

(*Chefsky v. State Bar* (1984) 36 Cal.3d 116, 132, fn. 10.) There is evidence of three instances of failing to keep an adequate medical record in March and April 2011, and nine years have passed without evidence of similar misconduct. Rehabilitation is indicated by sustained conduct over an extended period of time since the violation demonstrating fitness to practice. (*In re Trebilcock* (1981) 30 Cal.3d 312, 315-316.) Respondent has completed appropriate coursework in ethics and medical record keeping, and a licensed medical doctor has vouched for respondent's ability to meet the standard of care applicable to physicians.

16. A public reprimand is the most appropriate sanction under the facts and circumstances of this case. This level of discipline is consistent with the Guidelines and authorized by Business and Professions Code section 2227, subdivision (a)(4). Public protection does not require respondent be placed on probation or that any conditions be placed on the public reprimand.

ORDER

Physician's and Surgeon's Certificate number G 73976 issued to respondent Aron Louis Rotman, M.D., is hereby publicly reprimanded pursuant to Business and Professions Code section 2227, subdivision (a)(4).

DATE: October 11, 2019

DocuSigned by:
Matthew Goldsby
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MATTHEW GOLDSBY
Administrative Law Judge
Office of Administrative Hearings

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO Jan 29 20 19
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BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **Aron Louis Rotman, M.D.** **4804 Laurel Canyon Blvd, Suite 174** **Valley Village, CA 91607** **Physician's and Surgeon's Certificate** **No. G 73976,** Respondent.	Case No. 800-2018-046882 **ACCUSATION**

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about April 28, 1992, the Medical Board issued Physician's and Surgeon's Certificate Number G 73976 to Aron Louis Rotman, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2019, unless renewed.

JURISDICTION

3. This Accusation is brought before the Board, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 2227 of the Code states:

"(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

"(1) Have his or her license revoked upon order of the board.

"(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

"(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

"(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

"(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

"(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1."

5. Section 2234 of the Code, states:

"The board shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter.

" . . . "

"(f) Any action or conduct which would have warranted the denial of a certificate."

6. Section 2236 of the Code states:

"(a) The conviction of any offense substantially related to the qualifications, functions, or duties of a physician and surgeon constitutes unprofessional conduct within the meaning of this chapter [Chapter 5, the Medical Practice Act]. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred.

" . . . "

"(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere is deemed to be a conviction within the meaning of this section and Section 2236.1. The record of conviction shall be conclusive evidence of the fact that the conviction occurred."

7. Section 2305 of the Code states:

"The revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license or certificate to practice medicine issued by that state, or the revocation, suspension, or restriction of the authority to practice medicine by any agency of the federal government, that would have been grounds for discipline in California of a licensee under this chapter [Chapter 5, the Medical Practice Act] shall constitute grounds for disciplinary action for unprofessional conduct against the licensee in this state."

8. Section 141 of the Code states:

"(a) For any licensee holding a license issued by a board under the jurisdiction of the department, a disciplinary action taken by another state, by any agency of the federal government, or by another country for any act substantially related to the practice regulated by the California license, may be a ground for disciplinary action by the respective state licensing board. A certified copy of the record of the disciplinary action taken against the licensee by another state, an agency of the federal government, or another country shall be conclusive evidence of the events related therein.

"..."

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct/Criminal Conviction)

9. Respondent Aron Louis Rotman, M.D. is subject to disciplinary action under section 2234 and/or 2236 in that Respondent pled no contest on April 29, 2016 to three counts of Failure to Make, Keep, Furnish any Record or Information in violation of Florida Statute 893.13(7)(a)(2) in the Circuit Court of the Ninth Judicial Circuit in and for Orange County, Florida Case Number 2012-CF-1444-O. The circumstances are as follows:

10. On February 2, 2012, Respondent was charged in the case of *State of Florida v. Aron Rotman et. al* in the Circuit Court of the Ninth Judicial District in Orange County, Florida Case No. 2012-CF-1444-O with Racketeering/Distribution or Possession with Intent to Distribute Oxycodone/Conspiracy to Commit Racketeering (all felonies). Respondent subsequently pled no contest on April 29, 2016 to three misdemeanors for Failure to Make, Keep, Furnish any Record or Information and was sentenced to three years probation, was required to testify truthfully if requested by the State of Florida without subpoena, was ordered to pay prosecution, court and investigation costs, and stipulated to forfeit any property seized in the case. In exchange for the plea agreement, the State of Florida dismissed the Racketeering/Distribution or Possession with Intent to Distribute Oxycodone/Conspiracy to Commit Racketeering charges.

11. Respondent's conduct and criminal convictions constitute unprofessional conduct and the conviction of a crime substantially related to the qualifications, functions or duties of a physician and surgeon, and cause for discipline pursuant to Business and Professions Code sections 2234 and/or 2236.

SECOND CAUSE FOR DISCIPLINE

(Discipline, Restriction or Limitation Imposed by Another Jurisdiction)

12. Respondent Aron Louis Rotman, M.D. is subject to disciplinary action under section 2305 and/or 141 of the Code in that on August 9, 2018 the State of Florida Board of Medicine issued a Final Order Reprimand and imposed a fine, cost reimbursement, completion of a Laws and Rules Course and Records Course based on Respondent's criminal convictions as outlined in

the First Cause for Discipline, above. A copy of the Final Order Reprimand is attached as Exhibit A. The circumstances are as follows:

13. On or about April 29, 2016, the State of Florida filed a Fourth Amended Information against Respondent in Circuit Court Case Number: 2012-CF-1444-O, in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida. On that same date, Respondent pled no contest to three counts of Failure to Make, Keep, Furnish any record or information as required by Florida statutory law.

14. Respondent's conduct and the action of the State of Florida Board of Medicine, as set forth in Paragraphs 9-13, above, constitutes cause for discipline pursuant to section 2305 and/or 141 of the Code.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number G 73976, issued to Aron Louis Rotman, M.D.;

2. Revoking, suspending or denying approval of Aron Louis Rotman, M.D.'s authority to supervise physician assistants and advanced practice nurses;

3. Ordering Aron Louis Rotman, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and

4. Taking such other and further action as deemed necessary and proper.

DATED: January 29, 2019

KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

State of Florida Board of Medicine

Final Order of Reprimand

Department of Health

ARON LOUIS ROTMAN

License Number: ME103367

Data As Of 8/24/2018

Profession	Medical Doctor
License	ME103367
License Status	OBLIGATIONS/ACTIVE
License Expiration Date	1/31/2019
License Original Issue Date	12/10/2008
Address of Record	This practitioner has indicated that they are not currently practicing their profession in the State of Florida at this time. The practitioner may choose to begin practice at anytime provided that the license status is active. If the practitioner has resumed practice, the practitioner must update their practice location address. If you have any questions, please contact the department at 850-488-0595.
Controlled Substance Prescriber (for the Treatment of Chronic Non-malignant Pain)	No
Discipline on File	Yes
Public Complaint	Yes

The information on this page is a secure, primary source for license verification provided by the Florida Department of Health, Division of Medical Quality Assurance. This website is maintained by Division staff and is updated immediately upon a change to our licensing and enforcement database.

CERTIFICATION OF PUBLIC RECORD(S)

I, **Corey Benedict**, hereby certify that I am an official custodian of records for the Florida Department of Health, Division of Medical Quality Assurance. I hereby verify that I have conducted a thorough search of the official records of the Division of Medical Quality Assurance and have determined that the attached records consisting of **17** pages, are true, correct and complete copies of **Aron Louis Rotman. ME103367; Case 2012-13100.** I further certify that these records are received and required to be filed or recorded, are actually filed or recorded, and originals are maintained in the public office of the Division of Medical Quality Assurance. The attached is a regularly received and retained record in the ordinary course of business. This certification is made pursuant to Sections 90.803(8), and 90.902(4), Florida Statutes (2016).

GREAT SEAL OF THE STATE OF FLORIDA
IN GOD WE TRUST

Corey Benedict — Date 8/24/18
Public Records Custodian

STATE OF FLORIDA
COUNTY OF LEON

Before me, personally appeared Corey Benedict whose identity is personally known to me, and who, acknowledges that his/her signature appears above.

Sworn and subscribed to, before me, this 24th day of August, 2018.

Lawanda M. Bell
Signature-Notary Public-State of Florida

LAWANDA M BELL
MY COMMISSION # FF969275
EXPIRES May 09, 2020
(407) 398-0153 FloridaNotaryService.com

Notary Printed Name

Final Order No. DOH-18-1287-S -MQA
FILED DATE AUG 0 8 2018
Department of Health
By: Amber Greene
Deputy Agency Clerk

STATE OF FLORIDA
BOARD OF MEDICINE

DEPARTMENT OF HEALTH,

Petitioner,

vs.

DOH CASE NO.: 2012-13100
LICENSE NO.: ME0103367

ARON LOUIS ROTMAN, M.D.,

Respondent.
_____/

FINAL ORDER

THIS CAUSE came before the BOARD OF MEDICINE (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on August 3, 2018, in Fort Lauderdale, Florida, for the purpose of considering a Settlement Agreement (attached hereto as Exhibit A) entered into between the parties in this cause. Upon consideration of the Settlement Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise fully advised in the premises,

IT IS HEREBY ORDERED AND ADJUDGED that the Settlement Agreement as submitted be and is hereby approved and adopted in toto and incorporated herein by reference with the following clarification:

The costs set forth in Paragraph 3 of the Stipulated Disposition shall be set at $5,883.77.

Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Settlement Agreement as clarified above.

This Final Order shall take effect upon being filed with the Clerk of the Department of Health.

DONE AND ORDERED this 9th day of August, 2018.

BOARD OF MEDICINE

Claudia Kemp

Claudia Kemp, J.D., Executive Director
For Jorge J. Lopez, M.D., Chair

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to ARON LOUIS ROTMAN, M.D., 24 Covington Drive, Palm Desert, California 92260; to Allen R. Grossman, Esquire, Grossman, Furlow & Bayo, LLC, 2022-2 Raymond Diehl Road, Tallahassee, Florida 32308; by email to Allison Dudley, Assistant General Counsel, Department of Health, at Allison.Dudley@flhealth.gov; and by email to Edward A. Tellechea, Chief Assistant Attorney General, at

Ed.Tellechea@myfloridalegal.com this 9th day of August, 2018.

Amber Greene

Deputy Agency Clerk

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

Petitioner,

v. DOH Case No. 2012-13100

ARON LOUIS ROTMAN, M.D.,

Respondent.
_____/

SETTLEMENT AGREEMENT

Aron Louis Rotman, M.D., referred to as the "Respondent," and the Department of Health, referred to as "Department," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes, and Chapter 456, Florida Statutes, and Chapter 458, Florida Statutes.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 103367.

2. The Department charged Respondent with an Administrative Complaint that was filed and properly served upon Respondent alleging violations of Chapter 458, Florida Statutes, and the rules adopted pursuant thereto. A true and correct copy of the Administrative Complaint is attached hereto as Exhibit A.

3. For purposes of these proceedings, Respondent neither admits nor denies the allegations of fact contained in the Administrative Complaint.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 456 and 458, Florida Statutes, and the jurisdiction of the Department and the Board.

2. Respondent admits that the facts alleged in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes.

3. Respondent agrees that the Stipulated Disposition in this case is fair, appropriate, and acceptable to Respondent.

STIPULATED DISPOSITION

1. **Reprimand** – The Board shall issue a Reprimand against Respondent's license.

2. **Fine** – The Board shall impose an administrative fine of ***Four thousand dollars and Zero cents ($4,000.00)*** against Respondent's license which Respondent shall pay to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order accepting this Agreement ("Final Order"). All fines shall be paid by cashier's check or money order. Any change in the terms of payment of any fine imposed by the Board must be approved in advance by the Probation Committee of the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE FINE IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE FINE IS NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE FINE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.

3. **Reimbursement of Costs** – Pursuant to Section 456.072, Florida Statutes, Respondent agrees to pay the Department for the Department's costs incurred in the investigation and prosecution of this case ("Department costs"). Such costs exclude the costs of obtaining supervision or monitoring of the practice, the cost of quality assurance reviews, any other costs Respondent incurs to comply with the Final Order, and the Board's administrative costs directly associated with Respondent's probation, if any. Respondent agrees that the amount of Department costs to be paid in this case is ***Three thousand Nine hundred Ninety-seven dollars and Seventy-six cents ($3,997.76), but shall not exceed Five thousand Nine hundred Ninety-seven dollars and Seventy-six cents ($5,997.76).*** Respondent will pay such Department costs to: Payments, Department of Health, Compliance Management Unit, Bin C-76, P.O. Box 6320, Tallahassee, FL 32314-6320, within thirty (30) days from the date of filing of the Final Order. **All costs shall be paid by cashier's check or money order.** Any

change in the terms of payment of costs imposed by the Board must be approved in advance by the Probation Committee of the Board.

RESPONDENT ACKNOWLEDGES THAT THE TIMELY PAYMENT OF THE COSTS IS HIS LEGAL OBLIGATION AND RESPONSIBILITY AND RESPONDENT AGREES TO CEASE PRACTICING IF THE COSTS ARE NOT PAID AS AGREED IN THIS SETTLEMENT AGREEMENT. SPECIFICALLY, IF RESPONDENT HAS NOT RECEIVED WRITTEN CONFIRMATION WITHIN 45 DAYS OF THE DATE OF FILING OF THE FINAL ORDER THAT THE FULL AMOUNT OF THE COSTS NOTED ABOVE HAS BEEN RECEIVED BY THE BOARD OFFICE, RESPONDENT AGREES TO CEASE PRACTICE UNTIL RESPONDENT RECEIVES SUCH WRITTEN CONFIRMATION FROM THE BOARD.

4. **Laws And Rules Course** - Respondent shall document completion of a Board-approved laws and rules course within one (1) year from the date the Final Order is filed. Respondent may petition the Probation Committee to approve a California-equivalent, continuing medical education laws and rules course, if one exists.

5. **Records Course** – Respondent shall document completion of a Board-approved medical records course within one (1) year from the date the Final Order is filed. Respondent may petition the Probation Committee to approve a California-equivalent, continuing medical education records course, if one exists.

STANDARD PROVISIONS

1. **Appearance** – Respondent is required to appear before the Board at the meeting of the Board where this Agreement is considered.

2. **No Force or Effect until Final Order** – It is expressly understood that this Agreement is subject to the approval of the Board and the Department. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless the Board enters a Final Order incorporating the terms of this Agreement.

3. **Continuing Medical Education** – Unless otherwise provided in this Agreement Respondent shall first submit a written request to the Probation Committee for approval prior to performance of said CME course(s). Respondent shall submit documentation to the Board's Probation Committee of having completed a CME course in the form of certified copies of the receipts, vouchers, certificates, or other papers, such as physician's recognition awards, documenting completion of this medical course within one (1) year of the filing of the Final Order in this matter. All such documentation shall be sent to the Board's Probation Committee, regardless of whether some or any of such documentation was provided previously during the course of any audit or discussion with counsel for the Department. CME hours required by this Agreement shall be in addition to those hours required for renewal of licensure. Unless otherwise approved by the Board's Probation Committee, such CME course(s) shall consist of a formal, live lecture format.

4. **Addresses** – Respondent must provide current residence and practice addresses to the Board. Respondent shall notify the Board in writing within ten (10) days of any changes of said addresses and shall also comply with all statutory requirements related to practitioner profile and licensure renewal updates.

5. **Future Conduct** – In the future, Respondent shall not violate Chapter 456, 458 or 893, Florida Statutes, or the rules promulgated pursuant thereto, or any other state or federal law, rule, or regulation relating to the practice or the ability to practice medicine. Prior to signing this agreement, the Respondent shall read Chapters 456, 458 and 893 and the Rules of the Board of Medicine, at Chapter 64B8, Florida Administrative Code.

6. **Violation of Terms** – It is expressly understood that a violation of the terms of this Agreement shall be considered a violation of a Final Order of the Board, for which disciplinary action may be initiated pursuant to Chapters 456 and 458, Florida Statutes.

7. **Purpose of Agreement** – Respondent, for the purpose of avoiding further administrative action with respect to this cause, executes this Agreement. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Respondent agrees to support this Agreement at the time it is presented to the Board and shall offer no evidence, testimony or argument that disputes or contravenes any stipulated fact or conclusion of law. Furthermore, should this Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

8. **No Preclusion Of Additional Proceedings** – Respondent and the Department fully understand that this Agreement and subsequent Final Order will in no way preclude additional proceedings by the Board and/or the Department against Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

9. **Waiver Of Attorney's Fees And Costs** – Upon the Board's adoption of this Agreement, the parties hereby agree that with the exception of Department costs noted above, the parties will bear their own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Department and the Board in connection with this matter.

10. **Waiver of Further Procedural Steps** – Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

[Signatures appear on the following page.]

SIGNED this 19 day of February, 2018.

Aron Louis Rotman, M.D.

STATE OF FLORIDA

COUNTY OF _____

BEFORE ME personally appeared _____, whose identity is known to me or who produced _____ (type of identification) and who, under oath, acknowledges that his signature appears above.

SWORN TO and subscribed before me this ____ day of _____, 2018.

NOTARY PUBLIC

My Commission Expires:

APPROVED this 22nd day of February, 2018.

Celeste Philip, MD, MPH
Surgeon General and Secretary

By: Zachary Bell
Assistant General Counsel
Department of Health

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Los Angeles)

On February 19, 2018 before me, Karina Ortega, Notary Public
(insert name and title of the officer)

personally appeared Aron Louis Rotman,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

KARINA ORTEGA
COMM. # 2062324
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY
MY COMM. EXP. MAR. 24, 2018

Signature Karina Ortega (Seal)

STATE OF FLORIDA
DEPARTMENT OF HEALTH

DEPARTMENT OF HEALTH,

PETITIONER,

v. CASE NO. 2012-13100

ARON LOUIS ROTMAN, M.D.,

RESPONDENT.

_____/

ADMINISTRATIVE COMPLAINT

Petitioner, Department of Health, files this Administrative Complaint before the Board of Medicine against Respondent Aron Louis Rotman, M.D., and in support thereof alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 458, Florida Statutes.

2. At all times material to this Complaint, Respondent was a licensed medical doctor within the State of Florida, having been issued license number ME 103367.

3. Respondent's address of record is 24 Covington Drive, Palm Desert, California 92260.

4. On or about April 29, 2016, the State of Florida filed a Fourth Amended Information against Respondent in Circuit Court Case Number: 2012-CF-1444-O, in the Circuit Court of the Ninth Judicial Circuit, in and for Orange County, Florida.

5. On or about April 29, 2016, Respondent entered a plea of no contest to three counts of Failure to Make, Keep, Furnish any record or information as required by Florida Statute 893.13(7)(a)(2), as alleged in the Fourth Amended Information.

6. Respondent's plea of no contest, as incorporated into the accepted plea agreement, constitutes being convicted or found guilty of a crime.

7. Respondent's plea of no contest, as incorporated in the accepted plea agreement, constitutes a crime which relates to the practice of Respondent's profession.

8. Section 456.072(1)(c), Florida Statutes (2015), states that being convicted or found guilty of, or entering a plea of guilty or nolo contendere to, regardless of adjudication, a crime in any jurisdiction which relates to the practice of, or to the ability to practice, a licensee's profession, constitutes grounds for which disciplinary action may be taken.

9. Respondent violated Section 456.072(1)(c), Florida Statutes (2015), by being convicted of a crime related to the practice of Respondent's profession when he entered a plea of no contest to three counts of Failure to Make, Keep, Furnish any record or information as required by Florida Statute 893.13(7)(a)(2), as alleged in the Fourth Amended Information.

10. Based on the foregoing, Respondent violated Section 456.072(1)(c), Florida Statutes (2015).

WHEREFORE, Petitioner respectfully requests that the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

[Signature appears on the following page.]

SIGNED this 9th day of January, 2017.

Celeste Philip, MD, MPH
Surgeon General and Secretary

Zachary Bell
Assistant General Counsel
Florida Bar # 0105735
DOH-Prosecution Services Unit
4052 Bald Cypress Way-Bin C-65
Tallahassee, Florida 32399-3265
(850) 245-4640, Ext. 4666
(850) 245-4684 fax
E-Mail: zachary.bell@flhealth.gov

FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK ANGEL SANDERS
DATE JAN 09 2017

ZB
PCP: January 6, 2017.
PCP Members: Steven Rosenberg, M.D.; Donald Mullins.

NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested. A request or petition for an administrative hearing must be in writing and must be received by the Department within 21 days from the day Respondent received the Administrative Complaint, pursuant to Rule 28-106.111(2), Florida Administrative Code. If Respondent fails to request a hearing within 21 days of receipt of this Administrative Complaint, Respondent waives the right to request a hearing on the facts alleged in this Administrative Complaint pursuant to Rule 28-106.111(4), Florida Administrative Code. Any request for an administrative proceeding to challenge or contest the material facts or charges contained in the Administrative Complaint must conform to Rule 28-106.2015(5), Florida Administrative Code.

Mediation under Section 120.573, Florida Statutes, is not available to resolve this Administrative Complaint.