

**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

Petitioner,

v.

CASE NO. 2017-01801

LARRY ROBERT ROSENTHAL, M.D.,

Respondent.

ADMINISTRATIVE COMPLAINT

Petitioner Department of Health files this Administrative Complaint before the Board of Medicine against Respondent Larry Robert Rosenthal, 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 physician within the State of Florida, having been issued license number ME 108769.

3. Respondent's address of record is 2554 Key Largo Road, Ft. Lauderdale, Florida 33312.

4. On or about August 5, 2010, Respondent was diagnosed with bipolar disorder, euthymic state, alcohol abuse in remission, and cannabis abuse in remission.

5. Respondent was deemed safe to practice with reasonable skill and safety, provided he was under a monitoring contract.

6. On or about September 10, 2010, Respondent entered into a monitoring contract with Professionals Resource Network ("PRN").

7. The Professionals Resource Network is designated as the State of Florida's impaired practitioners program for physicians.

8. On or about October 20, 2016, Respondent started an evaluation to determine whether the monitoring contract should be terminated, but not all information was obtained to complete it satisfactorily.

9. Respondent's PRN contract required daily check-ins, attendance at a weekly group, testing, and communication with PRN.

10. Starting December 19, 2016, Respondent started missing daily PRN check-ins, stopped going to his weekly group, missed testing, and would not communicate with PRN.

11. Respondent was reminded several times to comply with his monitoring contract.

12. On or about January 30, 2017, Respondent was terminated from PRN for failure to comply with the terms of the monitoring contract entered into by Respondent.

13. Section 456.072(1)(hh), Florida Statutes (2016), provides that the Board of Medicine may take disciplinary action against a licensee for being terminated from a treatment program for impaired practitioners, which is overseen by an impaired practitioner consultant as described in Section 456.076, Florida Statutes (2016), for failure to comply, without good cause, with the terms of the monitoring or treatment contract entered into by the licensee, or for not successfully completing any drug treatment or alcohol treatment program.

14. PRN is a treatment program for impaired practitioners.

15. Respondent was terminated from the PRN treatment program for not successfully completing the terms of his monitoring contract.

16. Respondent did not have good cause for not complying with the monitoring contract.

17. Based on the foregoing, Respondent violated Section 456.072(1)(hh), Florida Statutes (2016).

WHEREFORE, the 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.

SIGNED this 30 day of June, 2017.

Celeste Philip, MD, MPH
Surgeon General and Secretary



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FILED
DEPARTMENT OF HEALTH
DEPUTY CLERK
CLERK Amber Greene
DATE JUN 30 2017

MEM/bf

PCP Date: June 30, 2017

PCP Members: Georges El-Bahri, M.D., Zachariah P. Zachariah, 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.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.