

DEC - 5 2023

COMMONWEALTH OF KENTUCKY
BOARD OF MEDICAL LICENSURE
CASE NO. 2138

K.B.M.L.

IN RE: THE LICENSE TO PRACTICE MEDICINE IN THE COMMONWEALTH OF KENTUCKY HELD BY FREDERICK J. ROSENBLUM, M.D., LICENSE NO. 48610, 73 CAVE LANE, ARDEN, NORTH CAROLINA 28704-9484

AGREED ORDER

Come now the Kentucky Board of Medical Licensure (hereafter “the Board”), acting by and through its Inquiry Panel B, and FREDERICK J. ROSENBLUM, M.D., (hereafter “the licensee”), and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, hereby ENTER INTO the following **AGREED ORDER:**

STIPULATIONS OF FACT

The parties stipulate the following facts, which serve as the factual bases for this Agreed Order:

1. At all relevant times, Frederick J. Rosenblum, M.D. (“the licensee”), was licensed by the Board to practice medicine within the Commonwealth of Kentucky.
2. The licensee’s medical specialty is Pulmonary Disease.
3. The licensee is also licensed by the North Carolina Medical Board (“NCMB”).
4. On or about September 11, 2023, the licensee entered into a Consent Order with the NCMB in which he stipulated the following:
 - The licensee was first issued a license to practice medicine by the NCMB on or about April 2, 2018, license number 2018-00697.
 - At all times relevant to the Consent Order, the licensee practiced medicine in Hendersonville, North Carolina as a locums contract employee.
 - The NCMB received a complaint on June 15, 2022, from the daughter of Patient A, alleging rude and unprofessional behavior, as well as the licensee being verbally abusive to the staff.

- On June 9, 2022, the licensee was consulting on Patient A, a 75-year-old female who had been on a ventilator in the intensive care unit ("ICU") for approximately two weeks. The licensee met with Patient A's family to discuss steps related to palliative care, including the possibility of taking Patient A off the ventilator. Patient A's family felt the licensee was rude and dismissive to their questions and concerns. They agreed to wait until June 13, 2022, to make a decision on how best to proceed.
- On the morning of June 13, 2022, a respiratory therapist entered Patient A's room with her family present. The licensee instructed the respiratory therapist to adjust the ventilator settings. The respiratory therapist refused, stating that there were no orders in Patient A's chart. The licensee then allegedly berated the respiratory therapist in front of Patient A's family.
- Following the incident with the respiratory therapist, as the licensee was discussing his recommendations for Patient A's care with her family, Patient A's daughter became upset. The licensee then allegedly grabbed her shoulders, telling her to listen to him, and Patient A's daughter subsequently filed a report of assault with the Henderson County Sheriff's Office.
- Following these events and a threat assessment by the hospital, the licensee's locum tenens contract was terminated. The licensee was banned from being on hospital property, locks were changed, and his photograph was distributed to alert hospital staff.
- On July 25, 2022, the NCMB issued an Order for Examination requiring the licensee to submit to a comprehensive examination at the North Carolina Professionals Health Program ("NCPHP"). Following the comprehensive examination, NCPHP recommended that the licensee submit to a comprehensive four-day inpatient examination before he returned to practice.
- On August 22, 2022, the NCMB issued an Order for Examination requiring the licensee to submit to a comprehensive examination by a pre-approved examiner. On October 6, 2022, the licensee completed a comprehensive examination by Bradford Health Services ("Bradford"). Based on the seriousness of the allegations at the hospital, Bradford recommended that the licensee complete a forensic evaluation at a nationally recognized center.
- On October 14, 2022, the NCMB issued an Order for Examination requiring the licensee to submit to further examination. At this time, the licensee advised that he would no longer comply with the NCMB's Order.
- The licensee's conduct, as described above, constitutes the licensee's failure to comply with a NCMB Order within the meaning of N.C. Gen. Stat. § 90-14(a) (14) which is grounds under that section of the North Carolina General Statutes for the NCMB to annul, suspend, revoke, condition, or limit his license to practice medicine or to deny any application he may make in the future.

5. Pursuant to the NCMB Consent Order, the licensee's license to practice medicine in the State of North Carolina was made inactive and the licensee may apply for reinstatement of his North Carolina medical license only upon completion of specified comprehensive examinations.
6. This Board received notice of the NCMB Consent Order via a report from the Federation of State Medical Boards. The licensee neither reported the NCMB action nor provided a copy of the NCMB Consent Order within ten (10) days as required by 201 KAR 9:081(9)(2)(a)(2).
7. The licensee voluntarily enters into this Agreed Order in lieu of the issuance of a Complaint and Emergency Order of Suspension against his Kentucky medical license.

STIPULATED CONCLUSIONS OF LAW

The parties stipulate the following Conclusions of Law, which serve as the legal bases for this Agreed Order:

1. The licensee's Kentucky medical license is subject to regulation and discipline by the Board.
2. Based upon the Stipulations of Fact, the licensee has engaged in conduct which violates the provisions of KRS 311.595(12) and (17). Accordingly, there are legal grounds for the parties to enter into this Agreed Order.
3. Pursuant to KRS 311.591(6) and 201 KAR 9:082, the parties may fully and finally resolve this pending investigation without an evidentiary hearing by entering into an informal resolution such as this Agreed Order.

AGREED ORDER

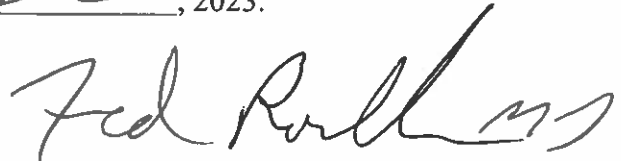
Based upon the foregoing Stipulations of Fact and Stipulated Conclusions of Law, and, based upon their mutual desire to fully and finally resolve this pending investigation without an evidentiary hearing, the parties hereby ENTER INTO the following **AGREED ORDER**:

1. The license to practice medicine in the Commonwealth of Kentucky held by Frederick J. Rosenblum, M.D., is RESTRICTED/LIMITED FOR AN INDEFINITE PERIOD OF TIME, effective immediately upon the filing of this Agreed Order;
2. During the effective period of this Agreed Order, the licensee's Kentucky medical license SHALL BE SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS OF RESTRICTION/LIMITATION for an indefinite term, or until further order of the Board:
 - a. The licensee SHALL NOT perform any act which would constitute the "practice of medicine or osteopathy," as that term is defined in KRS 311.550(10) – the diagnosis, treatment, or correction of any and all human conditions, ailments, diseases, injuries, or infirmities by any and all means, methods, devices, or instrumentalities – in the Commonwealth of Kentucky, unless and until approved to do so by the Panel;
 - i. The licensee expressly understands and agrees that he SHALL NOT request and the Board SHALL NOT consider any request to allow him to practice medicine in the Commonwealth of Kentucky, unless and until his medical license becomes reinstated in the State of North Carolina;
 - b. Prior to submitting any request to resume the practice of medicine in the Commonwealth of Kentucky, the licensee SHALL submit payment of a FINE in the amount of \$1,000.00, pursuant to KRS 311.565(1)(v); and
 - c. The licensee SHALL NOT violate any provision of KRS 311.595 and/or 311.597.

3. The licensee expressly agrees that if he should violate any term or condition of this Agreed Order, the licensee's practice will constitute an immediate danger to the public health, safety, or welfare, as provided in KRS 311.592 and 13B.125. The parties further agree that if the Board should receive information that he has violated any term or condition of this Agreed Order, the Panel Chair is authorized by law to enter an Emergency Order of Suspension or Restriction immediately upon a finding of probable cause that a violation has occurred, after an *ex parte* presentation of the relevant facts by the Board's General Counsel or Assistant General Counsel. If the Panel Chair should issue such an Emergency Order, the parties agree and stipulate that a violation of any term or condition of this Agreed Order would render the licensee's practice an immediate danger to the health, welfare and safety of patients and the general public, pursuant to KRS 311.592 and 13B.125; accordingly, the only relevant question for any emergency hearing conducted pursuant to KRS 13B.125 would be whether the licensee violated a term or condition of this Agreed Order.
4. The licensee understands and agrees that any violation of the terms of this Agreed Order would provide a legal basis for additional disciplinary action, including revocation, pursuant to KRS 311.595(13).

SO AGREED on this 1 day of Dec, 2023.

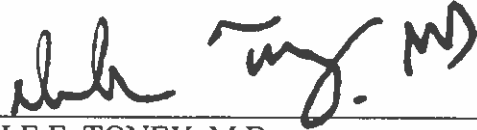
FOR THE LICENSEE:



FREDERICK J. ROSENBLUM, M.D.

COUNSEL FOR THE LICENSEE
(IF APPLICABLE)

FOR THE BOARD:



DALE E. TONEY, M.D.
CHAIR, INQUIRY PANEL B



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