

IN THE MATTER OF
SANFORD X. ROSENSWEIG, D.P.M. §
§
BOARD ORDER of §
§
REVOICATION §
§
of LICENSE No. 0773 §

BEFORE THE TEXAS STATE
BOARD OF PODIATRIC
MEDICAL EXAMINERS

SITTING IN AUSTIN,

TRAVIS COUNTY, TEXAS

BOARD ORDER

BE IT REMEMBERED that on the date approved and entered below came to be considered the allegations against Sanford X. Rosensweig, DPM. By order dated February 6, 2006, the Texas State Board of Podiatric Medical Examiners (the "Board") took action against Dr. Rosensweig pursuant to complaints, concerns or reports filed against him. Dr. Rosensweig was notified of the allegations against him and the Board's actions while in the custody of the United States Bureau of Prisons.

The Board makes the following Findings of Fact and Conclusions of Law and enters this Order:

FINDINGS OF FACT

1. Dr. Rosensweig is licensed as a podiatric physician in the State of Texas (License Number 0773) to practice podiatric medicine and is therefore subject to the jurisdiction of the Board, the Podiatric Medical Practice Act of Texas and the rules of the Board.
2. On September 26, 2005, regarding Case No. A:05-CR-180(1)-SS adjudicated in the United States District Court, for the Western District of Texas (Austin, TX Division), Dr. Rosensweig plead guilty to felony Counts One and Two of "Health Care Fraud" (18 U.S.C. §1347) and "Engaging in a Monetary Transaction in Criminally Derived Property" (18 U.S.C. §1957).
3. On December 2, 2005, Dr. Rosensweig was convicted of felony Counts One and Two of "Health Care Fraud" (18 U.S.C. §1347) and "Engaging in a Monetary Transaction in Criminally Derived Property" (18 U.S.C. §1957) and sentenced.
4. The felony conviction is directly related to the Medicare and Medicaid programs within Dr. Rosensweig's healthcare provider licensure as a podiatric physician. The loss attributed to Dr. Rosensweig's criminal conduct is approximately \$156,000.00. Of the \$156,000.00 loss, approximately \$142,000.00 was incurred by Medicare and approximately \$14,000.00 was incurred by the Texas Medicaid program.
5. On December 12, 2005, Dr. Rosensweig's Judgment In A Criminal Case was final.
6. Dr. Rosensweig has been committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of twenty-four (24) months on each count of Counts 1 and 2 to be served concurrently.
7. Dr. Rosensweig surrendered for service of sentence at the United States Bureau of Prisons' Bastrop Federal Correctional Institution on January 18, 2006. Dr. Rosensweig has been imprisoned; Inmate No. 57676-180.

CONCLUSIONS OF LAW

1. Texas Occupations Code, §53.021(a) provides that, “a licensing authority may suspend or revoke a license, disqualify a person from receiving a license, or deny to a person the opportunity to take a licensing examination on the grounds that the person has been convicted of a felony or misdemeanor that directly relates to the duties and responsibilities of the licensed occupation.
2. Texas Occupations Code, §53.021(b) provides that, “a license holder's license shall be revoked on the license holder's imprisonment following a felony conviction, felony community supervision revocation, revocation of parole, or revocation of mandatory supervision.
3. Dr. Rosensweig is required to follow the provisions of the Podiatric Medical Practice Act, Texas Occupations Code, §202.001, et seq., and the associated rules of the Board, 22 Texas Administrative Code § 371.1, et seq.
4. Texas Occupations Code, §202.253(a)(5) provides that, “the board may refuse to issue a license to practice podiatry to a person, for directly or indirectly violating or attempting to violate this chapter or a rule adopted under this chapter as a principal, accessory, or accomplice.”
5. Texas Occupations Code, §202.501(a) provides that, “the Board shall revoke or suspend a license; place on probation a person whose license has been suspended, or reprimand a license holder for violating the law regulating the practice of podiatry or a rule adopted by the board.”
6. Texas Occupations Code, §202.5015 provides that a license holder who engages in conduct described by Section 202.253 violates this chapter.
7. The Findings of Fact numbers 1 through 7 establish that Dr. Rosensweig violated: Texas Occupations Code, §202.253(a)(4) in that he: engaged in grossly unprofessional or dishonorable conduct of a character that in the board's opinion is likely to deceive or defraud the public.
8. The Findings of Fact numbers 1 through 7 establish that Dr. Rosensweig violated: Texas Occupations Code, §202.253(a)(5) in that he: directly or indirectly violated or attempted to violate this chapter or a rule adopted under this chapter as a principal, accessory, or accomplice.
9. The Findings of Fact numbers 1 through 7 establish that Dr. Rosensweig’s felony conviction and subsequent incarceration subject his license to revocation pursuant to Texas Occupations Code §53.021(b).

ORDER

1. Dr. Rosensweig’s license to practice Podiatric Medicine is hereby Revoked.
2. Dr. Rosensweig shall return to the Board any certificate or other document evidencing licensure, expired or current. Failure to return such documentation may result in the Board seeking injunctive relief against Dr. Rosensweig to prevent him from practicing podiatric medicine as it is defined in Tex. Occup. Code Ann., §202.001 et seq.
3. Dr. Rosensweig’s podiatric practice is to remain closed for the purposes of receiving, diagnosing, treating, or consulting with patients, and Dr. Rosensweig may not

- participate for income in any professional activity that is related to the diagnosis or treatment of a patient. Dr. Rosensweig may refer his patients to another practitioner for treatment or consultation during the time that Dr. Rosensweig is not licensed, but Dr. Rosensweig shall not derive any income from such referrals.
4. Dr. Rosensweig may keep his office open for the purposes of arranging referrals, handling mail, processing accounts, billing, and insurance matters, and other similar matters if not directly related to the diagnosis and treatment of patients.
 5. Dr. Rosensweig shall not represent himself to be a licensed podiatrist and shall not offer and shall not accept to consult with, diagnose or treat a patient.
 6. Dr. Rosensweig shall permit a Board representative or staff member to periodically enter his place of business and/ or the facility at which she previously maintained an office, announced or unannounced, during the hours of 8:00 a.m. to 5:00 p.m. on any weekday that is not a federal holiday to ensure compliance with this Order.
 7. The terms of this **Board Order**, if accepted by the Board, become effective upon approval of the Board.
 8. If Dr. Rosensweig fully complies with the terms of the **Board Order**, the Board agrees not to bring any further disciplinary action regarding the facts that are the subject of this Order.

GENERAL PROVISIONS

1. Effective Date. This **Board Order** shall take effect and become binding upon the approval by the Board.
2. No Waiver. No waiver of any of the terms of this **Board Order** shall be valid unless in writing. No waiver of default of any terms of the **Board Order** shall be deemed a waiver of any subsequent breach or default of the same or similar nature.
3. Governing Law. This **Board Order** is entered into pursuant to and shall be construed in accordance with the laws of the State of Texas including Tex. Occup. Code Ann., §202.001 et seq., the Podiatric Medical Practice Act; Tex. Occup. Code Chapter 53 and Tex. Gov't Code Ann., §2001.001 et seq., the Administrative Procedure Act.
4. Notice. Any notice to be given under the terms of this **Board Order** by either party to this order shall be in writing and shall be delivered by personal delivery or certified mail, return receipt requested, to the following addresses:

Sanford X. Rosensweig (Inmate Register No. 57676-180)
C/O FCI Bastrop
Federal Correctional Institution
P.O. Box 1010
Bastrop, TX 78602

Texas State Board of Podiatric Medical Examiners
P.O. Box 12216
Austin, TX 78711-2216

5. Upon approval of this **Board Order** by the Board, the Presiding Officer and the Executive Director are authorized to sign the Order on the Board's behalf.

IN THE STATE OF TEXAS §

§

§

COUNTY OF TRAVIS §

APPROVED AND ENTERED by the Texas State Board of Podiatric Medical Examiners on this the 6th day of February, 2006, after a Board vote. In enforcing this Board Order, the Board effectively Revokes license Number 0773.



Bradford Glass, D.P.M.
Board President



Hemant Makan
Executive Director

UNITED STATES DISTRICT COURT
Western District of Texas
AUSTIN DIVISION

FILED

2005 DEC 12 PM 2:02

CLERK OF DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY *[Signature]*
DEPUTY

UNITED STATES OF AMERICA

v.

Case Number A-05-CR-180(1)-SS
USM Number 57676-180

SANFORD X. ROSENSWEIG
True Name: Sanford Rosensweig
Alias: "Sandy"

Defendant.

JUDGMENT IN A CRIMINAL CASE
(For Offenses Committed On or After November 1, 1987)

The defendant, SANFORD X. ROSENSWEIG, was represented by Christopher Gunter.

The defendant pled guilty to Counts 1 and 2 of the Information on September 26, 2005. Accordingly, the defendant is adjudged guilty of such Counts, involving the following offenses:

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Offense Ended</u>	<u>Count (s)</u>
18 USC 1347	Health Care Fraud	November 30, 2002	1
18 USC 1957	Engaging in Monetary Transaction in Criminally Derived Property	May 9, 2002	2

As pronounced on December 2, 2005, the defendant is sentenced as provided in pages 2 through 6 of this Judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

It is further ordered that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this Judgment are fully paid. If ordered to pay restitution, the defendant shall notify the Court and United States Attorney of any material change in the defendant's economic circumstances.

Signed this the 12th day of December, 2005.

[Signature]
SAM SPARKS
United States District Judge

18.

A true copy of the original, I certify
WILLIAM G. PUTNICKI
Clerk, U. S. District Court

By: *[Signature]*
Deputy Clerk

Defendant: SANFORD X. ROSENSWEIG
Case Number: A-05-CR-180(1)-SS

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of TWENTY-FOUR (24) months on each of Counts 1 and 2 to be served concurrently.

The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons as notified by the United States Marshal.

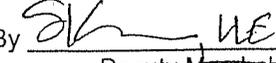
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CLERK U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY

RETURN

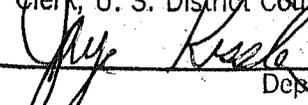
I have executed this Judgment as follows:

Defendant delivered on 01/18/06 to FCI Baotrap, with a certified copy of this Judgment.
at Baotrap, TX

John B. Fox Warden
United States Marshal

By 
Deputy Marshal

A true copy of the original, I certify.
WILLIAM G. PUTNICKI
Clerk, U. S. District Court.

By: 
Deputy

Defendant: SANFORD X. ROSENSWEIG
Case Number: A-05-CR-180(1)-SS

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of THREE (3) years on each of Counts 1 and 2 to be served concurrently.

While on supervised release, the defendant shall comply with the mandatory, standard and if applicable, the special conditions that have been adopted by this Court as set forth on pages 4 and 5 of this judgment; and shall comply with the following additional conditions:

- The defendant shall not incur new credit charges or open additional lines of credit without approval of the Probation Officer unless the defendant is in compliance with the payment schedule.
- The Mandatory Drug Testing condition is suspended based on the Court's determination that the defendant poses a low risk of future substance abuse.
- The defendant shall not make application for any loan or enter into any credit arrangement without first consulting with the probation office.
- The defendant shall disclose all assets and liabilities to the probation office. Defendant shall not transfer, sell, give away, or otherwise convey any asset without first consulting with the probation office.
- The defendant shall upon request of the probation office, authorize release of any and all financial information, to include income records, income tax records, and social security records, by execution of a release of a financial information form or by other appropriate means.

Defendant: SANFORD X. ROSENSWEIG
Case Number: A-05-CR-180(1)-SS

CONDITIONS OF SUPERVISION**Mandatory Conditions:**

- 1) The defendant shall not commit another federal, state, or local crime.
- 2) The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
- 3) In supervised release cases only, the defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from custody of the Bureau of Prisons.
- 4) If convicted of a felony, the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.
- 5) The defendant shall cooperate in the collection of DNA as directed by the probation officer if the collection of such a sample is authorized pursuant to section 3 of the DNA Analysis Backlog Elimination Act of 2000 (42 U.S.C. § 1413a).
- 6) If convicted of a sexual offense as described in 18 U.S.C. § 4042(c)(4), the defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer.
- 7) If convicted of a domestic violence crime as defined in 18 U.S.C. § 3561(b), the defendant shall participate in an approved program for domestic violence.
- 8) If the judgment imposes a fine or restitution, it is a condition of supervision that the defendant pay in accordance with the Schedule of Payments sheet of the judgment.

Standard Conditions:

- 1) The defendant shall not leave the judicial district without permission of the court or probation officer.
- 2) The defendant shall report to the Probation Officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer truthfully all inquiries by the Probation Officer and follow the instructions of the Probation Officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation unless excused by the Probation Officer for schooling, training or other acceptable reasons.
- 6) The defendant shall notify the Probation Officer at least ten days prior to any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substance, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the Probation Officer.
- 10) The defendant shall permit a Probation Officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the Probation Officer.
- 11) The defendant shall notify the Probation Officer within seventy-two hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or special agent of a law enforcement agency without the permission of the Court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

Defendant: SANFORD X. ROSENSWEIG
Case Number: A-05-CR-180(1)-SS

- 14) If convicted of a sexual offense as described in 18 U.S.C. § 4042(c)(4), or has a prior conviction of a State or local offense that would have been an offense as described in 18 U.S.C. § 4042 (c)(4) if a circumstance giving rise to Federal jurisdiction had existed, the defendant shall participate in a sex offender treatment program approved by the probation officer. The defendant shall abide by all program rules, requirements and conditions of the sex offender treatment program, including submission to polygraph testing, to determine if the defendant is in compliance with the conditions of release. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- 15) The defendant shall submit to an evaluation for substance abuse or dependency treatment as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a program approved by the probation officer for treatment of narcotic addiction or drug or alcohol dependency which may include testing and examination to determine if the defendant has reverted to the use of drugs or alcohol. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 16) The defendant shall submit to an evaluation for mental health counseling as directed by the probation officer, and if deemed necessary by the probation officer, the defendant shall participate in a mental health program approved by the probation officer. The defendant may be required to contribute to the cost of the services rendered (copayment) in an amount to be determined by the probation officer, based upon the defendant's ability to pay.
- 17) If the defendant is excluded, deported, or removed upon release from imprisonment, the term of supervised release shall be a non-reporting term of supervised release. The defendant shall not illegally re-enter the United States. If the defendant lawfully re-enters the United States during the term of supervised release, the defendant shall immediately report in person to the nearest U.S. Probation Office.
- 18) If the judgment imposes other criminal monetary penalties, it is a condition of supervision that the defendant pay such penalties in accordance with the Schedule of Payments sheet of the judgment.
- 19) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall provide the probation officer access to any requested financial information.
- 20) If the judgment imposes a fine, special assessment, restitution, or other criminal monetary penalties, it is a condition of supervision that the defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer unless the defendant is in compliance with the payment schedule.

The Court further adopts such of the following special conditions applied to the supervised person by the judge at the time of sentencing:

- 1) **COMMUNITY CONFINEMENT:** The defendant shall reside in a Community Corrections Center for a period of _____ months to commence on _____. Further, once employed, the defendant shall pay 25% of his/her weekly gross income for his/her subsistence as long as that amount does not exceed the daily contract rate.
- 2) **HOME DETENTION:** The defendant shall participate in the Home Confinement Program for a period of _____ days/months. During this time the defendant shall remain at his/her place of residence except for employment and other activities approved in advance by the probation officer. The defendant shall maintain a telephone at his/her place of residence without "call forwarding," a "modem," "caller ID," "call waiting," or portable cordless telephones for the above period. At the direction of the probation officer, the defendant shall wear an electronic monitoring device and follow electronic monitoring procedures specified by the probation officer. The court further orders that the defendant shall pay for the costs of Home Confinement, as directed by the probation officer.
- 3) **COMMUNITY SERVICE:** The defendant shall perform _____ hours of community service work without pay, at a location approved by the probation officer, at a minimum rate of four hours per week, to be completed during the first _____ months of supervision.

Defendant: SANFORD X. ROSENSWEIG
Case Number: A-05-CR-180(1)-SS

CRIMINAL MONETARY PENALTIES/ SCHEDULE

The defendant shall pay the following total criminal monetary penalties in accordance with the schedule of payments set forth. Unless the Court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. Criminal Monetary Penalties, except those payments made through Federal Bureau of Prisons' Inmate Financial Responsibility Program shall be paid through the Clerk, United States District Court, 200 W. 8th Street, Room 130 Austin, Texas 78701.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
TOTAL:	\$200.00	\$25,000.00	\$0

Special Assessment

It is ordered that the defendant shall pay to the United States a special assessment of \$200.00. Payment of this sum shall begin immediately.

Fine

The defendant shall pay a fine of \$25,000.00. Payment of this sum shall begin immediately. If the defendant is not now able to pay this indebtedness, the defendant shall cooperate fully with the office of the United States Attorney, the Bureau of Prisons and/or the United States Probation Office to make payment in full as soon as possible, including during any period of incarceration. Any unpaid balance at the commencement of a term of probation or supervised release may be paid on a schedule of monthly installments to be approved by the Court and becomes a condition of supervision.

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column above. However, pursuant to 18 U.S.C. § 3664(i), all non-federal victims must be paid before the United States is paid.

If the fine is not paid, the court may sentence the defendant to any sentence which might have been originally imposed. See 18 U.S.C. §3614.

The defendant shall pay interest on any fine or restitution of more than \$2,500.00, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. §3612(f). All payment options may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. §3612(g).

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, and (8) costs, including cost of prosecution and court costs.

Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.