



TEXAS MEDICAL BOARD

REMEDIAL PLAN
BERNARD LLOYD ROSENFELD, M.D.
LIC. NO. F-7687

On the 13 day of February, 2015, this matter came on to be heard before the Texas Medical Board (Board). On October 20, 2014, Respondent appeared at an Informal Show Compliance Proceeding and Settlement Conference (ISC) in response to a letter of invitation from the staff of the Board. This Remedial Plan was offered by Michael Arambula, M.D., Pharm.D., a member of the Board, and Nancy Seliger, a member of a District Review Committee. Susan Rodriguez represented Board Staff. Respondent was represented by Richard A. Jaffe. Ann Skowronski prepared this Remedial Plan.

FINDINGS

Respondent failed to register his private practice office as an abortion facility with the Texas Department of State Health Services even though such registration was required due to the number of abortion procedures performed there and because that office was used "substantially" for the purpose of performing abortions.

Respondent does not admit or deny the Findings and Conclusions of Law contained herein but, rather, has agreed to settle in good faith to avoid the cost, expense, and uncertainty of litigation.

BOARD HISTORY

Respondent has not had a prior Order or Remedial Plan with the Board.

MITIGATING FACTORS

1. Respondent has no prior history with the Board.
2. Respondent stopped doing private in-office procedures and has removed the advertising that was at issue from his website.

3. Respondent cooperated in the investigation of the allegations that resulted in this Remedial Plan.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over the subject matter and Respondent pursuant to Medical Practice Act, Title 3, Subtitle B, Texas Occupations Code (Act).

2. Section 164.051(a)(6) of the Act, as further defined by Board Rule 190.8(1)(C), authorizes the Board to take action against Respondent.

3. Section 164.0015 of the Act authorizes the Board to resolve this matter with a Remedial Plan.

4. Section 164.002(d) of the Act provides that this Remedial Plan is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

REMEDIAL PLAN TERMS

Based on the above, Respondent shall:

1. Within one year following the date of the entry of this Remedial Plan, Respondent shall enroll in and successfully complete at least eight hours of continuing medical education (CME), divided as follows: four hours in the topic of ethics and four hours in the topic of risk management. The CME shall be approved for Category I credits by the American Medical Association and approved in writing in advance by the Executive Director or their designee. To obtain approval for the course, Respondent shall submit in writing to the Compliance Division of the Board information on the course, to include at least a reasonably detailed description of the course content and faculty, as well as the course location and dates of instruction. Respondent shall submit documentation of attendance and successful completion of this requirement to the Compliance Division of the Board on or before the expiration of the time limit set forth for completion of the course. The CME requirements set forth in this paragraph shall be in addition to all other CME required for licensure maintenance.

2. Within 30 days from the date of the entry of this Remedial Plan, Respondent shall submit to the Compliance Department of the Board a sworn statement verifying that any advertisements for abortion services have been removed from his practice's websites.

3. The cost of administering the Remedial Plan will be \$500 per year. Payment of this cost is due no later than 60 days after the date of entry of this Remedial Plan. The cost shall be paid by cashier's check or money order payable to the Texas Medical Board and shall be submitted to the Executive Director for the Board for routing so as to be remitted to the Comptroller of Texas for deposit in the general revenue fund.

4. The terms of this Remedial Plan are not subject to modification or early termination.

5. Respondent shall comply with all the provisions of the Act and other statutes regulating Respondent's practice.

6. Respondent shall fully cooperate with the Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Remedial Plan.

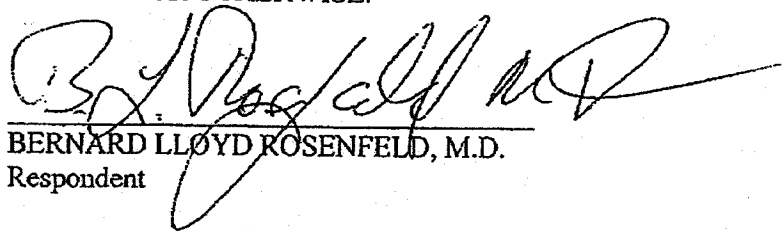
7. Any violation of the terms, conditions, or requirements of this Remedial Plan by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, or to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

8. This Remedial Plan shall automatically terminate upon Respondent's submission to the Board of evidence deemed to be sufficient by the Compliance Division of the Board that Respondent successfully completed the requirements set forth in the Remedial Plan Terms Paragraph Nos. 1, 2, and 3.

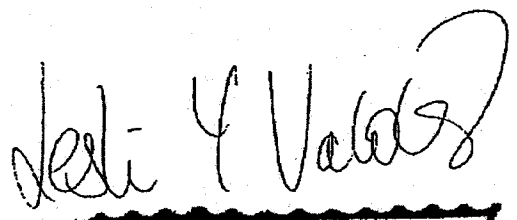
THIS REMEDIAL PLAN IS A PUBLIC RECORD.

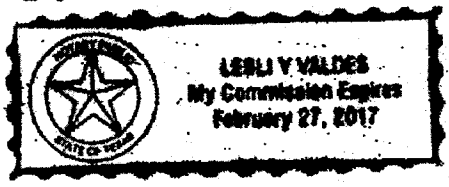
THIS REMEDIAL PLAN IS NON-DISCIPLINARY.

I, BERNARD LLOYD ROSENFELD, M.D., HAVE READ AND UNDERSTAND THE FOREGOING REMEDIAL PLAN. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS REMEDIAL PLAN IS A FINAL, NON-APPEALABLE AGREEMENT THAT CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

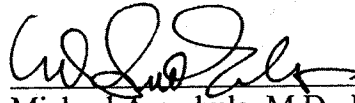

BERNARD LLOYD ROSENFELD, M.D.
Respondent

Dec 22, 2014
DATE





SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this
13 day of February, 2015.



Michael Arambula, M.D., Pharm.D., President
Texas Medical Board