

RECEIVED - SACRAMENTO
BOARD OF
MEDICAL EXAMINERS

THIS APPLICATION MUST BE BASED ON A LICENSE SECURED FOLLOWING
A REGULAR WRITTEN EXAMINATION.

Return This Application to 1021 O Street, Sacramento, and NOT to San Francisco
NOT TO BE USED FOR APPLICATION ON NATIONAL BOARD CREDENTIALS

JUL 24 9 14 AM '68

READ CAREFULLY--ALL CONDITIONS ON THIS BLANK MUST BE COMPLIED WITH IN FULL

The filing of this application does not grant any special privilege to open an office or to conduct any method of treating the sick or afflicted in the State of California. (See information on last page.)
All foreign documents must be translated into English over the seal and signature of the Consul of the country wherein the institution may be located. (See last page for additional information for graduates of foreign schools.)
The English translation must be attached to each foreign document.

DEPARTMENT OF PROFESSIONAL AND VOCATIONAL STANDARDS
BOARD OF MEDICAL EXAMINERS
OF THE STATE OF CALIFORNIA

Application filed 7/24/68
Fees paid Photo
Diploma filed Photo
Diploma verified _____
By _____

RECIPROCITY APPLICATION--CLASS 'C

I hereby apply for a physician's and surgeon's reciprocity certificate in the State of California and submit the following credentials as required by the Business and Professions Code (Chapter 5) and the rules of the Board of Medical Examiners of the State of California.

Name in full Michael Arthur Roth Address our address on letter
14340 Addison Sherman Oaks
Date of birth _____ Age this date _____

Are you a citizen of the United States? Give particulars Yes
Did you attend high school? Yes 4 yrs Central High School, Detroit, Mich
Did you graduate from high school? Yes 1954 Central High School, Detroit, Mich
Did you attend college or university? Yes 4 yrs Wayne State University, Detroit, Mich
Have you any degree OTHER than M.D.? Yes B.S. 1963 Wayne State University

PREMEDICAL EDUCATION

Did you PRIOR to beginning the study of medicine complete a course of college grade in the subjects of:
(Note--This is required ONLY if your license on page 2 was issued after January 1, 1919.)

a. Physics Yes College Wayne State Detroit, Mich from Sept 1960 to June 1961
b. Chemistry Yes College Wayne State Detroit, Mich from Sept 1959 to June 1961
c. Biology Yes College Wayne State Detroit, Mich from Sept 1959 to June 1963

†(Every applicant presenting an application based on a certificate of license issued after January 1, 1919, by any state examining board, must show that "before beginning the last half of the second year in the study of medicine he has completed a course which includes at least one year of work of college grade, in each of the subjects of Physics, Chemistry and Biology." After January 1, 1924, such premedical courses must have been completed prior to commencing the study of medicine. After September 22, 1951, an applicant must show the completion of a two year's college course, including the subjects of Physics, Chemistry and Biology and an applicant matriculating in a medical school after January 1, 1954 must show the completion of a three year's college course, including the subjects of Physics, Chemistry and Biology.)

Indicate your medical education in the following manner. Be specific:

(Applicants matriculating in medical schools and graduated therefrom between August 1, 1901, and August 10, 1913, must show the medical college standard for both preliminary and professional education was such as prescribed by the Association of American Medical Colleges for the year of matriculation and graduation.)

I have spent 4 1/2 years in the study of medicine and surgery each year comprising 5 1/2 each in the following institutions:

(Note--Mention dates of EACH COURSE, i.e., Freshman, Sophomore, Junior and Senior, and complete each course CHRONOLOGICALLY. If attended more than one school, furnish credentials from each.)

From the Oct 1963, to the June 1964, Wayne State University, Detroit, Mich
From the Sept 1964, to the June 1965, _____
From the Aug 1965, to the June 1966, _____
From the July 1966, to the May 1967, _____
From the June 1967, to the June 1968, Ford Hospital, Detroit, Mich

*From what school did you obtain the degree Doctor of Medicine or Bachelor of Medicine? (See footnote.)
Wayne State University Detroit Michigan the 20 day of June 1967

Is this application accompanied by the original diploma or a photographic copy thereof? Photographic copy

†Upon what license or certificate do you base this application? Michigan State Board

June 1967 upon (1) written or (2) oral examination or (3) registration of diploma 153

Have you ever filed an application in California? No

Have you ever failed in a written or oral examination in California? _____ Give particulars _____

How long since you have ceased the active practice of medicine and surgery? _____

What has been your vocation since you ceased practice? _____

In what other states have you applied for license or registration? Michigan

Have you ever been denied a certificate or license by any licensing board or the right to take an examination? _____

†Applicants basing their application on a license issued after September 22, 1951, must show the completion of a year's internship satisfactory to the board prior to the filing of the application. Submit with the application a photostatic copy of your internship certificate.

*An applicant admitted to a State Medical Board Examination prior to POSSESSION of DIPLOMA must submit a certified copy of the document used as a basis of his admission to examination.

*Graduates from foreign medical school please read and comply with instructions on page 4.

†ORAL EXAMINATION REQUIRED IF STATE CERTIFICATE IS DATED FIVE OR MORE YEARS BEFORE APPLICATION IS FILED.

Has any license entitling you to practice in any foreign country or in any state or territory of the United States been sus-
pended or revoked? If so, specify _____

Have you ever been or are you now addicted to narcotic drugs? _____

Have you ever been charged with addiction? _____

Specify charge _____

Have you ever made an offer in compromise in connection with the Harrison Narcotic Law? _____

Have you ever been called before a Federal, state or local enforcement officer? _____

Have you ever been charged with a violation of any law of a foreign country, or with a violation of a U. S. STATUTE or
STATE STATUTE? If so, give full particulars? _____

My physical description on this date is as follows:

Height _____ feet _____ inches; weight _____ pounds; color of eyes _____ of hair _____

Are you suffering from any ailment communicable to others? _____

Finger print classification _____

Was the photo attached to this application a
likeness taken within sixty days next preceding the
date of the affidavit affixed hereto? _____

Have you answered the above questions from
your own knowledge or upon information or from
your best recollection? _____

Reciprocity not granted if the following certificate was issued "on Reciprocity."

APPLICANT WILL LEGIBLY COPY or attach a photostatic copy in the space immediately below, the entire original STATE CERTIFICATE OR
LICENSE on which this application is based. Do not enter a COUNTY CLERK'S CERTIFICATE OF REGISTRATION or a receipt for ANNUAL REGISTRATION.

STATE OF California
COUNTY OF Los Angeles

Michael Arthur Roth being duly sworn, deposes and says
that he is the applicant named in the foregoing application for a Reciprocity Certificate to practice as a Physician and
Surgeon in the State of California; that he has read the foregoing application and knows the contents thereof to be true.

Subscribed and sworn to before me this 26 day of June, 1960

[SEAL] MARGARET K. LANG
NOTARY PUBLIC - CALIFORNIA
PRINCIPAL OFFICE IN
LOS ANGELES COUNTY

My commission expires _____

Signature of applicant in full - use no initials
Michael Arthur Roth
Signature of notary
Margaret K. Lang
Address
Los Angeles, Calif.

(NOTE - This affidavit and the endorsement required at the top of the next page must be dated within 60 days of the filing date of this application.
After you have completed this application, fill in pages 1 and 2, affix your affidavit, THEN send this blank to the Secretary of the Board that
issued the above certificate or license, who WILL ENDORSE at top of next page. The date of his endorsement must FOLLOW the date of your affidavit above.)

I, Luther R. Leader, Secretary of the Michigan State Board of Registration
in Medicine
 certify that the foregoing certificate No. 28327 to practice as a Physician and Surgeon was issued to

based on * **Written Examination** : that (1) said applicant was then the actual possessor of a

presented to this Board a diploma issued by Wayne State University

has ever been filed with this Board or any other board so far as our records show, nor has his certificate been revoked; and that the certificate on the opposite page bears the original date of issue and is NOT A RE-REGISTRATION CERTIFICATE.

(If it be a "DUPLICATE" please add an explanatory note.)

NOTE:—If the certificate on the preceding page was issued by written examination, the Secretary will complete the following certification otherwise write ACROSS the page below this line the words: ISSUED ON CREDENTIALS.)

I further certify that the applicant referred to herein does not possess any license to practice in this State other than referred to herein.

I further certify that the aforesaid Dr. Michael Arthur Roth passed the REGULAR WRITTEN EXAMINATION given by this Board on June 5-7 1967, and obtained a general average of 78.9 per cent in the following subject:

<small>S.N.</small>	ENTER THE SUBJECTS OF EXAMINATION	<small>PEN CNTY</small>	ENTER THE SUBJECTS OF EXAMINATION	<small>PEN CNTY</small>
Anatomy, Gross, Micro, & Neuro	Materia Medica, Pharm. & Therap.			
Bio-Chem.	Medical Jurisprudence			
Bact., Microbio. & Immun.	Eye, Ear, Nose & Throat			
Physiology	Surgery, incl. Anesth. & Rad.			
Pathology	Neurology & Psychiatry			
Med., incl. Derma.	Pediatrics 45			
Prev. Med. & Pub. Hlth				
Ob. Gyn.	* (BASED ON 50%)			

I hereby certify that the above license is in good standing; that the above applicant's record is clear and that from the records now on file in this office, I believe the above applicant to be a fit and proper person to receive a California Reciprocity Certificate.

In testimony whereof witness my hand and seal.

[SEAL]

Secretary of the Michigan State Board of Registration
State Board of Examiners in Medicine

dated at Lansing, Michigan

Address: 1033 S. Washington Avenue

15th day of July 1968

*An oral examination shall not be deemed of equal merit with a written examination and no certificate shall be issued in the case where a candidate has given an oral examination in another state and the California law required a written examination on the same date.

†An applicant admitted to examination prior to possession of DIPLOMA must submit a certified copy of the document used as a basis of his admission to examination.

NOTICE.—Detach here and send to Medical College for endorsement.

It is hereby certified that Michael A. Roth entered the freshman Specify Freshman or later

class in the Wayne State University School of Medicine the 26 day of September 1963

1. That as evidence of PRELIMINARY EDUCATION (high school) he presented transcript credit from

Central High School, Detroit, Michigan

Specific documentary evidence and date of document

transcript from the

Wayne State University

Specify documentary evidence and data of document, including number of units:

* 3. That prior to commencing the _____ the study of inorganic and organic chemistry of college grade in each of the subjects of chemistry, physics and biology as shown on the accompanying certification; _____

Every application based on a certificate issued after January 1, 1919, must show that prior to commencing the study of medicine, he has completed one year of college grade in the subjects of physics, chemistry and biology. After January 1, 1924, said applicant must show the completion of a two year's college course in the subjects of physics, chemistry and biology.

including the subjects of physics, chemistry and biology prior to commencing the study of medicine, and an applicant matriculating in a medical school after January 1, 1914 must show the completion of a three year's college course, including the subjects of Physics, Chemistry and Biology.

* Strike out number) If course not of record in your institution, i.e., filed as matriculation requirement.

4. That he attended all courses or lectures given by this Institution complete _____ Year _____
Specify number _____
Doctor of Medicine _____ on the 20 day of June 196

was issued the degree of Bachelor of Science in
Specialty _____ Month _____

Signed: S. L. Ickes, Recorder President/Dea/Secretary

SEAL

of Wayne State University School of Medicine
Name of school

OF
(SCHOOL)

this 22 day of May 19__

Month

Graduates after August 10, 1913, must show the completion of 4 terms of 32 weeks, totaling 128 weeks, and a minimum

of 4000 hours in the subjects set forth in the Business and Professions Code of California.

CERTIFICATE OF MORAL CHARACTER

Must Be Signed by Two Licensed Physicians and Surgeons Who Have Known Applicant for at Least One Year
(No practitioner is expected to sign this recommendation who is not personally acquainted with the applicant and who is not willing to furnish information concerning his or her character, education and standing, on request of the Board.)

This certifies that I have been personally acquainted with Michael A. Roth, M. D. for 12 years and that I know him to be of good moral character and hereby recommend him to the Board of Medical Examiners of the State of California as most worthy to be licensed to practice as a "physician and surgeon" in the State of California.

Name: William E. Hartshorn, M.D. Address: 1200 N. State St. L.A. 90032
Graduated from: Univ So Calif date: June 1947 Licensed in: Calif No. A-12129

This certifies that I have been personally acquainted with Michael A. Roth, M. D. for 1 years and that I know him to be of good moral character and hereby recommend him to the Board of Medical Examiners of the State of California as most worthy to be licensed to practice as a "physician and surgeon" in the State of California.

Name: Charles S. Bohrer, M.D. Address: 13447 Ardmore, Whittier, Cal
Graduated from: USC date: June 13 1963 Licensed in: Calif No. G-9851

RECIPROCITY INFORMATION

Dear Doctor:

Sacramento, California

Answering your recent inquiry, we submit the following information regulating the issuance of a reciprocity certificate to practice in California. Please read carefully and supply all the data required on this application blank.

Reciprocity applications are acted on at a credentials committee meeting which is held approximately once a week. No TEMPORARY CERTIFICATES or SPECIAL PERMITS to practice are issued. The filing of an application does not grant an applicant any special privileges, nor is any method of treating the sick or afflicted permitted in California without the lawful possession of a certificate issued by this Board and then only after said certificate has been recorded in the county wherein such practice is conducted. See sections 2141 to 2143 of the Business and Professions Code. Applicants must not establish an office nor circulate professional printed matter using the prefix "Dr." or suffix "M.D." before a California certificate has been issued.

APPLICATION FEE of \$10.00 (foreign exchange to be added) in any form other than a personal check must accompany this application and be deposited in the office of the Board, 1021 O Street, Sacramento, California, two weeks before any date shown on the accompanying dates for meetings for the current year. An additional \$100.00 certificate fee to be paid if certificate is issued, together with the current license fee as provided by law and the Board rules and regulations.

Mutilated or partially completed applications not acceptable. Read footnotes on pages 1-2-3.

Application based on a certificate issued "on Reciprocity" is not acceptable.

If admitted to examination in another state BEFORE POSSESSION OF DIPLOMA, an applicant must submit a certified copy of the document used as a basis of his admission to examination.

Applicants who have failed in a California written or oral examination are not eligible to file a Reciprocity Application.

This APPLICATION must be based on a certificate or medical license, issued by a Board of Medical Examiners (or similar medical licensing body) of any STATE or TERRITORY of the UNITED STATES that maintained a standard EQUAL TO CALIFORNIA on the same date. After September 22, 1951, the requirements of the Business and Professions Code for the issuance of a physicians and surgeons certificate included a one year's internship satisfactory to the Board. If such certificate or medical license is dated five or more years before the filing date of this application, the applicant must report for practical, clinical oral examination complying with the inclosed notice re dates and places for Oral Examinations for the current year.

Oral examinations are given ONLY at the address and on the dates mentioned on the accompanying mimeographed sheet of meetings as listed thereon. The Board must be notified when and where you will report for oral examination.

Amendment (Chapter 309, Statutes 1929) requires all preliminary, premedical and professional training to have been "resident" courses in a school approved by the Board.

Amendment (Chapter 670, Statutes 1935, effective September 15, 1935, and subsequent amendments) requires that graduates of foreign medical schools must meet additional requirements. Write for our printed form No. 172-173.

STATE DEPARTMENT OF CONSUMER AFFAIRS
INTERNET CASHIERING SYSTEM
MEDICAL BOARD OF CALIFORNIA
SUPPLEMENTAL INFORMATION REPORT
From Date: 01/19/2012 To Date: 01/19/2012

ATRISUPPINF

09-JAN-15 15:26:48

Person Id : 566614

Name : Roth, Michael

Question

Answer

I Have Completed Cme And Can Document Not Less Than 50 Hours Of Approved Cme For The Two-Year Period Immediately Preceding The Expiration Date Of My License. Or I Meet The Conditions Which Would Exempt Me From All Or Part Of The Requirements. YES

I Have Completed 12 Hours Of Pain Management And End-Of-Life Care. YES

I Am Exempt From The Completion Of 12 Hours Of Pain Management And End-Of-Life Care Continuing Education Requirement Because I Am A Radiologist Or Pathologist. NO

Only For General Internists And Family Physicians Who Have 25% Of Their Patient Population Aged 65 Years Or Older: I Have Completed At Least 20% Of The Required Cme In Geriatric Medicine Or The Care Of Older Patients. Click No If Not Applicable. NO

Enter Name/Address Of Facility Where You Or Your Immediate Family Hold Financial Interest. Type "None", If None Held. NONE

I Certify Under Penalty Of Perjury Under The Laws Of The State Of California That The Information Contained In This Application Is True And Correct. YES

I Have Read My Profile On The Medical Board Web Site At Www.Mbc.Ca.Gov And Acknowledge The Information Contained Therein As Current And Accurate. YES

Since You Last Renewed Your License, Have You Had Any License Disciplined By A Government Agency Or Other Disciplinary Body; Or, Have You Been Convicted Of Any Crime In Any State, The U S A And Its Territories, Military Court Or A Foreign Country? NO

Total Questions Asked For Person : 566614

8

**MEDICAL BOARD OF CALIFORNIA****EXECUTIVE OFFICE**

1434 Howe Avenue, Suite 92
Sacramento, CA 95825-3236

(916) 263-2389 Fax: (916) 263-2387

www.caldocinfo.ca.gov



May 2, 2006

Michael A. Roth, M.D.
42450 W. 12 Mile, #205
Novi, MI 48377

Re: Physician's and Surgeon's Certificate Number C-30405
Case Number 16-2004-159043

PUBLIC REPRIMAND

On May 19, 2004, the State of Michigan Board of Medicine issued a Consent Order and Stipulation which resulted in your Michigan medical license being placed on probation for six months, a records review requirement, monitoring, continuing education in the area of bariatrics and proper medical documentation, submission of a protocol for treatment of weight management and submission of random pharmacy inspections. This discipline was based on allegations that you, an obstetrician and gynecologist, treated several patients without adequate medical evaluation and without creating an adequate medical record, performed ultrasounds without medical justification, prescribed without medical indication, inappropriately maintained and labeled controlled substances in your office and placed a patient on a diet plan which included prescription medication without documentation, assessment or evaluation. These actions are in violation of Business and Professions Code sections 2305 and 141(a).

Pursuant to the authority of Business and Professions Code sections 495 and 2227, the Medical Board of California hereby issues a Public Reprimand in this matter and understands that these violations will not be repeated.

Ronald L. Moy, M.D.
President
Division of Medical Quality

**BEFORE THE
DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

Michael A. Roth, M.D.

**Physician's and Surgeon's
Certificate No: C-30405**

Respondent.

Case No: 16-2004-159043

OAH No: N2004110241

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby accepted and adopted by the Division of Medical Quality of the Medical Board of California, as its Decision in the above entitled matter.

This Decision shall become effective at 5:00 p.m. on April 14, 2005.

DATED March 15, 2005

**DIVISION OF MEDICAL QUALITY
MEDICAL BOARD OF CALIFORNIA**



Ronald L. Moy, M.D.

Panel B Chair

Division of Medical Quality

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

In the Matter of the Accusation Against:

MICHAEL A. ROTH, M.D.
42450 West 12 Mile, #205
Novi, MI 48377

Physician and Surgeon's Certificate
No. C30405

Respondent.

Case No. 16-2004-159043

OAH No. N2004110241

PROPOSED DECISION

Administrative Law Judge Ruth S. Astle, State of California, Office of Administrative Hearings, heard this matter in Oakland, California, on February 3, 2005.

Jane Zack Simon, Deputy Attorney General, represented complainant.

Respondent was present and represented by Albert J. Garcia, Attorney at Law, 1995 University Avenue, Suite 265, Berkeley, California 94704.

The matter was submitted on February 3, 2005.

FACTUAL FINDINGS

1. David T. Thornton made this accusation in his official capacity as Interim Executive Director of the Medical Board of California and not otherwise.
2. On August 14, 1968, Physician and Surgeon's Certificate No. C30405 was issued by the Board to Michael A. Roth, M.D. (respondent). Respondent's certificate is renewed and current with an expiration date of February 28, 2006.
3. On May 19, 2004, the State of Michigan Board of Medicine (Michigan Board) issued a Consent Order and Stipulation (Consent Order) regarding respondent's license to practice medicine in Michigan. Under the terms of the Consent Order, respondent's Michigan license was placed on probation for six months, he was subjected to a records

review requirement, and he was required to have a monitor, to complete continuing education in the area of bariatrics and proper medical documentation, to submit a protocol for treatment of weight management, and to submit to random pharmacy inspections. The Consent Order resolved an Administrative Complaint in which it was alleged that respondent, an obstetrician and gynecologist, treated several patients without adequate medical evaluation and without creating an adequate medical record. It was also alleged that respondent performed ultrasounds without medical justification and prescribed without medical indication, that he placed a patient on a diet plan which included prescription medication without documentation, assessment or evaluation, and that he inappropriately maintained and labeled controlled substances in his office. The Consent Order is attached to the accusation as Exhibit A.

4. The action taken by the Michigan Board does constitute disciplinary action with the meaning of California law. Respondent's conduct and the action of the Michigan Board as set forth in Finding 3, above, constitute ground for disciplinary action for unprofessional conduct pursuant to Business and Professions Code sections 2305 and 141, subdivision (a).

5. The Michigan Board imposed a fine of \$15,000, which respondent paid in full. On January 24, 2005, respondent received a letter from the Michigan Board indicating that he complied with all the terms of the Consent Order and that he was discharged from probation.

6. Respondent presented a letter from his monitor indicating that respondent's office-based documentation was satisfactory and that respondent understands thoroughly the nature of the deficiencies that resulted in the action taken against him by the Michigan Board. Respondent also presented a letter from the Chairman and Program Director of the Department of Obstetrics and Gynecology at Providence Hospital. Respondent was reviewed by the hospital and remained an attending physician in good standing. He also presented four character letters.

7. Respondent has no prior disciplinary action and has been in practice for over 30 years. He has changed his practice in documentation and now spends more time with each patient. He also sees fewer patients so that he can document all the information.

8. Respondent's actions and cooperation with the Michigan Board show that respondent took these allegations seriously and made the necessary changes in his practice so that this will not happen in the future. A public reprimand and a course in recordkeeping and a course in prescribing practices (such as the courses offered by PACE) in addition to 20 additional CME hours in the area of bariatrics is appropriate.

9. Costs in the amount of \$868.75 are reasonable and respondent is responsible for this amount.

LEGAL CONCLUSIONS

1. By reason of the matters set forth in Findings 3 and 4, cause for disciplinary action exists pursuant to Business and Professions Code sections 141 (out of state discipline) and 2305 (unprofessional conduct for out of state discipline).

2. The matters in mitigation, extenuation and rehabilitation set forth in Findings 5, 6, 7 and 8 have been considered in making the following order.

3. Cost recovery in the amount of \$868.75 is ordered pursuant to Business and Professions Code section 125.3.

ORDER

Michael A. Roth, M.D., holder of Physician's and Surgeon's Certificate No. C30405 shall by way of letter from the President of the Division of Medical Quality of the Medical Board of California be publicly reprimanded; provided, however, that the public reprimand is conditional on respondent's full compliance with the following conditions precedent:

1. **Continuing Education Courses** - Within 90 calendar days of the effective date of this decision, respondent shall submit to the Division or its designee for its prior approval an educational program and/or courses which shall be aimed at correcting any areas of deficient practice or knowledge including, but not limited to, a prescribing course, a medical record keeping course (such as those offered by PACE) and 20 additional CME hours in bariatrics. Respondent shall pay all costs of the educational program. Respondent shall complete the educational courses, and shall within six months of the effective date of this decision, unless the Division or its designee agrees in writing, to a later time for completion. This program shall be in addition to the CME requirements for re-licensure. Following the completion of these courses, the Division or its designee may administer an examination to test respondent's knowledge of the material. Respondent shall provide documentary proof of attendance at the courses.

2. **Cost Recovery** - Within 90 calendar days from the effective date of the Decision or other period agreed to by the Division or its designee, respondent shall reimburse the Division the amount of \$868.75 for its investigative and prosecution costs. The filing of bankruptcy or period of non-practice by respondent shall not relieve the respondent of his obligation to reimburse the Division for its costs.

3. Upon full compliance with the conditions precedent set forth in this decision, respondent's physician's and surgeon's certificate shall be publicly reprimanded by way of a letter from the President of the Division.

DATED: February 24, 2005

Maria Cervera
for RUTH S. ASTLE
Administrative Law Judge
Office of Administrative Hearings

BILL LOCKYER, Attorney General
of the State of California
JANE ZACK SIMON
Deputy Attorney General [SBN 116564]
455 Golden Gate Avenue, Suite 11000
San Francisco, California 94102
Telephone: (415) 703-5544
Facsimile: (415) 703-5480

Attorneys for Complainant

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

In the Matter of the Accusation Against:

Case No. 16-2004-159043

MICHAEL A. ROTH, M.D.,
42450 West 12 Mile, #205
Novi, MI 48377

ACCUSATION

Physician and Surgeon's
Certificate No. C30405

Respondent.

The Complainant alleges:

PARTIES

1. Complainant David T. Thornton is the Interim Executive Director of the Medical Board of California (hereinafter the "Board") and brings this accusation solely in his official capacity.

2. On or about August 14, 1968, Physician and Surgeon's Certificate No. C30405 was issued by the Board to Michael A. Roth, M.D. (hereinafter "respondent"). Respondent's certificate is renewed and current with an expiration date of February 28, 2006.

JURISDICTION

3. This accusation is brought before the Division of Medical Quality of the Medical Board of California, Department of Consumer Affairs (hereinafter the "Division"), under the authority of the following sections of the California Business and Professions Code (hereinafter "Code") and/or other relevant statutory enactment:

A. Section 2227 of the Code provides in part that the Board may revoke, suspend for a period of not to exceed one year, or place on probation, the license of any licensee who has been found guilty under the Medical Practice Act, and may recover the costs of probation monitoring if probation is imposed.

B. Section 125.3 of the Code provides, in part, that the Board may request the administrative law judge to direct any licensee found to have committed a violation or violations of the licensing act, to pay the Board a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

C. Section 2305 of the Code provides, in part, that the revocation, suspension, or other discipline, restriction or limitation imposed by another state upon a license to practice medicine issued by that state, that would have been grounds for discipline in California under the Medical Practice Act, constitutes grounds for discipline for unprofessional conduct.

D. Section 141 of the Code

"(a) For any licensee holding a license issued by a board under the jurisdiction of a 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 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 by another country shall be conclusive evidence of the events related therein.

"(b) Nothing in this section shall preclude a board from applying a

1 specific statutory provision in the licensing act administered by the board that provides
2 for discipline based upon a disciplinary action taken against the licensee by another state,
3 an agency of the federal government, or another country."

4 E. Welfare and Institutions Code section 14124.12 provides, in part, that a
5 physician whose license has been placed on probation by the Medical Board shall not be
6 reimbursed by Medi-Cal for "the type of surgical service or invasive procedure that gave
7 rise to the probation."

8 4. Respondent is subject to discipline within the meaning of section 141 and
9 is guilty of unprofessional conduct within the meaning of section 2305 as more particularly set
10 forth herein below.

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Discipline, Restriction, or Limitation Imposed by Another State)

13 5. On or about May 19, 2004, the State of Michigan Board of Medicine
14 issued a Consent Order and Stipulation regarding respondent's license to practice medicine in
15 Michigan. Under the terms of the Consent Order and Stipulation, respondent's Michigan license
16 was placed on probation for six months, he was subjected to a records review requirement, a
17 monitor, required to complete continuing education in the area of bariatrics and proper medical
18 documentation, to submit a protocol for treatment of weight management, and to submit to
19 random pharmacy inspections.

20 The Consent Order and Stipulation resolved an Administrative Complaint in
21 which it was alleged that respondent, an obstetrician and gynecologist, treated several patients
22 without adequate medical evaluation and without creating an adequate medical record. It was
23 also alleged that respondent performed ultrasounds without medical justification, and prescribed
24 without medical indication, that he placed a patient on a diet plan which included prescription
25 medication without documentation, assessment or evaluation, and that he inappropriately
26 maintained and labeled controlled substances in his office.

27 Attached hereto as Exhibit A are true and correct copies of the Consent

1 Order and Stipulation and the Administrative Complaint before the State of Michigan Board of
2 Medicine.

3 6. Respondent's conduct and the action of the Michigan Board of Medicine, as
4 set forth in paragraph 5, above, constitute unprofessional conduct within the meaning of section
5 2305 and conduct subject to discipline within the meaning of section 141(a).

6 **PRAYER**

7 **WHEREFORE**, the complainant requests that a hearing be held on the matters
8 herein alleged, and that following the hearing, the Division issue a decision:

9 1. Revoking or suspending Physician and Surgeon's Certificate Number
10 C30405, heretofore issued to respondent Michael A. Roth, M.D.;

11 2. Revoking, suspending or denying approval of the respondent's authority to
12 supervise physician assistants;

13 3. Ordering respondent to pay the Division the actual and reasonable costs of
14 the investigation and enforcement of this case and to pay the costs of probation monitoring upon
15 order of the Division; and

16 4. Taking such other and further action as the Division deems necessary and
17 proper.

18 DATED: August 3, 2004.

19
20
21 
22 **DAVID T. THORNTON**
23 Interim Executive Director
24 Medical Board of California
25 Department of Consumer Affairs
26 State of California

26 Complainant

Exhibit A

STATE OF MICHIGAN
DEPARTMENT OF COMMUNITY HEALTH
BUREAU OF HEALTH PROFESSIONS
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

MICHAEL ARTHUR ROTH, M.D.

Complaint No. 43-00-2832-00

CONSENT ORDER AND STIPULATION

CONSENT ORDER

An Administrative Complaint was filed with the Disciplinary Subcommittee of the Board of Medicine on October 15, 2003, charging Michael Arthur Roth, M.D., (Respondent) with having violated sections 16221(a), (b)(i), and (b)(vi) of the Public Health Code, 1978 PA 368, as amended, MCL 333.1101 *et seq.*

The parties have stipulated that the Disciplinary Subcommittee may enter this Consent Order. The Disciplinary Subcommittee has reviewed the Stipulation contained in this document and agrees that the public interest is best served by resolution of the outstanding Complaint. Therefore, the Disciplinary Subcommittee finds that the allegations of fact contained in the Complaint are true and that Respondent has violated sections 16221(a), (b)(i), and (b)(vi) of the Public Health Code.

Accordingly, for these violations, IT IS ORDERED:

Respondent is placed on PROBATION for a period of six months commencing on the effective date of this Order. Reduction of the probationary period shall occur only while

STATE OF MICHIGAN - INGHAM COUNTY
We certify that the foregoing is a true
copy of the original on file in the office of
the Department of Community Health

Respondent is employed as a medical doctor. Respondent shall be automatically discharged from probation at the end of the probationary period provided Respondent has complied with the terms of this Order. The terms and conditions of the probation with which Respondent must complete within the period of probation are as follows:

- A. MEETING WITH BOARD MEMBER OR DESIGNEE. Respondent shall meet quarterly with a Board member or a designee named by the Board Chairperson to review Respondent's professional practice. The initial meeting shall occur at the beginning of probation and subsequent meetings as deemed necessary by the reviewer, but at least quarterly until the period of probation ends. Within fifteen days of this Order's effective date, Respondent shall contact the Sanction Monitoring Unit (Unit) of the Bureau of Health Services, Department of Community Health at (517) 373-4972. The Unit shall provide Respondent with the name of and contact information for the designated person. Respondent shall be responsible for scheduling the time and place of his meetings with this individual.
- B. RECORDS REVIEW. During the period of probation, the designated physician shall review records of patients treated by Respondent on both an inpatient and outpatient basis. This review may occur at the quarterly meetings described in the above paragraph.
- C. CONTINUING EDUCATION CREDITS. Respondent shall successfully complete continuing education (CE) credits in the areas of bariatrics and proper medical documentation. These hours shall not count toward the number of credit hours required for license renewal. Respondent must seek and obtain advance approval of the CE course from the Board Chairperson or his designee. Respondent shall mail his request for course approval and proof of successful course completion to the Department at the address set forth below.
- D. WEIGHT MANAGEMENT PLANS. Respondent shall submit an approved weight management plan for use in his office practice to a Board approved physician for review. This plan shall include at a minimum, nutritional guidelines, exercise routines, a schedule for patients to meet goals, proper patient follow-up, proper chart documentation, and a timeframe in which the use of scheduled medications will no longer be used for weight loss.
- E. REPORTING PROCEDURE. The designated reviewer described above shall issue reports to the Department advising of Respondent's work performance. These reports shall also include an evaluation of

Respondent's charts with respect to the adequacy of his documentation. The first report shall be filed at the end of the first month of probation, and subsequent reports as deemed necessary by the reviewer, but at least quarterly until Respondent is discharged from probation. In addition to receiving reports as required above, the Department or its authorized representative may periodically contact the reporting individual to inquire of Respondent's progress. By accepting the terms of this Consent Order and Stipulation, Respondent has authorized the release of all necessary records and information.

F. PHARMACY INSPECTIONS.--Respondent shall be subject to random inspections by a Department of Community Health's pharmacy inspector. The inspector shall then file a report detailing Respondent's compliance with all applicable statutory requirements and rules governing his drug control license.

Respondent is FINED \$15,000.00 to be paid by check, money order or cashier's check made payable to the State of Michigan (with Complaint number 43-00-2832-00 clearly indicated on the check or money order) within six months from the effective date of this Order. The timely payment of the fine shall be Respondent's responsibility.

Respondent shall direct any communications to the Department that are required by the terms of this Order, except the payment of fines, to: Sanction Monitoring Unit, Bureau of Health Professions, Department of Community Health, P.O. Box 30670, Lansing, Michigan 48909. Respondent shall mail any fine required by the terms of this Order to: Sanction Monitoring, Bureau of Health Professions, Department of Community Health, P.O. Box 30185, Lansing, Michigan 48909.

Respondent shall be responsible for the timely compliance with the terms of this Consent Order, including the timely filing of any documentation, and the failure to comply within the time limitations provided will constitute a violation of this Order.

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JAN 10 1994
DEPT. OF COMMUNITY HEALTH
LANSING, MICHIGAN

If Respondent violates any term or condition set forth in this order, Respondent will be in violation of 1996 AACRS, R 338.1632, and section 16221(h) of the Public Health Code.

This Order shall be effective on the date signed by the Chairperson of the Disciplinary Subcommittee or the Disciplinary Subcommittee's authorized representative, as set forth below.

Signed on May 19, 2004.

MICHIGAN BOARD OF MEDICINE

By [Signature]

Chairperson, Disciplinary Subcommittee

STIPULATION

The parties stipulate as follows:

1. Respondent does not contest the allegations of fact and law in the Complaint.

Respondent understands that, by pleading no contest, he does not admit the truth of the allegations but agrees that the Disciplinary Subcommittee may treat the allegations as true for resolution of the Complaint and may enter an Order treating the allegations as true.

2. Respondent understands and intends that, by signing this Stipulation, he is waiving the right under the Public Health Code, rules promulgated under the Public Health Code, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended, MCL 24.201 *et seq*, to

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MAY 20 2004
MICHIGAN BOARD OF MEDICINE
1000 WEST WASHINGTON
ANN ARBOR, MI 48106-1500
TEL: 734.769.7000
FAX: 734.769.7001
WWW.MICHIGANBOARDOFMEDICINE.MI

require the Department to prove the charges set forth in the complaint by presentation of evidence and legal authority, and to present a defense to the charges before the Disciplinary Subcommittee or its authorized representative.

3. The Disciplinary Subcommittee may enter the above Consent Order, which Board conferee Scot F. Goldberg, M.D. supports. The Board conferee and the undersigned Assistant Attorney General are free to discuss this matter with the Disciplinary Subcommittee in order to recommend acceptance of this resolution.

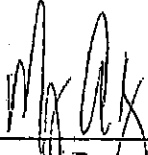
4. The Board conferee and the parties considered the following factors in reaching this agreement:

- A. Respondent has cooperated fully in the resolution of this matter.
- B. There has been no patient harm as a result of Respondent's conduct described in the State's Administrative Complaint.
- C. Respondent will never perform a pregnancy termination procedure outside an approved clinic/hospital/office setting. Respondent understands his office practice will continue to be subject to random pharmacy inspections after his probation period ends.

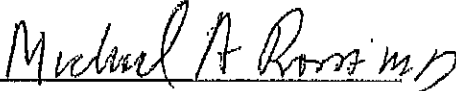
5. Should the Disciplinary Subcommittee reject the proposed consent order, the parties reserve the right to proceed to hearing.

STATE OF NEW YORK
DEPARTMENT OF HEALTH
OFFICE OF THE ATTORNEY GENERAL
ALBANY, NEW YORK
JAN 10 2007

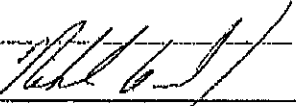
AGREED TO BY:


Merry A. Rosenberg (P32120)
Assistant Attorney General
Attorney for Complainant
Dated: 4/22/04

AGREED TO BY:


Michael Arthur Roth, M.D.
Respondent

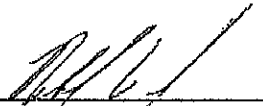
Dated: 4-15-04


Nicholas A. Ianni, Jr. (P34486)
Attorney for Respondent
Dated: 4-15-04

State of MICHIGAN)

County of WASHTENAW)

On APRIL 15, 2004, I observed Michael Arthur Roth, M.D., sign this
Stipulation.


Notary Public, WASHTENAW County
State of MICHIGAN
My commission expires: 1/13/05

dr.cases.mar04.roth,md.roth p cos

STATE OF MICHIGAN
DEPARTMENT OF CONSUMER & INDUSTRY SERVICES
BUREAU OF HEALTH SERVICES
BOARD OF MEDICINE
DISCIPLINARY SUBCOMMITTEE

In the Matter of

MICHAEL ARTHUR ROTH, M.D.

Complaint No. 43-00-2832-00

ADMINISTRATIVE COMPLAINT

Attorney General Michael Cox, through Assistant Attorney General Merry A. Rosenberg, on behalf of the Department of Consumer & Industry Services, Bureau of Health Services, (Complainant), files this Complaint against Michael Arthur Roth, M.D., (Respondent), alleging upon information and belief as follows:

1. The Board of Medicine (Board), an administrative agency established by the Public Health Code, 1978 PA 368, as amended; MCL 333.1101 *et seq*, is empowered to discipline licensees under the Code through its Disciplinary Subcommittee (DSC).
2. Respondent is currently licensed to practice medicine pursuant to the Code and, at all times relevant to this Complaint, was board certified in obstetrics and gynecology.
3. Section 16221(a) of the Code provides the DSC with authority to take disciplinary action against Respondent for a violation of general duty, consisting of negligence or failure to exercise due care, including negligent delegation to, or supervision of employees or other

individuals, whether or not injury results, or any conduct, practice, or condition which impairs, or may impair, the ability to safely and skillfully practice medicine.

4. Section 16221(b)(i) of the Code provides the DSC with authority to take disciplinary action against Respondent for incompetence, defined at section 16106(1) to mean: "[A] departure from, or failure to conform to, minimal standards of acceptable and prevailing practice for a health profession whether or not actual injury to an individual occurs."

5. Section 16221(b)(vi) of the Code authorizes the DSC to take disciplinary action against Respondent for a lack of good moral character, defined at section 1 of 1974 PA 381, as amended; MCL 338.41 *et seq.*, as the propensity on the part of the person to serve the public in the licensed area in a fair, honest, and open manner.

6. Section 16226 of the Code authorizes the DSC to impose sanctions against a person licensed by the Board if, after opportunity for a hearing, the DSC determines that a licensee violated one or more of the subdivisions contained in section 16221 of the Code.

COUNT I

7. M.M., (initials will be used to protect patient confidentiality), a 29-year old female, presented to Respondent's office on March 14, 2000, for a voluntary termination of pregnancy. Respondent performed an ultrasound, which he interpreted to show a gestational age of 23 to 24 weeks.

8. Respondent inserted the laminaria for the procedure that same day; M.M. returned to his office the next day, March 15, 2000, to have the procedure completed. His chart for M.M. does not include a pre-operative hemoglobin and hematocrit, any record of her pulse, a recovery record, or a discharge record with discharge instructions.

9. Respondent's conduct described in paragraphs 7-8 above constitutes negligence, in violation of section 16221(a) of the Code.

10. Respondent's conduct described in paragraphs 7-8 above constitutes incompetence, in violation of section 16221(b)(i) of the Code.

COUNT II

11. M.E., a 41-year old female, requested Respondent to perform a voluntary termination of pregnancy at her home on or about December 6, 1998. She wanted the procedure done at her home because of her alleged agoraphobia, although Respondent's chart was devoid of any documentation to support that diagnosis. In fact, M.E. identified herself as a "bartender."

12. Respondent performed the termination procedure at M.E.'s home on December 6, 1998. Respondent's chart for M.E. does not include any verification of her age or identity, (i.e., a driver's license), or the consent form that verifies the statutorily required 24-hour waiting period. In fact, this record does reflect that Respondent never saw her before performing the procedure.

13. Respondent's records for M.E. are further devoid of any documentation of a history and physical, pre-procedure hemoglobin or hematocrit, vital signs taken before, during or after the procedure, a recovery record, or discharge instructions.

14. Respondent performed a second voluntary termination of pregnancy on M.E. at her home on October 5, 1999, again because of her alleged agoraphobia. As noted, (paragraph 12 *supra*,) the chart includes no documentation of her identity or age, or that she was seen by Respondent prior to the procedure to receive the statutorily required 24-hour consent information.

15. Respondent's records for the October 5, 1999, procedure do not include a history or physical, a pre-operative hemoglobin or hematocrit, a recovery record, or discharge instructions.

16. Respondent's conduct described in paragraphs 11-15 above constitutes negligence, in violation of section 16221(a) of the Code.

17. Respondent's conduct described in paragraphs 11-15 above constitutes incompetence, in violation of section 16221(b)(i) of the Code.

COUNT III

18. N.F. began treatment with Respondent on June 27, 1997. Respondent performed a dilatation and curettage on June 3, 1998. Respondent's record for that procedure does not include documentation of any vital signs, except for her pre-operative blood pressure.

19. N.F. became pregnant in September of 1999. Respondent performed ultrasounds on October 8, 1999, October 18, 1999, November 2, 1999, November 12, 1999, November 24, 1999, December 1, 1999, and January 12, 2000. Additionally, maternal fetal specialist William Blessed, M.D., performed ultrasounds on N.F. on October 20, 1999, and December 30, 1999. There is no medical justification in Respondent's chart for the ultrasounds Respondent performed on November 12, 1999, November 24, 1999, and January 12, 2000.

20. Respondent's conduct described in paragraphs 18-19 above constitutes negligence, in violation of section 16221(a) of the Code.

21. Respondent's conduct described in paragraphs 18-19 above constitutes incompetence, in violation of section 16221(b)(i) of the Code.

22. Respondent's conduct described in paragraphs 18-19 above constitutes a lack of good moral character, in violation of section 16221(b)(vi) of the Code.

COUNT IV

23. K.Y., a 42-year old female, presented to Respondent's office on November 22, 1999, for weight loss. She weighted 176 pounds at that time. K.Y. continued to see Respondent for that purpose until April 18, 2001. During that 16-month period, she lost only 6½ lbs, despite receiving bi-monthly supplies of Phentermine and Chromium from Respondent.

24. Respondent provided B₁₂ injections to K.Y. beginning November 22, 1999, and continuing throughout the rest of her care with him, even though his chart includes only one set of laboratory tests which were performed on her initial visit and did *not* reflect a vitamin B₁₂ deficiency.

25. Respondent's chart for K.Y. is devoid of any documentation of the diet plan that K.Y. was following, a nutrition assessment, counseling, or any other documentation of the regimen she was to follow.

26. Respondent's conduct described in paragraphs 23-25 above constitutes negligence, in violation of section 16221(a) of the Code.

27. Respondent's conduct described in paragraphs 23-25 above constitutes incompetence, in violation of section 16221(b)(i) of the Code.

COUNT V

28. S.K. began to treat with Respondent in June of 1989. For the period July 1996 through September 13, 2000, Respondent's chart reflects approximately 31 interactions with S.K. Of those visits, four physical examinations are documented: December 9, 1997; July 21, 1998; June 11, 1999; and July 28, 1999. Her chart otherwise includes call-ins to the pharmacy for prescriptions, including multiple antibiotics with no rationale, multiple schedule four sedatives with no rationale, multiple pain medications with no rationale, multiple migraine type medications with no rationale and multiple cardiac-type medications with no rationale.

29. Respondent's conduct described in paragraph 28 above constitutes negligence, in violation of section 16221(a) of the Code.

30. Respondent's conduct described in paragraph 28 above constitutes incompetence, in violation of section 16221(b)(i) of the Code.

COUNT VI

31. C.D., a 40-year old female, presented to Respondent's office on April 30, 1997, for weight loss. She weighed 140 lbs. Respondent prescribed Chromium and Phentermine at that visit.

32. Although C.D. continued to treat with Respondent through March 6, 2001, it appears that her last visit for weight control was on August 2, 2000, at which time no weight was

recorded. The next time her weight was recorded was on February 21, 2001, at which time she weighed 159 lbs, a 19-pound weight gain from her initial visit.

33. Respondent's chart for C.D. is devoid of any documentation of the diet plan that C.D. was following, a nutrition assessment, counseling, or any other documentation of the regimen she was to follow

34. Respondent's conduct described in paragraphs 31 through 33 above constitutes negligence, in violation of section 16221(a) of the Code.

35. Respondent's conduct described in paragraphs 31-33 above constitutes incompetence, in violation of section 16221(b)(i) of the Code.

COUNT VII

36. Consumer and Industry Services' Pharmacy Inspector Carol Haynes-Hall conducted an office inspection of Respondent's office on January 3, 2002. At that time, she noted that Respondent's drug control license expired on June 30, 1981. After this inspection, Respondent updated his license and now has a current drug control license. Additionally, Respondent's medical license was not posted in his office.

37. Ms. Haynes-Hall further noted the presence of approximately 200 to 300 envelopes in a cabinet to which Respondent's staff had access. These envelopes contained

misbranded medications, including the controlled substances Phentermine, Diethylpropion, and Phendimetrazone.

38. Inspector Haynes-Hall further noted that the above-described envelopes were not properly labeled, lacked expiration dates for the enclosed medications, and lacked any required caution statements. They also did not have proper safety closures.

39. The logbook maintained in Respondent's office for these medications did not include their lot number and expiration date. Respondent also failed to maintain either a perpetual or an annual inventory.

40. Respondent's medical assistant Chris Threet told Consumer and Industry Services' Investigator Danene Nunez during an interview on January 3, 2002, that she dispensed controlled diet substance medications to Respondent's patients when he was not present in the office.

41. Respondent's conduct described in paragraphs 36-40 above constitutes negligence, in violation of section 16221(a) of the Code.

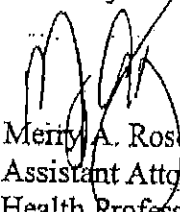
THEREFORE, Complainant requests that this Complaint be served upon Respondent and that Respondent be offered an opportunity to show compliance with all lawful requirements for retention of the aforesaid license. If compliance is not shown, Complainant further requests that formal proceedings be commenced pursuant to the Public Health Code, rules promulgated

pursuant to it, and the Administrative Procedures Act of 1969, 1969 PA 306, as amended; MCL 24.201 *et seq.*

RESPONDENT IS HEREBY NOTIFIED that, pursuant to section 16231(7) of the Public Health Code, Respondent has 30 days from receipt of this Complaint to submit a written response to the allegations contained in it. The written response shall be submitted to the Bureau of Health Services, Department of Consumer & Industry Services, P.O. Box 30670, Lansing, Michigan, 48909, with a copy to the undersigned Assistant Attorney General. Further, pursuant to section 16231(8), failure to submit a written response within 30 days shall be treated as an admission of the allegations contained in the Complaint and shall result in transmittal of the Complaint directly to the Board's Disciplinary Subcommittee for imposition of an appropriate sanction.

Respectfully submitted,

Michael Cox
Attorney General


Merry A. Rosenberg (P32120)
Assistant Attorney General
Health Professionals Division
P.O. Box 30217
Lansing, Michigan 48909
(517) 373-1146

Dated: October 15, 2003
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