



**COLORADO**

Department of  
Regulatory Agencies

Division of Professions and Occupations

Healthcare Branch  
Colorado Medical Board



**VIA CERTIFIED MAIL**

May 20, 2016  
Case No. 2015-2625-B

David K. Rosenthal, M.D.

Dear Dr. Rosenthal:

Inquiry Panel B ("Panel") of the Colorado Medical Board ("Board") has concluded its inquiry regarding your care and treatment of patient A.M. It was the Panel's decision not to commence with formal proceedings against your license to practice medicine. However, the Panel did vote to administer disciplinary action to you in the form of this letter of admonition.

As you recall, you treated patient A.M. from approximately December 2010 through August 2015 for severe anxiety and emotional trauma. The patient presented with a history of opioid addiction following an automobile accident in 2009; a history of self-medicating her panic attacks and anxiety with alcohol, and was on probation, urinalyses and breathalyzer for a Driving Under the Influence conviction; and, a history of Attention Deficit Hyperactivity Disorder ("ADHD") which was treated successfully with Adderall. You provided multiple prescriptions for Xanax and dextroamphetamine during your treatment of the patient. You did not document details about the patient's ADHD other than in a computerized self-report tool. You noted concerns about the patient's Xanax dependence and discussed tapering off of the medication; however, it was not until the patient was moving out of state that you gave her a prescription for Neurontin to help her with Xanax withdrawal seizures. Despite your diagnosis of Post-Traumatic Stress Disorder ("PTSD") for this patient, there was no evidence that you addressed the PTSD.

After a review of all the information in this matter, the Panel found that your care and treatment of patient A.M. fell below the generally accepted standards of practice for a physician, constituting a violation of section 12-36-117 of the Colorado Revised Statutes. Specifically, you failed to consider alternative, and more appropriate, medications to treat this patient's anxiety; failed to timely and adequately address the tapering of the patient's Xanax; inappropriately prescribed Neurontin to be used on an unsupervised basis; failed to address the patient's PTSD; and, failed to adequately document your care and treatment of this patient.



David K. Rosenthal, M.D.  
Case No. 2015-2625-B  
May 20, 2016  
Page Two

By this letter, the Panel hereby admonishes you and cautions you that complaints disclosing any repetition of such practice may lead to the commencement of formal disciplinary proceedings against your license to practice as a physician wherein this letter of admonition may be entered into evidence as aggravation.

You are advised that it is your right to have this case reviewed in an administrative proceeding. To do so, you must submit a written request within twenty (20) days after receipt of this letter. In your request, you must clearly ask that formal disciplinary proceedings be initiated against you to adjudicate the propriety of the conduct upon which this letter of admonition is based. If such request is timely made, this letter of admonition will be deemed vacated, and the matter will be processed by means of a formal complaint and hearing. This is in accordance with the provisions of the Medical Practice Act governing the discipline of licensed physicians.

Sincerely,

FOR THE COLORADO MEDICAL BOARD  
INQUIRY PANEL B



Ty T. Higuchi, M.D.  
Chair

TTH/lej

cc: Steven A. Michalek, Esq.  
Elizabeth J.M. Howard, Esq.

