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

In the Matter of the Accusation against: 

EDWARD ALLEN ROSE, M.D. 

Case No. 12-2012-222264

Physician's and Surgeon's 
Certificate No. G 88082

Respondent.

DECISION

The attached Stipulated Surrender is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on April 19, 2013.

IT IS SO ORDERED April 12, 2013.

MEDICAL BOARD OF CALIFORNIA

By: [Signature]

Linda K. Whitney
Executive Director
BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

EDWARD ALLEN ROSE, M.D.
3608 Incantare Court
Santa Rosa, CA 95404

Physician’s and Surgeon’s
Certificate No. G88082

Respondent.

It is hereby stipulated and agreed by and between the parties in this proceeding that the following matters are true:

1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of California. This action has at all times been maintained solely in the official capacity of the Executive Director of the Medical Board of California (Board), who is represented in this matter by Kamala D. Harris, Attorney General of the State of California, by Jane Zack Simon, Deputy Attorney General.

2. Edward Allen Rose, M.D. (Respondent) is represented by Todd Vollmerhausen, Physicians' Advocates, 821 Bancroft Way, Berkeley, CA 94710.
3. Respondent has received, read, discussed with counsel, and understands the Accusation which is presently on file and pending in case number 12-2012-222264 (Accusation) a copy of which is attached as Exhibit A.

4. Respondent has carefully read, discussed with counsel and understands the charges and allegations in the Accusation. Respondent also has carefully read, discussed with counsel, and understands the effects of this Stipulated Surrender of License (Stipulation.)

5. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

6. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

7. Respondent does not contest that, at an administrative hearing, Complainant could establish a prima facie case with respect to the charges and allegations contained in the Accusation and that he has thereby subjected his license to disciplinary action. Respondent wishes to surrender his physician’s and surgeon’s certificate at this time.

8. Pursuant to section 2224(b) of the Business and Professions Code, this Stipulation for Surrender of License shall be subject to the approval of the Board. Respondent understands and agrees that the Medical Board’s staff and counsel for Complainant may communicate directly with the Board regarding this Stipulation, without notice to or participation by Respondent or his counsel. By signing this Stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek to rescind the Stipulation prior to the time the Board considers and acts upon it. In the event that this Stipulation is rejected for any reason by the Board, it will be of no force or effect for either party. The Board will not be disqualified from further action in this matter by virtue of its consideration of this Stipulation.
9. Upon acceptance of this Stipulation by the Board, Respondent understands that he will no longer be permitted to practice as a physician and surgeon in California, and also agrees to surrender and cause to be delivered to the Board any license and wallet certificate in his possession before the effective date of the decision.

10. The admissions made by Respondent herein are only for the purposes of this proceeding, or any other proceedings in which the Medical Board or other professional licensing agency is involved, and shall not be admissible in any other criminal or civil proceeding.

11. Respondent fully understands and agrees that if he ever files an application for relicensure or reinstatement in the State of California, the Board shall treat it as a petition for reinstatement, and Respondent must comply with all laws, regulations and procedures for reinstatement of a revoked license in effect at the time the petition is filed.

12. Respondent understands that he may not petition for reinstatement as a physician and surgeon for a period of three (3) years from the effective date of his surrender. Information gathered in connection with Accusation number 12-2012-222264 may be considered by the Board in determining whether or not to grant the petition for reinstatement. For the purposes of the reinstatement hearing, the allegations contained in Accusation number 12-2012-222264 shall be deemed to be admitted by Respondent, and Respondent waives any and all defenses based on a claim of laches or the statute of limitations.

13. The parties understand and agree that facsimile or electronic copies of this Stipulated Surrender of License, including facsimile or electronic signatures thereto, shall have the same force and effect as the originals.

ACCEPTANCE

I have carefully read the above Stipulated Surrender of License. I enter into it freely and voluntarily and with full knowledge of its force and effect, do hereby surrender my Physician and Surgeon’s Certificate Number G88082 to the Medical Board of California, for its formal acceptance. By signing this Stipulated Surrender of License, I recognize that upon its formal acceptance by the Board, I will lose all rights and privileges to practice as a physician and
surgeon in the State of California and I also will cause to be delivered to the Board any license
and wallet certificate in my possession before the effective date of the decision.

DATED: 1/2/2013
EDWARD ALLEN ROSE, M.D.

Respondent

I have read and fully discussed with Respondent Edward Allen Rose, M.D. the terms and
conditions and other matters contained in the above Stipulated Surrender of License. I approve
its form and content.

DATED: 1/4/2013
TODD YOLLMERHAUSEN
Physicians' Advocates

Attorneys for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License is hereby respectfully submitted for
consideration by the Medical Board of California.

Dated: 1/4/2013
KAMALA D. HARRIS
Attorney General of California

JANE ZACK SIMON
Deputy Attorney General

Attorneys for Complainant
In the Matter of the Accusation Against:

EDWARD ALLEN ROSE, M.D.
3608 Incantare Court
Santa Rosa, CA 95404

PHYSICIAN'S AND SURGEON'S CERTIFICATE NO.
G88082

Case No. 12-2012-222264

Respondent.}

Complainant alleges:

PARTIES

1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs.

JURISDICTION

3. This Accusation is brought before the Medical Board of California \(^1\) (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

A. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked or suspended for a period not to exceed one year; or the licensee may be placed on probation and may be required to pay the costs of probation monitoring or may have such other action taken in relation to discipline as the Division deems proper.

B. Section 2234 of the Code provides that the Medical Board shall take action against any licensee who is charged with unprofessional conduct. Unprofessional conduct includes, but is not limited to:

   (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter [Chapter 5, the Medical Practice Act]

   (b) Gross negligence

C. Section 726 of the Code provides that the commission of any act of sexual abuse, misconduct or relations with a patient, client or customer constitutes unprofessional conduct and grounds for disciplinary action.

**ETHICAL PRINCIPLES**

4. The medical profession has long subscribed to a body of ethical statements, set forth and adopted by the American Medical Association and known as *The Principles of Medical Ethics*. *The Principles of Medical Ethics* represent standards of conduct which define the essentials of honorable behavior for a physician. These principles establish that the relationship between a patient and physician is based on trust, and gives rise to an ethical obligation on the part of the physician to place the patient's interests above his or her self-interest.

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\(^1\) The term “Board” means the Medical Board of California. “Division of Medical Quality” shall also be deemed to refer to the Board.
FIRST CAUSE FOR DISCIPLINE
(Unprofessional Conduct/Gross Negligence/Sexual Misconduct/Violation of Ethical Principles)

5. Respondent specializes in family practice. At the time of the events alleged in this Accusation, Respondent and his wife, Karen Eileen Rose, M.D. worked as physicians with the Permanente Medical Group in Santa Rosa, California. Patient J.L. was a patient of both Respondent and Karen Eileen Rose, M.D.


7. Respondent’s conduct in entering into a sexual relationship with his patient constitutes unprofessional conduct, and/or gross negligence, and/or sexual misconduct, and/or a violation of ethical standards, and is cause for discipline pursuant to Business and Professions Code sections 2234, and/or 726, and/or 2234(b).

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board issue a decision:

1. Revoking or suspending Physician’s and Surgeon’s Certificate Number G88082 issued to Edward Allen Rose, M.D. and ordering Respondent to pay probation costs in the event that he is placed on probation;

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2. Revoking, suspending, or denying approval of Respondent’s authority to supervise physician assistants; and

3. Taking such other and further action as deemed necessary and proper.

DATED: March 27, 2013

LINDA K. WHITNEY
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant