

IN THE MATTER OF
JOSEPH F. ROSANA, O.D.
Respondent

* **BEFORE THE**
* **MARYLAND STATE**
* **BOARD OF EXAMINERS**
* **IN OPTOMETRY**
* **Case Number: 2017-023**

License Number: TA2006

* * * * *

ORDER FOR SUMMARY SUSPENSION OF LICENSE
TO PRACTICE OPTOMETRY

The Maryland State Board of Examiners in Optometry (the "Board") hereby **SUMMARILY SUSPENDS** the license of **JOSEPH F. ROSANA, O.D.** (the "Respondent"), License Number TA2006, to practice optometry in the State of Maryland. The Board takes such action pursuant to its authority under Md. Code Ann., State Gov't II ("State Gov't II") § 10-226(c)(2)(2014 Repl. Vol.), concluding that the public health, safety or welfare imperatively requires emergency action.

INVESTIGATIVE FINDINGS

Based on information received by, and made known to the Board, and the investigatory information obtained by, received by and made known to and available to the Board, including the instances described below, the Board has reason to believe that the following facts are true:¹

I. BACKGROUND

1. At all times relevant hereto, the Respondent was licensed to practice optometry in the State of Maryland. The Respondent was initially licensed to practice

¹ The statements regarding the Respondent's conduct are intended to provide the Respondent with notice of the basis of the summary suspension. They are not intended as, and do not necessarily represent a complete description of the evidence, either documentary or testimonial, to be offered against the Respondent in connection with this matter.

optometry in Maryland on June 15, 2006, under License Number TA2006. The Respondent's optometry license is active through June 30, 2019.

2. At all times relevant hereto, the Respondent was licensed to practice optometry in the Commonwealth of Virginia. The Respondent was originally licensed to practice optometry in Virginia on June 15, 2006, under License Number 0618-001577.

3. On or about February 21, 2017, the Virginia Board of Optometry (the "Virginia Board") summarily suspended the Respondent's Virginia optometry license, finding that he "posed a substantial danger to [the] public health or safety."

4. In documents prepared and issued in support of its action, the Virginia Board alleged that the Respondent sexually assaulted six patients during the course of performing eye examinations on them at an office in Leesburg, Virginia. The Virginia Board alleged that the Respondent's misconduct occurred from in or around March 2015, through in or around August 2016, and included but was not limited to his rubbing up against patients and touching them in a sexual manner.

5. The Virginia Board alleged that the Respondent's actions constituted a violation of: Virginia Code § 54.1-3215(3)(conducting his practice in such a manner as to endanger the health and welfare of his patients or the public); (16)(violating other standards of conduct as adopted by the Board); and the Regulations of the Virginia Board of Optometry, 18 VAC 105-20-40(11) and (14).

6. Based on the above investigative facts, the Board finds that the public health, safety or welfare imperatively requires emergency action.

CONCLUSIONS OF LAW

Based upon the foregoing Investigative Findings, the Board concludes that the

public health, safety, or welfare imperatively requires the immediate suspension of the Respondent's license to practice optometry, pursuant to State Gov't II § 10-226(c)(2)(2014 Repl. Vol.).

ORDER

Based on the foregoing investigative findings and conclusions of law, it is hereby:

ORDERED that pursuant to the authority vested in the Board by State Govt. II § 10-226(c)(2)(2014 Repl. Vol.), the Respondent's license to practice optometry in the State of Maryland is hereby **SUMMARILY SUSPENDED**; and it is further

ORDERED that the Respondent has the opportunity to appear before the Board for a post-deprivation show cause hearing. A request for a post-deprivation show cause hearing must be in writing and be made **WITHIN TEN (10) DAYS** of the date of this Order. The written request should be made to: Patricia G. Bennett, Executive Director, Maryland State Board of Optometry Examiners, 4201 Patterson Avenue, Suite 307, Baltimore, Maryland 21215; with copies mailed to: Robert J. Gilbert, Deputy Counsel, Health Occupations Prosecution and Litigation Division, Office of the Attorney General, 300 West Preston Street, Suite 201, Baltimore, Maryland 21201; and Ari Elbaum, Assistant Attorney General, Office of the Attorney General, 300 West Preston Street, Suite 302, Baltimore, Maryland 21201; and it is further


ORDERED that if the Respondent fails to request a post-deprivation show cause hearing in writing in a timely manner, or if the Respondent requests a post-deprivation show cause hearing but fails to appear before the Board when the hearing is scheduled, the Respondent's license to practice optometry shall remain

SUSPENDED; and it is further

ORDERED that upon presentation of this Order, the Respondent **SHALL SURRENDER** to the Board his original optometry license, wallet card and any other official indicia of licensure; and it is further

ORDERED that this is an Order of the Board, and as such, is a **PUBLIC DOCUMENT** pursuant to Md. Code Ann., Gen Prov. §§ 4-101 *et seq.* (2014).

6/27/17
Date



Patricia G. Bennett, Executive Director
Maryland State Board of Examiners
In Optometry