



Mark R. Chassin, M.D., M.P.P., M.P.H.
Commissioner

Board for Professional Medical Conduct

Corning Tower • Empire State Plaza • Albany, NY 12237 • (518) 474-8357

C. Maynard Guest, M.D.
Executive Secretary

March 21, 1994

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Walter Luikart, M.D.
110 East 36th Street
New York, New York 10016

RE: License No. 077909
Effective Date: 3/28/94

Dear Dr. Luikart:

Enclosed please find Order #BPMC 94-43 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Empire State Plaza
Tower Building-Room 438
Albany, New York 12237-0756

Sincerely,

C. Maynard Guest, M.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER :
OF : ORDER
WALTER LUIKART, M.D. : BPMC #94-43

-----X

Upon the Application of WALTER LUIKART, M.D. to Surrender his or her license as a physician in the State of New York, which application is made a part hereof, it is

ORDERED, that the application and the provisions thereof are hereby adopted; it is further

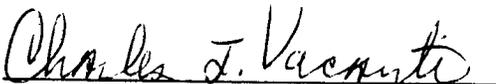
ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; it is further

ORDERED, that Respondent shall not apply for the restoration of Respondent's license until at least one year has elapsed from the effective date of this order; and it is further

ORDERED, that this order shall take effect as of the date of the personal service of this order upon Respondent, upon receipt by Respondent of this order via certified mail, or seven days after mailing of this order via certified mail, whichever is earliest.

SO ORDERED,

DATED: 16 March 1994


CHARLES J. VACANTI, M.D.
Chairperson
State Board for Professional
Medical Conduct

I am applying to the State Board for Professional Medical Conduct for permission to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against the First, Third and Fifth Specifications of professional misconduct set forth in the Statement of Charges, to the extent that those Specifications charge the facts in Paragraph A, Paragraph A(1) insofar as that paragraph states that "From approximately October 1972 through at least December 1981," [Respondent] "failed to maintain adequate records pertaining to Respondent's care and treatment of Patient A" and Paragraph A(2), but only to the extent that the sexual activity alleged took place on repeated occasions during the enumerated time period. I make this Application in full satisfaction of all charges against me in this matter.

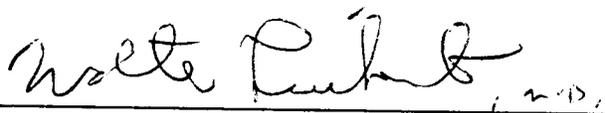
I hereby make this application to the State Board for Professional Medical Conduct and request that it be granted.

I understand that, in the event that the application is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such application shall not be used against me in any way, and shall be kept in strict confidence

during the pendency of the professional misconduct disciplinary proceeding; and such denial by the State Board for Professional Medical Conduct shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by a Committee on Professional Medical Conduct pursuant to the provisions of the Public Health Law.

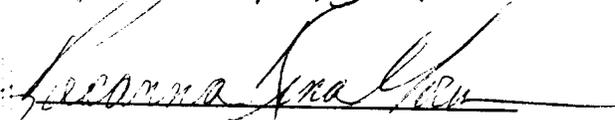
I agree that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

I am making this Application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.



WALTER LUIKART, M.D.
Respondent

Sworn to before me this
17 day of Feb, 1994



NOTARY PUBLIC

ROSANNA DINA MORIN
NOTARY PUBLIC OF NEW JERSEY
My Commission Expires 08-25-1995

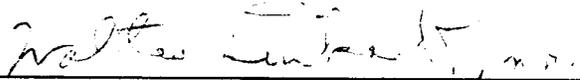
STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

IN THE MATTER
OF
WALTER LUIKART, M.D.

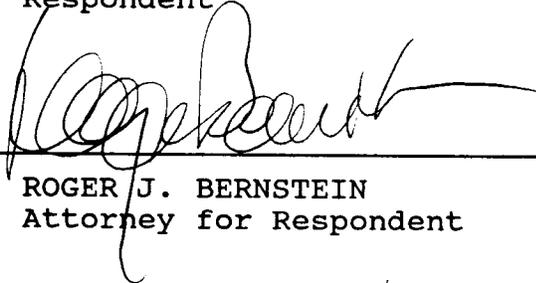
: APPLICATION TO
:
: SURRENDER
:
: LICENSE
:

The undersigned agree to the attached application of the Respondent to surrender his license.

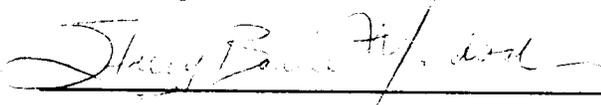
Date: 02/17, 1994


WALTER LUIKART, M.D.
Respondent

Date: Feb. 11, 1994


ROGER J. BERNSTEIN
Attorney for Respondent

Date: 2/14, 1994


STACEY BARRIE MONDSCHHEIN
Assistant Counsel
Bureau of Professional
Medical Conduct

WALTER LUIKART, M.D.

Date: March 18, 1994

Kathleen M. Tanner

KATHLEEN M. TANNER
Director, Office of Professional
Medical Conduct

Date: 16 March, 1994

Charles J. Vacanti

CHARLES J. VACANTI, M.D.
Chairperson, State Board for
Professional Medical Conduct

STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

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IN THE MATTER :
OF : STATEMENT OF
WALTER LUIKART, M.D. : CHARGES

-----X

WALTER LUIKART, M.D., the Respondent, was authorized to practice medicine in New York State in May 29, 1956 by the issuance of license number 077909 by the New York State Education Department. The Respondent is currently registered with the New York State Education Department to practice medicine for the period January 1, 1993 through December 31, 1994.

FACTUAL ALLEGATIONS

A. Beginning in approximately October 1972, Respondent entered into a psychiatrist-patient relationship with Patient A, rendering care and treatment to Patient A at Respondent's office at 110 East 36th Street, New York, New York 10016. (Patient A is identified in the annexed appendix.)

1. From approximately October 1972 through at least December 1981, Respondent failed to request or acquire records of Patient A's prior psychiatric treatment and

hospitalization, and failed to maintain adequate records pertaining to Respondent's care and treatment of Patient A.

2. Between approximately 1980 or 1981 and 1985, Patient A engaged in sexual activity with Respondent, at Respondent's direction and at Respondent's office on a weekly basis, while Patient A was under the care and treatment of Respondent.

SPECIFICATIONS OF MISCONDUCT

FIRST SPECIFICATION

NEGLIGENCE ON MORE THAN ONE OCCASION

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(3) (McKinney Supp. 1993) in that he engaged in the negligent practice of medicine on more than one occasion. Specifically, Petitioner charges:

1. The facts in paragraphs A, A(1) and, A(2).

SECOND SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(4) (McKinney Supp. 1993) in that he practiced medicine with gross negligence on a particular occasion. Specifically, Petitioner charges:

2. The facts in paragraph A and A(2).

THIRD SPECIFICATION

MORAL UNFITNESS

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(20) (McKinney Supp. 1993) in that he engaged in conduct which evidences a moral unfitness to practice medicine. Specifically, Petitioner charges:

3. The facts in paragraphs A and A(2).

FOURTH SPECIFICATION

PHYSICAL ABUSE OF A PATIENT

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(31) (McKinney Supp. 1993) in that he wilfully abused a patient physically. Specifically, Petitioner charges:

4. The facts in paragraphs A and A(2).

FIFTH SPECIFICATION

INACCURATE RECORDS

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(32) (McKinney Supp. 1993) in that he failed to maintain records which accurately reflect the evaluation and treatment of the patient. Specifically, Petitioner charges:

5. The facts in paragraphs A and A(1).

SIXTH SPECIFICATION

SEXUAL CONTACT BY A PSYCHIATRIST

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. Law Sec. 6530(45) (McKinney Supp. 1993) in that, while in the practice of psychiatry, he engaged in physical contact of a sexual nature with a patient. Specifically, Petitioner charges:

6. The facts in paragraphs A and A(2).

