



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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NYS Department of Health*

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NYS Department of Health*

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Office of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

March 4, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Steven W. Lutzker, M.D.
LOMPOC U.S. Penitentiary
3901 Klein Blvd
Lompoc, CA 93436

RE: License No. 106262

Dear Dr. Lutzker:

Enclosed please find Order #BPMC 03-54 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect March 4, 2003.

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 to Board for Professional Medical Conduct, New York State Department of Health, Hedley Park Place, Suite 303, 433 River Street, Troy, New York 12180.

Sincerely,

Ansel R. Marks, M.D., J.D.
Executive Secretary

Board for Professional Medical Conduct

Enclosure

cc: Mark A. Levin, Esq.
Lewin & Levin
Trident Center
11377 West Olympic Blvd., 5th Floor
Los Angeles, CA 90064-1683

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

IN THE MATTER

SURRENDER

OF

ORDER

STEVEN W. LUTZKER, M.D.
CO-02-10-5277-A

BPMC #03-54

STEVEN W. LUTZKER, M.D., says:

On or about June 25, 1970, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 106262 by the New York State Education Department. I currently reside at the LOMPOC United States Penitentiary, 3901 Klein Blvd., Lompoc, CA 93436.

I am currently registered with the New York State Education Department to practice as a physician in the State of New York.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit "A."

I am applying to the State Board for Professional Medical Conduct for an agreement to allow me to surrender my license to practice medicine in the State of New York and request that the Board issue this Surrender Order.

I, hereby, agree not to contest the two (2) specifications set forth in the Statement of Charges (Exhibit A).

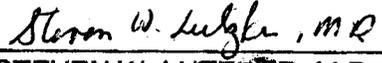
I understand that in the event that this proposed agreement is not granted by the State Board for Professional Medical Conduct, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct alleged or charged against me, such

proposed agreement 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 Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy of the Order to me at the address set forth above or to my attorney or upon transmission via facsimile to me or my attorney, whichever is first.

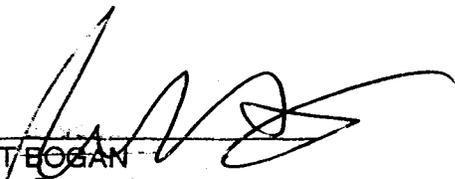
I am making this agreement of my own free will and accord and not under duress, compulsion or restraint of any kind or manner.

Date: 02-01, 2002


STEVEN W. LUTZNER, M.D.
Respondent

AGREED TO:

Date: 20 February 2002


ROBERT EOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 26 February 2002/3 41


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

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

IN THE MATTER
OF
STEVEN W. LUTZKER, M.D.
CO-02-10-5277-A

STATEMENT
OF
CHARGES

STEVEN W. LUTZKER, M.D., the Respondent, was authorized to practice medicine in New York state on June 25, 1970, by the issuance of license number 106262 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about June 14, 2002, in the United States District Court for the District of Connecticut, Respondent was convicted of engaging in a scheme to defraud public health care benefit programs and other third party payers by submitting claims for reimbursement for services which, in fact, were not performed, and sentenced to eighteen (18) months incarceration, three (3) years supervised release and to pay civil damages and restitution.

B. On or about August 20, 2002, the State of Connecticut, Department of Public Health, Bureau of Regulatory Services, Connecticut Medical Examining Board (hereinafter "Connecticut Board"), by a Consent Order, (hereinafter "Connecticut Order"), immediately suspended Respondent's license to practice as a physician and surgeon until its expiration on November 30, 2002, at which time Respondent will allow it to expire, based on the conviction described in Paragraph A above.

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(a)(ii) being convicted of committing an act constituting a crime under federal law.

1. The facts in Paragraph A.

SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

2. The facts in Paragraphs A and/or B.

THIRD SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having his license to practice medicine suspended or having other disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the license suspension or other disciplinary action, would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that Petitioner charges:

3. The facts in Paragraphs A and/or B.

DATED: *Feb. 14*, 2002
Albany, New York


PETER D. VAN BUREN
Deputy Counsel
Bureau of Professional Medical Conduct

ORDER

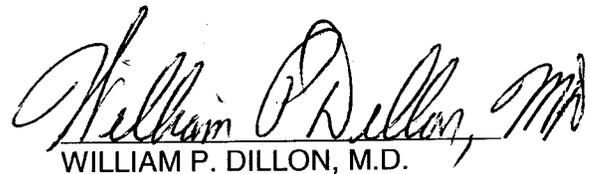
Upon the proposed agreement of **STEVEN W. LUTZKER, M.D.**, to Surrender his license to practice medicine as a physician in the State of New York, which proposed agreement is made a part hereof, it is AGREED TO and

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

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

ORDERED, that this Order shall be effective upon issuance by the Board, which may be accomplished by mailing, by first class mail, a copy to Respondent at the addresses set forth in this agreement or to Respondent's attorney or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

DATED: 2/28, 200~~2~~³



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional
Medical Conduct