



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

March 27, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stanley Liebowitz, M.D.
19 E. 69th Street
New York, NY 10021

RE: License No. 114740

Dear Dr. Liebowitz:

Enclosed please find Order #BPMC 00-89 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **March 27, 2000**.

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: Anthony Z. Scher, Esq.
Wood & Scher
The Harwood Building
Scarsdale, NY 10583

Marcia E. Kaplan, Esq.

**IN THE MATTER
OF
STANLEY LIEBOWITZ, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**
BPMC #00-89

STATE OF NEW YORK)
COUNTY OF) ss.:

STANLEY LIEBOWITZ, M.D., (Respondent) being duly sworn, deposes and says:

That on or about January 1, 1973, I was licensed to practice as a physician in the State of New York, having been issued License No. 114740 by the New York State Education Department.

My current address is 19 East 69th Street, New York, N.Y. 10021, and I will advise the Director of the Office of Professional Medical Conduct of any change of my address.

I understand that the New York State Board for Professional Medical Conduct has charged me with three specifications of professional misconduct.

A copy of the Statement of Charges is annexed hereto, made a part hereof, and marked as Exhibit "A".

I do not contest the Second Specification, in full satisfaction of the charges against me. I hereby agree to the following penalty:

That a Censure and Reprimand be imposed upon my license.

I further agree that the Consent Order for which I hereby apply shall impose the following conditions:

That, except during periods of actual suspension, Respondent shall maintain current registration of Respondent's license with the New York State Education Department Division of Professional Licensing Services, and pay all registration fees. This condition shall be in effect beginning thirty days after the effective date of the Consent Order and will continue while the licensee possesses his license; and

That Respondent shall fully cooperate in every respect with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigation of all matters regarding Respondent.

Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall meet with a person designated by the Director of OPMC as directed. Respondent shall respond promptly and provide any and all documents and information within Respondent's control upon the direction of OPMC. This condition shall be in effect beginning upon the effective date of the Consent Order and will continue while the licensee possesses his license.

I hereby stipulate that any failure by me to comply with such conditions shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that in the event I am charged with professional misconduct in the future, this agreement and order shall be admitted into evidence in that proceeding.

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

I understand that, in the event that this Application is not granted by the Board, 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 Board shall be made without prejudice to the continuance of any disciplinary proceeding and the final determination by the Board pursuant to the provisions of the Public Health Law.

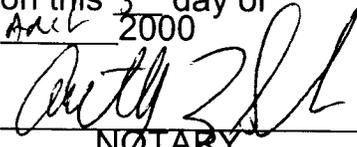
I agree that, in the event the Board grants my Application, as set forth herein, an order of the Chairperson of the Board shall be issued in accordance with same. I agree that such order shall be effective upon issuance by the Board which may be accomplished by mailing, by first class mail, a copy of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

I am making this Application of my own free will and accord and not under duress, compulsion or restraint of any kind or manner. In consideration of the value to me of the acceptance by the Board of this Application, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive any right I may have to contest the Consent Order for which I hereby apply, whether administratively or judicially, and ask that the Application be granted.

DATED 3/8/00


STANLEY LIEBOWITZ, M.D.
RESPONDENT

Sworn to before me
on this 3rd day of
~~March~~ April 2000

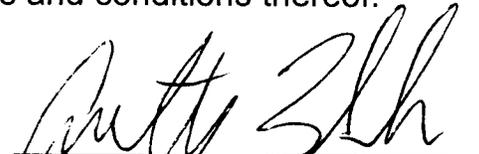


NOTARY

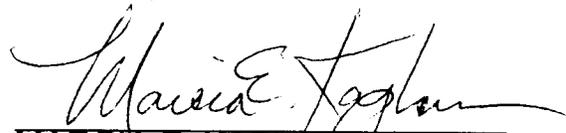
ANTHONY Z. SCHER
Notary Public, State of New York
No. 4840923
Qualified in Westchester County
Commission Expires February 28, ~~1990~~
2002

The undersigned agree to the attached application of the Respondent and to the proposed penalty based on the terms and conditions thereof.

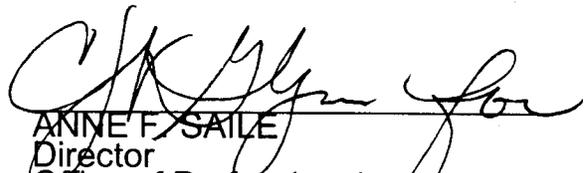
DATE: 3/8/00


ANTHONY Z. SCHER, ESQ.
Attorney for Respondent

DATE: March 10, 2000


MARCIA E. KAPLAN
Associate Counsel
Bureau of Professional
Medical Conduct

DATE: 3/13/00


ANNE F. SALE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
STANLEY LIEBOWITZ, M.D.

CONSENT
ORDER

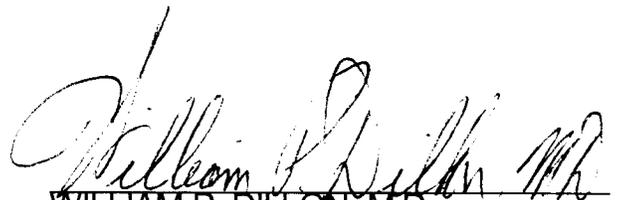
Upon the proposed agreement of STANLEY LIEBOWITZ, M.D. (Respondent) for Consent Order, which application is made a part hereof, it is agreed to and

ORDERED, that the application and the provisions thereof are hereby adopted and so ORDERED, and 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 of the Consent Order to Respondent at the address set forth in this agreement or to Respondent's attorney by certified mail, or upon transmission via facsimile to Respondent or Respondent's attorney, whichever is earliest.

SO ORDERED.

DATED: 3/18/00



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

EXHIBIT "A"

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

**IN THE MATTER
OF
STANLEY LIEBOWITZ, M.D.**

**STATEMENT
OF
CHARGES**

STANLEY LIEBOWITZ, M.D., the Respondent, was authorized to practice medicine in New York State on or about June 1, 1973, by the issuance of license number 114740 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Respondent performed a partial laminectomy and discectomy on Patient A on or about October 8, 1996 at Beth Israel Medical Center, North Division, New York, N.Y. Post-operatively, Patient A developed a major hemorrhage resulting in multiple level nerve root dysfunction and paralysis of the right lower extremity. Respondent failed to provide appropriate care to Patient A in a timely manner for her post-operative complications, as follows:
1. Respondent inappropriately delayed in seeing the patient until 4.5 hours after absence of pulses was first reported to him.
 2. Respondent failed to diagnose and manage the complication in a timely manner; i.e. failed to obtain vascular studies, such as MRI or angiogram, and to either perform emergency surgery or obtain consultation by a vascular surgeon.

3. Respondent inappropriately left the hospital after seeing Patient A at or about 4 a.m. without having transferred the patient to the care of an appropriate surgeon.
 4. Respondent inappropriately delayed in reaching a vascular surgeon until 9 hours after absence of pulses was first reported to him, and/or failed to obtain an appropriate vascular surgeon who could operate in a timely manner. The vascular surgeon to whom Respondent entrusted Patient A was not able to operate until 13 hours from the time absence of pulses was first detected.
- B. On or about October 22, 1996, Respondent knowingly and intentionally misrepresented to "B" that Patient A's complaint in the recovery room, on or about October 8, 1996, that she was unable to move her leg was "related to a Marcaine injection he had administered following the surgery," when he knew that he had not administered Marcaine to Patient A.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

GROSS NEGLIGENCE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(4) by practicing the profession of medicine with gross negligence as alleged in the facts of the following:

1. Paragraph A and its subparts.

SECOND SPECIFICATION
ABANDONING OR NEGLECTING A PATIENT UNDER
AND IN NEED OF IMMEDIATE PROFESSIONAL CARE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(30) by abandoning or neglecting a patient under and in need of immediate professional care, without making reasonable arrangements for the continuation of such care, as alleged in the facts of:

2. Paragraph A and its subparts.

THIRD SPECIFICATION
FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

3. Paragraph B.

DATED: February , 2000
New York, New York

ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct