



# Department of Health

ANDREW M. CUOMO  
Governor

HOWARD A. ZUCKER, M.D., J.D.  
Acting Commissioner

SALLY DRESLIN, M.S., R.N.  
Executive Deputy Commissioner

December 14, 2016

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

The Parrinello Law Firm, LLP  
J. Matthew Parrinello, Esq.  
36 West Main Street – Suite 400  
Rochester, New York 14614

William T. Lewek, M.D.  
Fishkill Correctional Facility  
P.O. Box 307  
Beacon, New York 12508

William T. Lewek, M.D.  
[REDACTED]

David Quist, Esq.  
NYS Department of Health  
ESP-Corning Tower-Room 2512  
Albany, New York 12237

**RE: In the Matter of William T. Lewek, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 16-406) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Office of Professional Medical Conduct  
Riverview Center  
150 Broadway - Suite 355  
Albany, New York 12204

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (l), (McKinney Supp. 2015) and §230-c subdivisions 1 through 5, (McKinney Supp. 2015), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Chief Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Riverview Center  
150 Broadway – Suite 510  
Albany, New York 12204

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



James F. Horan  
Chief Administrative Law Judge  
Bureau of Adjudication

JFH:cah  
Enclosure

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

**IN THE MATTER  
OF  
WILLIAM T. LEWEK, M.D.**

**DETERMINATION  
AND  
ORDER**

**BPMC #16-406**

**COPY**

A hearing was held on November 17, 2016, at the offices of the New York State Department of Health ("Department").<sup>1</sup> Pursuant to § 230(10)(e) of the Public Health Law ("PHL"), JILL M. RABIN, M.D., Chairperson, HEIDI B. MILLER, PA-C, M.P.H., and JONATHAN ECKER, M.D., duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. DAWN MacKILLOP-SOLLER, ADMINISTRATIVE LAW JUDGE ("ALJ"), served as the Administrative Officer.

The Department appeared by David Quist, Associate Attorney. A Notice of Referral Proceeding and Statement of Charges dated September 21, 2016, were served upon William T. Lewek, M.D. ("Respondent").<sup>2</sup> J. Matthew Parinello, Esq. appeared on behalf of the Respondent. The Respondent testified on his own behalf at the hearing via telephone from Fishkill Correctional Facility. There were no other witnesses at the hearing. The Hearing Committee received and examined documents from the Department and a stenographic reporter prepared a transcript of the proceeding. After consideration of the entire record, the Hearing Committee sustains the charge that the

<sup>1</sup> The location of the hearing was 150 Broadway, Suite 510, Menands, New York.

<sup>2</sup> The Department submitted the Affidavit of Service, which states that on October 5, 2016, the Respondent was personally served with the Notice of Referral Proceeding and Statement of Charges at Fishkill Correctional Facility, PO Box 307, Beacon, New York, establishing personal service pursuant to PHL § 230(10)(d)(i). After considering the documentary evidence concerning service of the Notice of Referral Proceeding and the Statement of Charges, the ALJ determined that all requirements for proper notice were satisfied and the Board obtained jurisdiction over the Respondent. [Exhibit 2].

Respondent committed professional misconduct, in violation of Education Law ("Educ. Law") § 6530(9)(a)(i), by having been convicted of committing acts constituting crimes under New York state law in his plea of guilty to one count of Tampering with Physical Evidence, a felony, in violation of New York State Penal Law § 215.40(2), and one count of Driving While Ability Impaired by Drugs, a misdemeanor, in violation of New York State Vehicle and Traffic Law § 1192(4-a). The Hearing Committee unanimously votes 3-0 to revoke the Respondent's license to practice medicine in New York.

### **BACKGROUND**

The Department brought the case pursuant to PHL § 230(10)(p), which provides for an expedited hearing when a registered provider or licensee is charged solely with a violation of Educ. Law § 6530(9). In such cases, the charge of misconduct is based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative adjudication regarding conduct that would amount to professional misconduct, if committed in New York. The Respondent is charged with two specifications of professional misconduct pursuant to Educ. Law § 6530(9)(a)(i) by having been convicted, on February 20, 2015, of committing acts constituting crimes under New York state law, in violation of Penal Law §§ 215.40(2) and 1192(4-a). A copy of the Notice of Hearing and Statement of Charges is attached to this Determination and Order as Appendix I.

### **FINDINGS OF FACT**

These Findings of Fact were made by the Hearing Committee after a review of the record in this matter. Under PHL § 230(10), the Department had the burden of proving its case by a preponderance of the evidence. The references in brackets refer to exhibits ["Ex."] or transcript page numbers ["T."]. The following findings and conclusions are the unanimous determinations of the Hearing Committee:

1. William T. Lewek, M.D., the Respondent, was licensed to practice as a physician on March 30, 1979, by the issuance of license number 137798 by the Education Department. [Ex. 3].

2. On February 20, 2015, the Respondent was convicted, in Monroe County Supreme and County Court, following his plea of guilty to Tampering with Physical Evidence, a felony, in violation of Penal Law § 215.40(2). Sentencing on the felony charge included incarceration for a period of one year and four months to four years and payment of a fine with fees and a surcharge in the amount of \$5,375.00. [Ex. 4].

3. On February 20, 2015, the Respondent was convicted, in Monroe County Supreme and County Court, following his plea of guilty to Driving While Ability Impaired by Drugs, a misdemeanor, in violation of Penal Law § 1192(4-a). Sentencing on the misdemeanor charge included probation for a period of three years, installation of an ignition interlock device, and payment of a fine with fees and surcharges in the amount of \$895.00. [Ex. 5].

### **VOTE OF THE HEARING COMMITTEE**

#### **FIRST SPECIFICATION**

The Respondent violated New York Educ. Law § 6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law.

**VOTE: Sustained (3-0)**

#### **SECOND SPECIFICATION**

The Respondent violated New York Educ. Law § 6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law.

**VOTE: Sustained (3-0)**

## CONCLUSIONS OF LAW

The Respondent's conduct involved the removal of a deceased body from his home and concealment of it in his backyard for a period of months, which resulted in a felony tampering with physical evidence conviction. The Respondent also operated a motor vehicle while impaired by drugs, which resulted in a misdemeanor conviction. These convictions, which constituted crimes under New York state law, amount to professional misconduct as defined in New York Educ. Law § 6530(9)(a)(i). As such, the two specifications of misconduct contained in the Statement of Charges of this proceeding are sustained. [Ex. 1].

The Hearing Committee considered the full spectrum of penalties available by statute, including revocation, suspension and/or probation, censure and reprimand, and the imposition of monetary penalties and found that the sustained specifications involved the Respondent's severely faulty judgment [REDACTED]

[REDACTED] Particularly troublesome to the Hearing Committee was the Respondent's conduct in how he handled the unfortunate events that led to the felony charge, including not seeking medical assistance after discovering the body, placement of the body outside his home, and failing to report the incident for at least two months amid providing psychological care and treatment to patients within his home. This care and treatment persisted even during an ongoing investigation to locate the victim, which resulted in "signs" placed in the Respondent's neighborhood and "in the front of [his] house." [Ex. 1, C; T. 42].

The evidence established the Respondent's intense fixation on the care he provided to his patients and how they were the primary focus in his life. Under the pretense of being dedicated, however, the evidence also showed the Respondent's boundary problems in the merging of his patients' psychiatric issues and conditions with his own. In his defective judgment to continue to

render care to patients within his home in the aftermath of the crime, the Hearing Committee noted the Respondent's willingness to exploit his patients for his own benefit. [T. 30, 37, 40, 41, 53, 61, 65, 67-68].

The Hearing Committee considered the Respondent's long-lasting history [REDACTED]

[REDACTED]. Indeed, the Respondent admitted to an ongoing problem [REDACTED], which, until his incarceration, had remained untreated. The Respondent also acknowledged a [REDACTED] [REDACTED] taking prescription medications for various medical ailments. The evidence showed that these acts ultimately lead up to the Respondent's Driving While Ability Impaired by Drugs misdemeanor conviction. [Ex. C].

The Hearing Committee took note of the Respondent's high level of education, significant number of certifications and professional achievements, [REDACTED] [REDACTED] and the treatment that he is receiving while incarcerated. Also considered was the Respondent's attorney's argument that similar to the Respondent, "quite a lot of people in this world...receive [REDACTED] treatment, that have [REDACTED] health issues that can be professionals, that can help other people." The Hearing Committee concluded that despite these factors, the Respondent's [REDACTED] needs are compelling and will outlast his jail term. [T. 83].

While the Respondent should be commended for his current [REDACTED] efforts, the evidence showed that prior to his jail term, he never took any steps [REDACTED] on his own.

[REDACTED]. The Hearing Committee agreed with the Department that the Respondent's markedly impaired judgment leading to the criminal offenses placed his patients at risk for psychological and physical harm and as such, his license to practice as physician must be revoked. [T. 13].

**ORDER**

**IT IS HEREBY ORDERED THAT:**

- 1. The specifications of professional misconduct, as set forth in the Statement of Charges, are **SUSTAINED**;
- 2. The Respondent's license to practice as a physician in New York state is hereby **REVOKED**;
- 3. This Determination and Order shall be effective upon service on the Respondent. Service shall be either by certified mail or upon the Respondent at his last known address and such service shall be effective upon receipt or seven days after mailing by certified mail, whichever is earlier, or by personal service and such service shall be effective upon receipt.

DATED: Albany, New York  
*12/13/16*, 2016



~~Jill M. Rubin, M.D.~~  
Chairperson

Heidi B. Miller, PA-C, M.P.H.  
Johnathan Ecker, M.D.

TO: The Parrinello Law Firm, LLP  
J. Matthew Parrinello, Esq.  
36 West Main Street  
Suite 400  
Rochester, New York 14614

William T. Lowek, M.D.  
Fishkill Correctional Facility  
P.O. Box 307  
Beacon, New York 12508  
ATTN: IRC - Inmate

William T. Lowek, M.D.



**David Quist, Esq.**  
**Associate Counsel**  
**Bureau of Professional Medical Conduct**  
**Corning Tower Building – Room 2512**  
**Empire State Plaza**  
**Albany, New York 12237**

## **APPENDIX I**

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



IN THE MATTER  
OF  
WILLIAM T. LEWEK, M.D.

NOTICE OF  
REFERRAL  
PROCEEDING

TO: WILLIAM T. LEWEK, M.D.



Fishkill Correctional Facility  
PO Box 307  
Beacon, NY 12508  
ATTN: IRC  
Inmate

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p) and N.Y. State Admin. Proc. Act §§301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on November 17, 2016, at 10:30 a.m., at the offices of the New York State Department of Health, Riverview Center, 150 Broadway, Suite 510, Menands (Albany), NY 12204-2719.<sup>1</sup>

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel who shall be an attorney admitted to practice in New York state. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State

<sup>1</sup> For GPS purposes, enter "Menands", not "Albany".

Department of Health, Division of Legal Affairs, Bureau of Adjudication, Riverview Center, 150 Broadway - Suite 510, Albany, NY 12204-2719, ATTENTION: HON. JAMES HORAN, DIRECTOR, BUREAU OF ADJUDICATION (Telephone: (518-402-0748), (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, no later than twenty days prior to the scheduled date of the Referral Proceeding, as indicated above.

Pursuant to the provisions of N.Y. Pub. Health Law §230(10)(p), you shall file a written answer to each of the charges and allegations in the Statement of Charges at least ten days prior to the date of the hearing. Any charge or allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such answer. You may also file a written brief and affidavits with the Committee. All such documents shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below, at least ten days prior to the date of the hearing. Should the parties have objection(s) to proposed witnesses or documentary evidence, the party raising the objection(s) shall contact the Bureau of Adjudication at least three days prior to the hearing date to arrange for a pre-hearing conference with the Administrative Law Judge, prior to the hearing date.

Not later than ten days prior to the date of the hearing, you are required to file one copy of your proposed exhibits (if any) with the Bureau of Adjudication at the address indicated above, and a copy of all such documents/exhibits must be served on the same date on the Department of Health attorney indicated below. On the day of the hearing, you are also required to provide the original of such exhibits and three copies, for use by the Committee.

Pursuant to §301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person. Pursuant to the terms of N.Y. State Admin. Proc. Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner hereby demands disclosure of the evidence that the Respondent intends to introduce at the hearing, including the names of witnesses, a list of and copies of documentary evidence and a description of physical or other evidence which cannot be photocopied.

**YOU ARE HEREBY ADVISED THAT THE ATTACHED CHARGES WILL BE MADE PUBLIC FIVE BUSINESS DAYS AFTER THEY ARE SERVED.**

Department attorney: Initial here 

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

**THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT YOUR LICENSE TO PRACTICE  
MEDICINE IN NEW YORK STATE BE REVOKED OR  
SUSPENDED, AND/OR THAT YOU BE FINED OR  
SUBJECT TO OTHER SANCTIONS SET OUT IN NEW  
YORK PUBLIC HEALTH LAW §§230-a. YOU ARE URGED  
TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN  
THIS MATTER.**

DATED: Albany, New York  
September 21 2016

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct

Inquiries should be addressed to:

**David W. Quist**  
**Associate Attorney**  
**Bureau of Professional Medical Conduct**  
**Corning Tower – Room 2512**  
**Empire State Plaza**  
**Albany, NY 12237**  
**(518) 473-4282**

IN THE MATTER  
OF  
WILLIAM T. LEWEK, M.D.

STATEMENT  
OF  
CHARGES

WILLIAM T. LEWEK, M.D., the Respondent, was authorized to practice medicine in New York State on or about March 30, 1979 by the issuance of license number 137798 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about February 20, 2015, Respondent plead guilty to, and was accordingly convicted, of one count of tampering with physical evidence, a felony, in violation of New York State Penal Law section 215.40(2). The conviction resulted from Respondent's removal of a dead body from his house and his concealment of that body in the back yard. Respondent was sentenced to incarceration for a period of 16 to 48 months and was required to pay fines, fees and penalties in the amount of approximately \$5,375.

B. On or about February 20, 2015, Respondent was convicted of one count of Driving While Ability Impaired by Drugs, a misdemeanor, in violation of New York State Vehicle and Traffic Law section 1192(4-a). Respondent was sentenced to probation for a period of three years, was required to install an Ignition interlock device, and was

required to pay fines, fees and surcharges in the amount of approximately \$895.  
Respondent's driver's license was also revoked for a period of one year.

**SPECIFICATION OF CHARGES**

**FIRST AND SECOND SPECIFICATIONS**  
**CRIMINAL CONVICTION (N.Y.S.)**

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law § 6530(9)(a)(i) by having been convicted of committing an act constituting a crime under New York state law as alleged in the facts of the following:

1. The facts in Paragraph A.
2. The facts in Paragraph B.

DATE: September 21, 2016  
Albany, New York

  
MICHAEL A. HISER  
Deputy Counsel  
Bureau of Professional Medical Conduct