



# STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303 Troy, New York 12180-2299

Richard F. Daines, M.D.  
Commissioner

*Public*

Wendy E. Saunders  
Chief of Staff

May 8, 2009

## **CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Lawrence Ronald Litwer, M.D.

Redacted Address

Robert Bogan, Esq.  
NYS Department of Health  
433 River Street – Suite 303  
Troy, New York 12180

**RE: In the Matter of Lawrence Ronald Litwer, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 09-84) 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  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

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 (i), (McKinney Supp. 2007) and §230-c subdivisions 1 through 5, (McKinney Supp. 2007), "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., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

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,

Redacted Signature

James F. Horan, Acting Director  
Bureau of Adjudication

JFH:cah

Enclosure

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

IN THE MATTER  
OF  
LAWRENCE RONALD LITWER, M.D.

DETERMINATION  
AND  
ORDER

BPMC #09-84

COPY

A hearing was held on April 23, 2009, at the offices of the New York State Department of Health ("the Petitioner"). A Notice of Referral Proceeding and a Statement of Charges, both dated January 28, 2009, were served upon the Respondent, **LAWRENCE RONALD LITWER, M.D.**

Pursuant to Section 230(10)(e) of the Public Health Law, **Peter Kane, M.D., Chair, Arsenio Agopovich, M.D.,** and **Antoinette Myers, RN, COHN-S, CCM,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **David A. Lenihan, Esq.,** Administrative Law Judge, served as the Administrative Officer. The Petitioner appeared by **Thomas Conway, Esq.,** General Counsel, by **Robert Bogan, Esq.,** of Counsel. The Respondent, **Lawrence Ronald Litwer, M.D.,** did not appear, although duly served. Evidence was received and transcripts of these proceedings were made. After consideration of the entire record, the Hearing Committee issues this Determination and Order.

**STATEMENT OF CASE**

This case was brought pursuant to Public Health Law Section 230(10) (p). The statute provides for an expedited hearing when a licensee is charged solely with a

violation of Education Law Section 6530(29). In such cases, a licensee is charged with misconduct based upon a violation of a condition of probation. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law §6530(29), violation of a condition of probation. Copies of the Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix 1.

#### WITNESSES

For the Petitioner: None  
For the Respondent: None

#### FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers below in parentheses refer to exhibits, denoted by the prefix "Ex." These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous.

1. **Lawrence Ronald Litwer, M.D.**, the Respondent, did not appear at the hearing although duly and personally served with process on February 18, 2009. (Petitioner's Exhibit 2.)
2. **Lawrence Ronald Litwer, M.D.**, the Respondent, was authorized to practice medicine in New York State on October 24, 1980, by the issuance of license

- number 144015 by the New York State Education Department (Petitioner's Ex. 4).
3. On June 21, 2006, the Respondent entered a Consent Agreement, BPMC No 06-136, with the New York State Department of Health, Board of Professional Medical Conduct, (hereinafter "New York Board") which, *inter alia*, required the Respondent to maintain active registration of his license with the New York Education Department Division of Professional Licensing Services and pay all registration fees. (Petitioner's Ex. 5).
  4. From on or about July 21, 2006 to the present, Respondent has failed to maintain active registration of his license with the New York Education Department Division of Professional Licensing Services and pay all registration fees. (Petitioner's Exhibits 6 and 7).

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

#### **SPECIFICATION**

Respondent violated New York Education Law §6530(29), by his violation of a condition of probation in that he failed to maintain active registration of his license with the New York Education Department Division of Professional Licensing Services and pay all registration fees as set forth in the terms of his probation, attached to his Consent Agreement.

VOTE: Sustained (3-0)

## HEARING COMMITTEE DETERMINATION

The Respondent did not appear at the hearing, either in person or by counsel. The Administrative Law Judge, after considering the documentary evidence, which included an Affidavit of Personal Service of the Notice of Referral Proceeding and the Statement of Charges (Petitioner's Exhibit 2), ruled that the Petitioner had met the requirements of law for service of process, that jurisdiction had been established over the Respondent, and that the hearing could proceed on the merits notwithstanding the Respondent's absence.

The record in this case indicates that Respondent had been the subject of a New York disciplinary action in 2006, which was settled by Consent Order # BPMC 06-136. This Consent Order contained a specific provision that required that the Respondent, among other things, to maintain active registration of his license with the New York Education Department Division of Professional Licensing Services and to pay all registration fees. The record shows that the Respondent did not live up to the terms of his agreement and that he has, in fact, chosen to ignore the requirements of his New York medical license.

The panel noted that that the Respondent was fully aware of this proceeding and chose to ignore it as well. The panel was concerned that this Respondent has chosen to cavalierly ignore and disregard his procedural obligations as a New York licensed physician. As to the penalty, the Hearing Committee considered the full range of available penalties and determined that the people of New York State would be protected by a revocation of the Respondent's license.

**ORDER**

**IT IS HEREBY ORDERED THAT:**

1. The license of the Respondent to practice medicine in New York State is revoked.
2. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10) (h).

**DATED: Cazenovia, New York**  
**May 8, 2009**

Redacted Signature

**Peter Kane, M.D., Chair**

**Arsenio Agopovich, M.D.**  
**Antoinette Myers, RN., COHN-S, CCM**

To:

Lawrence Ronald Litwer, M.D.,

Redacted Address

Robert Bogan, Esq.  
Attorney for Petitioner  
Associate Counsel  
NYS Department of Health  
Bureau of Professional Medical Conduct  
433 River Street, Suite 303  
Troy, New York 12180-2299

## **APPENDIX 1**



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



IN THE MATTER  
OF  
LAWRENCE RONALD LITWER, M.D.  
PM-08-10-6532-A

NOTICE  
OF  
HEARING

TO: LAWRENCE RONALD LITWER, M.D.

Redacted Address

LAWRENCE RONALD LITWER, M.D.

Redacted Address

LAWRENCE RONALD LITWER, M.D.  
Lancaster Medical Clinic  
1880 Lancaster Drive  
NE Salem, OR 97305-1089

PLEASE TAKE NOTICE:

A hearing will be held pursuant to the provisions of New York Public Health Law §230 and New York State Administrative Procedure Act §§301-307 and 401. The hearing will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct on March 17, 2009, at 10:00 a.m., at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, NY 12180, and at such other adjourned dates, times, and places as the committee may direct.

At the hearing, evidence will be received concerning the allegations set forth in the Statement of Charges, that is attached. A stenographic record of the hearing will be made and the witnesses at the hearing will be sworn and examined. You shall appear in person at the hearing and may be represented by counsel who shall be an attorney admitted to practice in New York state. You have the right to produce witnesses and evidence on your behalf, to issue or have subpoenas issued on your

behalf in order to require the production of witnesses and documents, and you may cross-examine witnesses and examine evidence produced against you. A Summary of the Department of Health Hearing Rules is enclosed.

The hearing will proceed whether or not you appear at the hearing. Please note that requests for adjournments must be made in writing and by telephone to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 433 River Street, Fifth Floor South, Troy, NY 12180, ATTENTION: HON. SEAN D. O'BRIEN, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication"), (Telephone: (518-402-0748), upon notice to the attorney for the Department of Health whose name appears below, at least five days prior to the scheduled hearing date. Adjournment requests are not routinely granted as scheduled dates are considered dates certain. Claims of court engagement will require detailed Affidavits of actual engagement. Claims of illness will require medical documentation.

Pursuant to the provisions of New York Public Health Law §230(10)(c), you shall file a written answer to each of the charges and allegations in the Statement of Charges not less than 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. The answer 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. 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 New York State Administrative Procedure Act §401 and 10 N.Y.C.R.R. §51.8(b), the Petitioner demands, hereby, 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 that cannot be photocopied.

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

Department Attorney: Initial here



At the conclusion of the hearing, the committee shall make findings of fact, conclusions concerning the charges sustained or dismissed, and in the event any of the charges are sustained, a determination of the penalty to be imposed or appropriate action to be taken. 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  
*January 28*, 2009

Redacted Signature

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

Inquiries should be directed to:  
Robert Bogan  
Associate Counsel  
New York State Department of Health  
Office of Professional Medical Conduct  
433 River Street - Suite 303  
Troy, NY 12180  
(518) 402-0828

**These charges are only allegations which may be contested by the licensee in an administrative hearing.**

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

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IN THE MATTER  
OF  
LAWRENCE RONALD LITWER, M.D.  
PM-08-10-6532-A

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STATEMENT  
OF  
CHARGES

LAWRENCE RONALD LITWER, M.D., Respondent, was authorized to practice medicine in New York State on October 24, 1980, by the issuance of license number 144015 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. From on or about June 21, 2006, to the present, Respondent, was and is subject to Consent Order BPMC No. 06-136 (hereinafter "New York Order"), with the New York State, Department of Health, State Board for Professional Medical Conduct (hereinafter "New York Board"), wherein he was and is required to, inter alia, maintain active registration of Respondent's license with the New York Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees; this condition shall take effect 30 days after the New York Order's effective date and will continue so long as Respondent remains licensed in New York State.

B. From on or about July 21, 2006, to the present, Respondent has failed to maintain active registration of his license with the New York State Education Department and pay all registration fees, in violation of the New York Order, set forth in Paragraph A, above.

**SPECIFICATION**

Respondent violated New York State Education Law §6530(29) by violating any term of probation or condition or limitation imposed on the licensee, in that Petitioner charges:

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

DATED: *January 28*, 2009  
Albany, New York

Redacted Signature

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