



New York State Board for Professional Medical Conduct
433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

Antonia C. Novello, M.D., M.P.H., Dr. P.H.
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NYS Department of Health

Dennis P. Whalen
Executive Deputy Commissioner
NYS Department of Health

Dennis J. Graziano, Director
Office of Professional Medical Conduct

PUBLIC

Michael A. Gonzalez, R.P.A.
Vice Chair

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

October 3, 2003

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Howard D. Markowitz, M.D.
1101 Beaumont Center Lane
Unit 302
Lexington, KY 40513

Re: License No. 188933

Dear Dr. Markowitz:

Enclosed please find Order #BPMC 03-266 of the New York State Board for Professional Medical Conduct. This order and any penalty provided therein goes into effect October 10, 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 the 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: Donald H. Major, Esq.
Major & Savatiel, PLLC
Legal Arts Bldg.,
200 South Seventh Street, Suite 306
Louisville, KY 40402

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

IN THE MATTER

OF

HOWARD D. MARKOWITZ, M.D.
CO-02-11-5843-A

SURRENDER

ORDER

BPMC No. 03-266

HOWARD D. MARKOWITZ, M.D., says:

On or about May 12, 1992, I was licensed to practice medicine as a physician in the State of New York having been issued License No. 188933 by the New York State Education Department. I currently reside at 1101 Beaumont Center Lane, Unit 302, Lexington, KY 40513.

I am not 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 as a physician 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 of manner.

Date: 9/29, 2003



HOWARD D. MARKOWITZ, M.D.
Respondent

AGREED TO:

Date: 29 Sep, 2003


ROBERT BOGAN
Associate Counsel
Bureau of Professional Medical Conduct

Date: 01 Oct, 2003


DENNIS J. GRAZIANO
Director, Office of Professional
Medical Conduct

ORDER

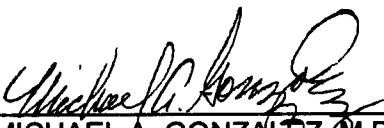
Upon the proposed agreement of **HOWARD D. MARKOWITZ, M.D.**, to Surrender his license as a physician in the State of New York, which proposed agreement is made a part hereof, it is **AGREED TO** and

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: 10/2, 2003


MICHAEL A. GONZALEZ, M.D.
Vice Chair
State Board for Professional
Medical Conduct

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

IN THE MATTER	STATEMENT
OF	OF
HOWARD D. MARKOWITZ, M.D.	CHARGES
CO-02-11-5843-A	

HOWARD D. MARKOWITZ, M.D., the Respondent, was authorized to practice medicine in New York state on May 12, 1992, by the issuance of license number 188933 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. On or about October 31, 2002, the Commonwealth of Kentucky, Kentucky Board of Medical Licensure (hereinafter "Kentucky Board"), prepared a complaint (hereinafter "Kentucky Complaint"), and an Emergency Order of Suspension, (hereinafter "Kentucky Order 1"), and by Kentucky Order 1 suspended Respondent's license to practice medicine until the final resolution of the Kentucky Complaint, setting forth the allegations discussed in the Kentucky Complaint.

B. On or about November 14, 2002, the Kentucky Board, by a Final Order Modifying Emergency Order of Suspension (hereinafter "Kentucky Order 2"), modified Kentucky Order 1, to become an Emergency Order of Restriction.

C. On or about December 19, 2002, the Jefferson Circuit Court, Division Ten (10), by a Temporary Injunction Order (hereinafter "Kentucky Order 3"), stayed Kentucky Order 2, and enjoined Respondent from practicing medicine until there is no further injunction order in effect.

D. On or about August 5, 2003, the Kentucky Board, by a Findings of Fact, Conclusions of Law, and Recommended Order (hereinafter "Kentucky Order 4"), recommended that the Kentucky Board impose whatever sanction it deems appropriate, based on

Inappropriate and Unwanted Comments to Female Employees and Inappropriate and Unwanted Physical Contact with Female Employees.

E. On or about August 15, 2003, the Kentucky Board, by an Agreed Order of Suspension: Order of Probation, (hereinafter "Kentucky Order 5"), suspended Respondent's license to practice medicine for nine (9) months, with credit for the nine (9) months his license was suspended by Kentucky Order 1, placed him on probation for fifty-one (51) months with conditions, and fined him \$8,875.00, based on Kentucky Order 4, based on engaging in dishonorable, unethical, or unprofessional conduct that is likely to deceive, defraud, or harm the public or any member thereof, based on conduct which is calculated or has the effect of bringing the medical profession into disrepute.

F. The conduct resulting in the Kentucky Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state Law:

1. New York Education Law §6530(20) (moral unfitness).

SPECIFICATIONS
FIRST SPECIFICATION

Respondent violated New York Education Law §6530(9)(b) by 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, in that Petitioner charges:

1. The facts in Paragraphs A, B, C, D, E, and/or F.


SECOND SPECIFICATION

Respondent violated New York Education Law §6530(9)(d) by having had disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the

conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws New York state, in that Petitioner charges:

2. The facts in Paragraphs A, B, C, D, E, and/or F.

DATED: *Sept. 22*, 2003
Albany, New York


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