



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

PUBLIC

March 17, 2000

CERTIFIED MAIL-RETURN RECEIPT REQUESTED

Stanley T. Lowy, M.D.
231 Woodward Avenue
Staten Island, NY 10314

RE: License No. 193533

Dear Dr. Lowy:

Enclosed please find Order #BPMC 00-83 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect **March 17, 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: Paul A. Batista, Esq.
950 Third Avenue
New York, NY 10022

Denise L. Quarles, Esq.

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

IN THE MATTER
OF
STANLEY THEODORE LOWY, M.D.

CONSENT
AGREEMENT
AND
ORDER
BPMC #00-83

STATE OF NEW YORK)
COUNTY OF NEW YORK) ss.:

STANLEY THEODORE LOWY, M.D., (the "Respondent") being duly sworn, deposes and says:

That on or about August 30, 1993, I was licensed to practice as a physician in the State of New York, having been issued License No. 193533 by the New York State Education Department.

My current address is 231 Woodward Avenue, Staten Island, New York 10314, 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 six (6) 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 specifications of professional misconduct, in full satisfaction of the charges against me. I hereby agree to the following penalty:

My license to practice medicine in New York State shall be placed on Probation for a period of three (3) years subject to the terms set forth in Exhibit "B".

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

That, except during periods of actual suspension, the 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 (30) days after the effective date of the Consent Order and will continue while the licensee possesses his license; and

That the 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 the Respondent. The Respondent shall respond in a timely manner to each and every request by OPMC to provide written periodic verification of the Respondent's compliance with the terms of this Order. The Respondent shall meet with a person designated by the Director of OPMC as directed. The Respondent shall respond promptly and provide any and all documents and information within the 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: March 6, 2000

Stanley Theodore Lowy
STANLEY THEODORE LOWY, M.D.
RESPONDENT

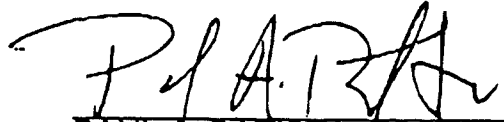
Sworn to before me
on this 6 day of
March 2000

Paul B. Bergman

NOTARY
PAUL B. BERGMAN
Notary Public, State of New York
No. 4906865
Qualified in Nassau County
Commission Expires Aug. 31, ~~1989~~
2001

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

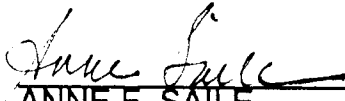
DATED: 3/6/00


PAUL A. BATISTA, ESQ.
Attorney for the Respondent

DATED: 3/6/00


DENISE L. QUARLES
Attorney
Bureau of Professional
Medical Conduct

DATED: March 8, 2000


ANNE F. SAILE
Director
Office of Professional
Medical Conduct

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

IN THE MATTER
OF
STANLEY THEODORE LOWY, M.D.

CONSENT
ORDER

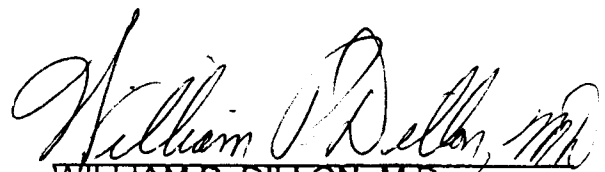
Upon the proposed agreement of Stanley Theodore Lowy, M.D. (the "Respondent") for Consent Order, which application is made a part hereof, it is agreed to and

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: 3/13/2000



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

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

IN THE MATTER
OF
STANLEY LOWY, M.D.

STATEMENT
OF
CHARGES

STANLEY LOWY, M.D., the Respondent, was authorized to practice medicine in New York State on or about August 30, 1993, by the issuance of license number 193533 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. Starting on or around January 15, 1994, until on or around October 31, 1996, the Respondent was employed as an attending physician in the emergency room at Staten Island University Hospital ("SIUH").
1. Beginning at some time prior to October 3, 1994, and continuing thereafter, the Respondent has had a psychiatric condition which impairs his ability to practice medicine, as is more fully set forth in Paragraph A2, below. The Respondent has failed to have his psychological health appropriately treated and monitored on an adequate basis.
 2. On or around October 3, 1994, and for a period of time thereafter, the Respondent sought treatment from Robert Levine, M.D. for depression. Dr. Levine diagnosed the Respondent with having panic disorder vs. generalized anxiety disorder, atypical affective depression, and obsessive compulsive disorder. At that time, Dr. Levine prescribed Klonopin and Prozac for the Respondent. On or around November 19, 1996, Dr. Levine prescribed, among other medication, lithium for the Respondent.
- B. At all times mentioned herein, the Respondent was employed as an emergency room attending physician at SIUH. On or around October 10, 1996, the Respondent examined Patient A, who presented to the SIUH emergency department with the chief complaint of an adverse reaction to Legatrin.

1. During said examination, in the course of ostensibly rendering medical care, the Respondent engaged in the following inappropriate verbal and/or physical conduct:
 - a. The Respondent accused Patient A of using street drugs and of fighting with her husband; and
 - b. With unnecessarily extreme force, the Respondent twisted and pinched Patient A's skin which resulted in several bruises inside of her legs, thighs, and arms and caused Patient A to cry.
 2. On or around October 12, 1996, SIUH began an investigation of a complaint filed by Patient A about the Respondent's treatment of her during said examination.
- C. At all times mentioned herein, the Respondent was employed as an emergency room attending physician at SIUH. On or around October 28, 1996, while working in the emergency department at SIUH, against the will of Ms. W, a SIUH employee, the Respondent handcuffed, dragged and shackled her to a file cabinet. The Respondent's actions caused Ms. W's wrist to be injured.
1. As a result of the Respondent's conduct toward Ms. W, the following occurred:
 - a. On or around October 28, 1996, SIUH began an investigation of Ms. W's complaint of the Respondent's conduct toward her.
 - b. On or around October 31, 1996, the Respondent voluntarily resigned from his staff position at SIUH to avoid disciplinary action.
- D. On or around December 30, 1996, the Respondent signed his completed application for employment at Catholic Medical Center of Brooklyn and Queens, Inc. Knowingly, falsely, and with the intent to deceive, the Respondent answered "No" to the following questions:
1. Have you ever suffered from, been treated for, or sought treatment for a mental disorder, alcoholism or any drug habit?

2. Have any of the following ever been, or are they currently in the process of being investigated, denied, revoked, suspended, restricted, terminated, reduced, limited, placed on probation, not renewed or voluntarily relinquished[?]:
 - a. Membership on any hospital or other institutional medical staff;
 - b. clinical privileges;
 - c. rights associated with practice on any medical staff.
3. Have you ever been denied certification of completion of training, or has your training, employment, association or professional privileges ever been suspended, restricted, terminated or curtailed for reasons related to alleged mental and physical impairment, incompetence, malpractice, fraudulent medical credentials, misconduct or violation of patient safety or welfare or is such action pending?
4. Have you ever voluntarily or involuntarily resigned or agreed to withdrawal of privileges to avoid disciplinary action?
5. Have you ever been investigated for, charged with or found guilty of violation of patients' rights?

E. On or around March 27, 1998, the Respondent submitted his signed and completed registration application to the New York State Education Department. Falsely and with the intent to deceive, the Respondent answered "No" to the following question:

1. Since you last filed a registration application:
 - a. Has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges, or have you voluntarily or involuntarily resigned or withdrawn from such association to avoid the imposition of such action due to professional misconduct, unprofessional conduct, incompetency, or negligence?

SPECIFICATION OF CHARGES**FIRST AND SECOND SPECIFICATIONS****FRAUDULENT PRACTICE**

The Respondent is charged with committing professional misconduct as defined by N.Y. Educ. Law §6530(2)(McKinney Supp. 1999) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. Paragraphs A, A1, A2, B, B2, C, C1, C1a, C1b, D, D1, D2, D3, D4, and/or D5.
2. Paragraphs C, C1, C1a, C1b, E, and/or E1.

THIRD SPECIFICATION**VERBAL AND PHYSICAL ABUSE**

The Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(31)(McKinney Supp. 1999) by physically abusing a patient, as alleged in the facts of:

3. The facts of paragraphs B, B1, B1a, and/or B1b.

FOURTH SPECIFICATION**HAVING A PSYCHIATRIC CONDITION WHICH IMPAIRS****THE ABILITY TO PRACTICE**

The Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(8)(McKinney Supp. 1999) by having a psychiatric condition which impairs the licensee's ability to practice as alleged in the facts of the following:

4. Paragraph A1.

FIFTH SPECIFICATION**PRACTICING THE PROFESSION WHILE IMPAIRED**

The Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(7)(McKinney Supp. 1999) by practicing the profession while impaired with a mental disability as alleged in the facts of the following:

5. Paragraphs A, A1, B, B1, B1a, B1b, and/or C.

SIXTH SPECIFICATION**MORAL UNFITNESS**

The Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(20)(McKinney Supp. 1999) by engaging in conduct in the practice of the profession of medicine that evidences moral unfitness to practice as alleged in the facts of the following:

6. Paragraphs B, B1, B1a, B1b, C, C1, C1a, C1b, D, D1, D2, D3, D4, D5, E, and/or E1.

DATED: December 2, 1999
New York, New York



ROY NEMERSON
Deputy Counsel
Bureau of Professional
Medical Conduct

EXHIBIT "B"

Terms of Probation

1. The Respondent shall conduct himself in all ways in a manner befitting his professional status, and shall conform fully to the moral and professional standards of conduct and obligations imposed by law and by his profession.
2. The Respondent shall submit written notification to the New York State Department of Health addressed to the Director of the Office of Professional Medical Conduct, New York State Department of Health, 433 River Street, Suite 303, Troy, NY 12180-2299; said notice is to include a full description of any employment and practice, professional and residential addresses and telephone numbers within or without New York State, and any and all investigations, charges, convictions or disciplinary actions by any local, state or federal agency, institution or facility, within thirty (30) days of each action.
3. Any civil penalty not paid by the date prescribed herein shall be subject to all provisions of law relating to debt collection by New York State. This includes but is not limited to the imposition of interest, late payment charges and collection fees; referral to the New York State Department of Taxation and Finance for collection; and non-renewal of permits or licenses [Tax Law section 171(27); State Finance Law section 18; CPLR section 5001; Executive Law section 32].
4. The period of probation shall be tolled during periods in which the Respondent is not engaged in the active practice of medicine in New York State. The Respondent shall notify the Director of OPMC, in writing, if the Respondent is not currently engaged in or intends to leave the active practice of medicine in New York State for a period of thirty (30) consecutive days or more. The Respondent shall then notify the Director again prior to any change in that status. The period of probation shall resume and any terms of probation which were not fulfilled shall be fulfilled upon the Respondent's return to practice in New York State.
5. The Respondent's professional performance may be reviewed by the Director of OPMC. This review may include, but shall not be limited to, a review of office records, patient records and/or hospital charts, interviews with or periodic visits with the Respondent and his staff at practice locations or OPMC offices.
6. The Respondent shall maintain legible and complete medical records which accurately reflect the evaluation and treatment of patients. The medical records shall contain all information required by State rules and regulations regarding controlled substances.
7. The Respondent's license shall be subject to the following terms regarding impairment and practice monitors:
 - A. The Respondent shall advise OPMC of any controlled or mood-altering substance given or prescribed by treating physicians.
 - B. The Respondent shall practice only when monitored by qualified health care professional monitors (practice supervisor and therapist) proposed

by the Respondent and approved, in writing, by the Director of OPMC. Monitors shall not be family members or personal friends, or be in professional relationships which would pose a conflict with monitoring responsibilities.

- C. The Respondent shall ensure that the monitors are familiar with the Respondent's diagnosis, prescribed medication, and with the terms of this Order. The Respondent shall cause the monitors to report any deviation from compliance with the terms of this Order to OPMC. The Respondent shall cause the monitors to submit required reports on a timely basis.
- D. The Respondent shall submit, at the request of a monitor, to random, unannounced observed blood screens. This monitoring will be on a random, seven-days a week, twenty-four hours a day basis. The Respondent shall report for a blood screen within four (4) hours of being contacted by the monitor. The Respondent shall cause the monitor to report to OPMC within 24 hours if a test is refused or delayed by the Respondent or a test is positive for any unauthorized substance.
- E. The Respondent shall practice medicine only when supervised in his medical practice. The practice supervisor shall be on-site at all locations, unless determined otherwise by the Director of OPMC. The Respondent shall not practice medicine until a practice supervisor has been approved. The Respondent shall ensure that the practice supervisor is in a position to regularly observe and assess the Respondent's medical practice. The Respondent shall cause the practice supervisor to report within 24 hours any suspected impairment, inappropriate behavior, questionable medical practice or possible misconduct to OPMC.
- F. The Respondent shall cause the practice supervisor to submit quarterly reports to OPMC regarding the quality of the Respondent's medical practice, including the evaluation and treatment of patients, physical and mental condition, time and attendance or any unexplained absences from work, prescribing practices, and compliance or failure to comply with any term of probation.
- G. The Respondent shall continue in counseling or other therapy with a therapist as long as the therapist determines it is necessary, or for the period of time dictated in the Order.
- H. The Respondent shall cause the therapist to submit a proposed treatment plan and quarterly reports to OPMC certifying whether the Respondent is in compliance with the treatment plan. The Respondent shall cause the therapist to report to OPMC within 24 hours if the therapist becomes aware that the Respondent is not in compliance with said treatment plan against medical advice.
- I. The Respondent shall comply with any request from OPMC to obtain an independent psychiatric/chemical dependency evaluation by a health care professional proposed by the Respondent and approved, in writing, by the Director of OPMC.

- J. The Respondent shall be solely responsible for all expenses associated with monitoring, including fees, if any, to the monitoring physician.

- 8. The Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he is subject pursuant to the Order and shall assume and bear all costs related to compliance. Upon receipt of evidence of noncompliance with, or any violation of these terms, the Director of OPMC and/or the Board may initiate a violation of probation proceeding and/or any such other proceeding against the Respondent as may be authorized pursuant to the law.