



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

January 11, 2008

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Ron E. Lev, M.D.  
150 West 56<sup>th</sup> Street  
New York, New York 10019

Stroock & Stroock & Levan  
180 Maiden Lane  
New York, New York 10038-4925

Robert Bogan, Esq.  
NYS Department of Health  
433 River Street – Suite 303  
Troy, New York 12180-2299

**RE: In the Matter of Ron E. Lev, M.D.  
Aka Eran R. Lev, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 08-11) 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.

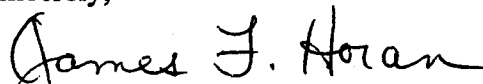
The notice of review served on the Administrative Review Board should be forwarded to:

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,



James F. Horan, Acting Director  
Bureau of Adjudication

JFH:cah

Enclosure

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

**COPY**

**IN THE MATTER**

**DETERMINATION**

**OF**

**AND**

**RON E. LEV, M.D.  
aka ERAN R. LEV, M.D.**

**ORDER**

**BPMC #08-11**

A hearing was held on December 20, 2007, at the offices of the New York State Department of Health ("the Petitioner"). A Commissioner's Order and Notice of Referral Proceeding dated November 20, 2007, and a Statement of Charges dated November 19, 2007, were served upon the Respondent, **Ron E. Lev, M.D.** Pursuant to Section 230(10)(e) of the Public Health Law, **Arthur S. Hengerer, M.D.**, Chairperson, **Robert J. Corona, Jr., D.O.**, and **Richard H. Edmonds, Ph.D.**, duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter. **William J. Lynch, 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 appeared at the hearing and was represented by **Stroock & Stroock & Lavan, Ernst H. Rosenberger, Esq.**, of Counsel.

Evidence was received and a transcript of this proceeding was 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). This statute provides for an administrative hearing when a licensee is charged with professional misconduct pursuant to Education Law Section 6530(9). In such cases, a licensee is charged with misconduct based upon a prior criminal conviction in New York State or another jurisdiction, or upon a prior administrative action regarding conduct that would amount to professional misconduct, if committed in New York. 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 addition, the Commissioner issued an Order pursuant to Public Health Law Section 230(12)(b), which prohibited the Respondent from practicing medicine in the State of New York until the final conclusion of the hearing in this matter. In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section 6530(9)(a)(i). Copies of the Commissioner's Order and Notice of Referral Proceeding and the Statement of Charges are attached to this Determination and Order as Appendix I

**WITNESSES**

For the Petitioner:

None

For the Respondent:

Ron E. Lev, M.D.

## **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. Ron E. Lev, M.D., the Respondent, was authorized to practice medicine in New York State on May 21, 2002, by the issuance of license number 224833 by the New York State Education Department (Petitioner's Ex. 4).

2. On or about July 15, 2004, in the Supreme Court of the State of New York, New York County, New York, Respondent was convicted of Attempted Assault in the second degree, in violation of New York State Penal Law Sections 110 and 120.05, a class E felony, and on or about April 26, 2005, he was sentenced to one hundred hours of community service, a five year Order of Protection, five years probation, and payment of a \$10.00 CVAF and a \$200.00 surcharge (Petitioner's Ex. 5).

## **VOTE OF THE HEARING COMMITTEE**

### **SPECIFICATION**

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

VOTE: Sustained (3-0)

## HEARING COMMITTEE DETERMINATION

The Respondent admitted the factual allegation and did not contest the specification contained in the Statement of Charges. The incident underlying Respondent's felony conviction for Attempted Assault in the Second Degree concerned conduct toward Respondent's former girlfriend. Respondent explained to the Hearing Committee that he was in a long term relationship which deteriorated, leading to an incident in which he became infuriated, chased her, and kicked her a few times in the leg with full force.

Respondent indicated that he completed an anger management course, and that he is treated by a psychologist once a week and a psychiatrist once a month. He acknowledged that he has a diagnosis of anxiety and depression and that he is prescribed Lithium, Depakote and Abilify. Respondent noted that these medications are often prescribed to treat bipolar disorder and schizophrenia, but stated that he has not been diagnosed with either of those conditions. Respondent indicated that he intends to continue in psychotherapy as long as it is helpful or necessary. Respondent admitted that he drinks alcohol, but he denied misusing the medications available to him as an anesthesiologist.

Respondent contended that the conviction was for a domestic dispute unrelated to the practice of medicine. Respondent provided the Hearing Committee with a copy of a letter written by a Supreme Court Justice who recently granted Respondent's motion requesting a Certificate of Relief from Civil Disabilities. The letter indicates that the judge believes that Respondent's conviction should not be an automatic bar to his employment

as a physician. In addition, Respondent provided the packet of materials submitted to the court, which included letters from professionals regarding their treatment and from family members and friends attesting to his good character. Respondent did not provide this Hearing Committee with any documentation from the psychologist or psychiatrist currently treating him. In summation, Respondent's attorney urged the Hearing Committee to focus its attention on everything in the record which does not prevent the Respondent's immediate return to the practice of medicine.

Petitioner recommended that Respondent's license be suspended for approximately two months from date the Commissioner's Order issued, followed by a three-year probationary period. Petitioner further recommended that the Respondent continue in psychological and psychiatric treatment, and that the treatment providers keep OPMC informed of his treatment to ensure that Respondent does not become a danger to his patients.

The Hearing Committee concurs with Petitioner's recommendation. Respondent was convicted of a felony. Among the various factors considered in this instance, the Hearing Committee notes that less than four years have elapsed since this serious criminal offense occurred, and that Respondent was already 36 years of age at the time. Respondent acknowledges that he committed the offense because he was unable to control his anger. Although the record contains some evidence that Respondent has demonstrated an improvement in his anger management skills, it does not sufficiently demonstrate that he no longer poses a safety risk to his patients. The Hearing Committee recognizes the efforts that Respondent has made towards rehabilitation,

however, feels it is appropriate for Respondent to resume the practice of medicine only if protections are in place that will ensure the safety of his patients.

Accordingly, the suspension of Respondent's license shall extend from the date of the issuance of the Commissioner's Order on November 20, 2007 until the issuance of this Order. Upon the issuance of this Order, Respondent shall be placed on probation for a period of three years. During the probationary period, Respondent will be required to continue to obtain treatment by a psychiatrist on a monthly basis and a psychologist on a weekly basis, unless he obtains prior written approval from the Director of OPMC to alter that treatment regimen. Respondent must comply with the treatment plan of those professionals including the use of medications and any restriction placed on the use of alcohol. Respondent must cause those treatment providers to report to OPMC regarding his compliance with his treatment plan. The Hearing Committee feels that these are the only measures which will adequately protect the people of the State of New York.

#### **ORDER**

##### **IT IS HEREBY ORDERED THAT:**

1. Respondent's license to practice medicine is suspended for the period of time from the issuance of the Commissioner's Order on November 20, 2007, until the effective date of this Order;
2. Respondent is placed on probation for three years. The terms of probation are annexed and attached hereto;



3. This Order shall be effective upon service on the Respondent in accordance with the requirements of Public Health Law Section 230(10)(h).

**DATED: Rochester, New York**

                    , 2008

---

**Arthur S. Hengerer, M.D.**  
**Chairperson**

**Richard H. Edmonds, PhD.**  
**Robert J. Corona, Jr., D.O.**

**TO: Ron E. Lev, M.D.**  
**150 W. 56<sup>th</sup> Street**  
**New York, New York 10019**

**Stroock & Stroock & Lavan**  
**Attorney for Respondent**  
**180 Maiden Lane**  
**New York, New York 10038-4925**

**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**

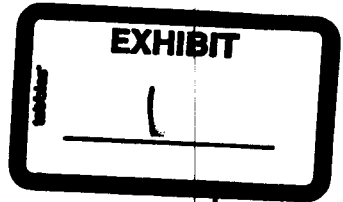
## **Terms of Probation**

1. 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. Respondent shall submit written notification to the New York State Department of Health addressed to the Director, Office of Professional Medical Conduct (OPMC), Hedley Park Place, 433 River Street Suite 303, Troy, New York 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 days of each action.
3. Respondent shall fully cooperate with and respond in a timely manner to requests from OPMC to provide written periodic verification of Respondent's compliance with the terms of this Order. Respondent shall personally meet with a person designated by the Director of OPMC as requested by the Director.
4. The period of probation shall be tolled during periods in which Respondent is not engaged in the active practice of medicine in New York State. Respondent shall notify the Director of OPMC, in writing, if 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. 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 Respondent's return to practice in New York State.
5. 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 Respondent and his/her staff at practice locations or OPMC offices.
6. 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. Respondent shall continue his current treatment by a psychologist on a weekly basis. Respondent shall cause the psychologist to submit quarterly reports to OPMC certifying whether Respondent is in compliance with his treatment plan and to report to OPMC within 24 hours if Respondent leaves treatment. Respondent shall give written authorization for his treating psychologist to provide the Director of OPMC with all information or documentation requested by OPMC to determine whether Respondent is in compliance with his treatment plan and this Order.

8. Respondent shall continue his current treatment by a psychiatrist on a monthly basis. Respondent shall cause the psychiatrist to submit quarterly reports to OPMC certifying whether Respondent is in compliance with his treatment plan and to report to OPMC within 24 hours if Respondent leaves treatment. Respondent shall give written authorization for his treating psychiatrist to provide the Director of OPMC with all information or documentation requested by OPMC to determine whether Respondent is in compliance with his treatment plan and this Order.
9. Respondent may apply to the Director of OPMC for written approval to alter the current treatment terms contained in paragraphs 7 and 8 above. In such event, Respondent shall comply with any request by OPMC to obtain an independent psychiatric evaluation by a health care professional proposed by Respondent and approved, in writing, by the Director of OPMC. Respondent shall bear all expenses of such evaluation.
10. Respondent shall comply with all terms, conditions, restrictions, limitations and penalties to which he or she 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 Respondent as may be authorized pursuant to the law.

# APPENDIX I

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



---

IN THE MATTER  
OF  
RON E. LEV, M.D.  
aka ERAN R. LEV, M.D.  
CO-05-05-2451-A

---

COMMISSIONER'S  
ORDER  
AND  
NOTICE OF  
REFERRAL  
PROCEEDING

TO: RON E. LEV, M.D.  
aka ERAN R. LEV, M.D.  
150 W. 56<sup>th</sup> Street  
New York, NY 10019

The undersigned, Richard F. Daines, M.D., Commissioner of Health, pursuant to New York Public Health Law §230, upon the recommendation of a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct, has determined that **RON E. LEV, M.D. aka ERAN R. LEV, M.D.**, Respondent, licensed to practice medicine in the State of New York on May 21, 2002, by license number 224833, has been convicted of committing an act constituting a felony under New York State law, as is more fully set forth in the Statement of Charges attached, hereto, and made a part, hereof.

It is, therefore:

ORDERED, pursuant to New York Public Health Law §230(12)(b), effective immediately **RON E. LEV, M.D. aka ERAN R. LEV, M.D.**, Respondent, shall not practice medicine in the State of New York or in any other jurisdiction where that practice is predicated on a valid New York State license to practice medicine. This Order shall remain in effect unless modified or vacated by the Commissioner of Health pursuant to New York Public Health Law §230(12).

**ANY PRACTICE OF MEDICINE IN THE STATE OF NEW YORK IN  
DEFIANCE OF THIS COMMISSIONER'S ORDER SHALL  
CONSTITUTE PROFESSIONAL MISCONDUCT WITHIN THE  
MEANING OF NEW YORK EDUCATION LAW §6530(29) AND MAY  
CONSTITUTE UNAUTHORIZED MEDICAL PRACTICE, A FELONY,  
DEFINED BY NEW YORK EDUCATION LAW §6512.**

PLEASE TAKE NOTICE that 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 the 20<sup>th</sup> day of December 2007, at 10:00 a.m., at Hedley Park Place, 433 River Street, 5<sup>th</sup> Floor, Troy, New York 12180, at the offices of the New York State Health Department and at such other adjourned dates, times, and places as the committee may direct. Respondent may file an answer to the Statement of Charges with the below-named attorney for the Department of Health.

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. Respondent shall appear in person at the hearing and may be represented by counsel. Respondent has the right to produce witnesses and evidence on his behalf, to issue or have subpoenas issued on his behalf for the production of witnesses and documents, and to cross-examine witnesses and examine evidence produced against him. A summary of the Department of Health Hearing Rules is enclosed. 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.


The hearing will proceed whether or not Respondent appears at the hearing. Scheduled hearing dates are considered dates certain and adjournment requests are not, therefore, routinely granted. Requests for adjournments must be made in writing 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, and by 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. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation.

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 or sanction 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 FORTH 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

11/26/2007

  
\_\_\_\_\_  
RICHARD F. DAINES, M.D.  
Commissioner of Health

Inquires should be addressed to:

Robert Bogan  
Associate Counsel  
Office of Professional Medical Conduct  
433 River Street – Suite 303  
Troy, New York 12180  
(518) 402-0828



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

---

IN THE MATTER  
OF  
RON E. LEV, M.D.  
aka ERAN R. LEV, M.D.  
CO-05-05-2451-A

STATEMENT  
OF  
CHARGES

---

RON E. LEV, M.D. aka ERAN R. LEV, M.D., Respondent, was authorized to practice medicine in New York state on May 21, 2002, by the issuance of license number 224833 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about July 15, 2004, in the Supreme Court of the State of New York, New York County, New York, Respondent was convicted of Attempted assault in the second degree, in violation of New York State Penal Law §§110 and 120.05, a class E felony, and on or about April 26, 2005, was sentenced to one hundred (100) hours of community service, a five (5) year order of protection, five (5) years probation, and to pay a \$10.00 CVAF and a \$200.00 surcharge.

**SPECIFICATION**

Respondent violated New York Education Law §6530(9)(a)(i) by being convicted of committing an act constituting a crime under New York State law, in that Petitioner charges:

1. The facts in Paragraph A.

DATED: *Nov. 19*, 2007  
Albany, New York

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