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March 31, 1994

NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF:

HOWARD LIEBOWITZ, M.D.

LICENSED TO PRACTICE MEDICINE
& SURGERY IN THE STATE OF
NEW JERSEY

Administrative Action

CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners upon its receipt of information indicating that Howard Liebowitz, M.D., is presently hospitalized at Fair Oaks Hospital following ^{alleged} threats he made against his ex-wife's life on or about March 24, 1994. The Board was also informed that a report was made to the Marlton Police Department by a Certified Mental Health Screener employed by the Screening and Crisis Intervention Program (SCIP) at Burlington County Memorial Hospital on March 24, 1994 that there was ^{alleged} reasonable cause to believe that Dr. Liebowitz may be mentally ill and dangerous to himself or others.

CERTIFIED TRUE COPY

It appearing that respondent has agreed to voluntarily surrender his license to practice medicine and surgery in New Jersey at this time, and has agreed to undergo evaluation and treatment as recommended by and under the supervision of The Physician's Health Program ("PHP"), and for other good cause shown,

IT IS THEREFORE on this ____ day of _____, 1994,

ORDERED:

HL
1. Howard Liebowitz, M.D. shall surrender his license to practice medicine and surgery, his C.D.S. and D.E.A. ^{privileges} and all prescription pads in his possession, by tendering them to the Board of Medical Examiners, ^{140 E. FRONT ST} ~~28 West State Street~~, Trenton, New Jersey, contemporaneously with his submission of the within Order. DIL

2. Howard Liebowitz, M.D. shall cease and desist the practice of Medicine and Surgery in New Jersey until further order of the Board.

3. The voluntary surrender of license by Dr. Liebowitz shall be without prejudice to his ability to petition the Board for reinstatement at such time as he can produce a letter supporting his reinstatement from the PHP and can demonstrate his competence, fitness and ability to practice medicine and surgery.

4. In support of his petition for reinstatement, respondent shall request an appearance before the Medical Practitioner Review Panel or a committee of the Board of Medical

It appearing that respondent has agreed to voluntarily surrender his license to practice medicine and surgery in New Jersey at this time, and has agreed to undergo evaluation and treatment as recommended by and under the supervision of The Physician's Health Program ("PHP"), and for other good cause shown,

IT IS THEREFORE on this 30th day of March, 1994,
ORDERED:

1. Howard Liebowitz, M.D. shall surrender his license to practice medicine and surgery, his C.D.S. and D.E.A. ^{privileges} and all prescription pads in his possession, by tendering them to the Board of Medical Examiners, ^{140 E. FRONT ST} ~~20 West State Street~~, Trenton, New Jersey, contemporaneously with his submission of the within Order. (OK)

2. Howard Liebowitz, M.D. shall cease and desist the practice of Medicine and Surgery in New Jersey until further order of the Board.

3. The voluntary surrender of license by Dr. Liebowitz shall be without prejudice to his ability to petition the Board for reinstatement at such time as he can produce a letter supporting his reinstatement from the PHP and can demonstrate his competence, fitness and ability to practice medicine and surgery.

4. In support of his petition for reinstatement, respondent shall request an appearance before the Medical Practitioner Review Panel or a committee of the Board of Medical

Examiners. At his appearance, if granted, he shall demonstrate to the satisfaction of the Board that he has sufficiently recovered such that his resumption of medical practice will not pose a danger to the public health, safety and welfare. He shall also demonstrate that he has been fully compliant with his treatment plan recommended by the PHP and that during the period that he did not hold a license he did not engage in the practice of medicine. If the Board is satisfied that this standard has been met, it may reinstate his license and may impose such conditions or limitations on respondent's license as in its discretion it deems necessary and appropriate to protect the public health, safety and welfare.

5. Respondent shall immediately notify the Board in the event he commences the practice of medicine or surgery in another jurisdiction or state and shall provide the Board with his new address.

6. Respondent shall continue to participate in the Physicians' Health Program ("PHP") administered by the N.J. Medical Society until further Order of the Board.

7. Respondent shall submit to the Board via his signature on this Order, a signed release which waives his right to the confidentiality of records pertaining to his inpatient or outpatient treatment at Fair Oaks Hospital, the SCIP Program at Burlington County Hospital, the Counselling Program at U.S. Healthcare in Marlton, and Dr. Bob Botanelli, thereby enabling the Board to gain access to all records pertaining to such

services or treatment. This release shall be valid for five (5) years from the date of its execution or the date of this Order, which ever is later.

8. Respondent shall cause and hereby authorizes via his signature on this order, the PHP to submit monthly reports to the Board on respondent's progress in treatment. These reports shall provide the Board with a full account of all contacts which respondent has had with the PHP, his compliance the treatment recommended by PHP, and any and all incidents of which the PHP is aware. This authorization shall be valid for five (5) years from the date of the filing of this Order. The PHP shall notify the Board within 24 hours in writing of any failure of Dr. Liebowitz to follow treatment recommendations or if he unilaterally modifies or discontinues any part of the treatment program. The PHP shall be given a copy of this Order by respondent.

9. The within Consent Order shall not impair in any way the right of the Board of Medical Examiners to take whatever action it deems necessary, and appropriate at any future time with respect to Dr. Liebowitz's license to practice medicine or surgery in this State.

10. Respondent shall comply with the provisions of the directive regarding future activities of a Medical Board licensee who has voluntarily surrendered license (attached).

STATE BOARD OF MEDICAL EXAMINERS

By: Fred Jacobs, M.D., J.D.
President

I have read the above Order and I understand its terms. I agree to be bound this Order and consent to its entry by the State Board of Medical Examiners.

[Handwritten signature]

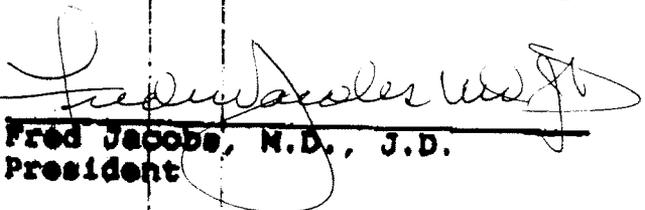
3/30/94

Howard Liebowitz, M.D.

Witness

David I. Callahan MD

STATE BOARD OF MEDICAL EXAMINERS

By: 

Fred Jacobs, M.D., J.D.
President

I have read the above Order
and I understand its terms. I
agree to be bound this Order and
consent to its entry by
the State Board of Medical
Examiners.


Howard Liebowitz, M.D.

3/20/04

Witness



DIRECTIVE REGARDING FUTURE ACTIVITIES
OF MEDICAL BOARD LICENSEE WHO HAS VOLUNTARILY
SURRENDERED LICENSE

A practitioner whose license is suspended or revoked or whose surrender of license with or without prejudice has been accepted by the Board shall conduct him/herself as follows.

- 1) Promptly deliver to the Board the original license and current biennial registration and, if authorized to prescribe drugs, the current State and Federal Controlled Dangerous Substances registrations.
- 2) Desist and refrain from the practice of the licensed profession in any form either as principal or employee of another.
- 3) Inform each patient at the time of any inquiry of the suspended or revoked or retired status of the license. When a new professional is selected by a patient, the practitioner shall promptly make available the original or a complete copy of the existing medical record to the new professional, or to the patient if no new professional is selected. Such delivery of record does not waive any right of the practitioner to claim compensation earned for prior services lawfully rendered.
- 4) Not occupy, share or use office space in which another licensee practices a licensed health care profession.
- 5) Desist and refrain from furnishing professional services, giving an opinion as to the professional practice or its application, or any advice with relation thereto; and from holding him/herself out to the public as being entitled to practice the profession or in any way assuming to be a practicing professional or assuming, using or advertising in relation thereto in any other language or in such a manner as to convey to the public the impression that such person is a legal practitioner or authorized to practice the licensed profession. This prohibition includes refraining during the period of suspension or revocation from placement of any advertisement or professional listing in any advertising medium suggesting eligibility for practice or good standing, such as listing in a professional directory of any type or a telephone directory or radio or television advertisement.
- 6) Not use any sign or advertise that such person, either alone or with any other person has, owns, conducts or maintains a professional office or office of any kind for the practice of the profession or that such person is entitled to practice, and such person shall promptly remove any sign suggesting ability of the practitioner to practice the profession.
- 7) Cease to use or allow another to use any stationery whereon such person's name appears as a professional in practice. If the practitioner was formerly authorized to issue written prescriptions for medication or treatment, such prescription pads shall be destroyed if the license was revoked. If the license was suspended, the prescriptions shall be destroyed or shall be stored in a secure location to prevent theft or any use whatsoever until issuance of a Board Order authorizing use by the practitioner. Similarly, medications possessed for office use shall be lawfully imposed of, transferred to safeguarded.

8) The licensee shall require that for a six-month period following the start of a suspension or revocation of license, a message be delivered to those telephoning the former office premises advising former patients where they may obtain their records. The message may inform callers that the practice is now being conducted by (another) named licensee, and the new telephone number of that licensee may be announced. The same information shall be disseminated by means of a notice to be published at least once per month for the same six month period in a newspaper of general circulation in the geographic vicinity in which the professional practice was conducted.

9) Not share in any fee for professional services performed by any other professional following the suspension, revocation or surrender of license, but the practitioner may be compensated for the reasonable value of the services lawfully rendered and disbursements incurred on the patient's behalf prior to the effective date of the suspension, revocation or surrender.

10) Use of the professional premises. The licensee may allow another licensee to use the office premises formerly occupied by the licensee on the following conditions only:

(a) The new licensee shall conduct the practice in every respect as his/her own practice including billings, claim forms, insurance provider numbers, telephone numbers, tax identification number, etc.

(b) The licensee may accept no portion of the fees for professional services rendered by the new licensee, whether by percentage of revenue, per capita patient, or by any other device or design, however denominated. The licensee may, however, contract for or accept payment from the new licensee for rent (not exceeding fair market value) of the premises and/or equipment.

(c) No use of name of licensee or personally owned office name or tax or provider identification number.

1. Where the licensee was using an individual IRS number or where the licensee was the sole member of an incorporated professional association or a professional corporation, the licensee may contract to rent the office premises to a new practitioner. The new practitioner must use his/her own name and own provider number on all bills and insurance claim forms. Neither the name nor the number of the licensee may be used. When the license of a sole practitioner has been revoked, a trade name must be cancelled and a professional service corporation must be dissolved.

2. Where the licensee is a member of a professional group which uses a group-type name such as the ABC Medical Group, the licensee must arrange to have his/her name deleted, covered up or otherwise obliterated on all office signs, advertisements published by the group after the effective date of the Board Order and on all printed billings and stationery. The other group members may continue to function under the incorporated or trade name, minus the name of the licensee, and may continue to use its corporate or professional identification number.

- 11) Report promptly to the Board compliance with each, directive requiring monies to be reimbursed to patients or to other persons or third party payors or to any court, and regarding supervisory reports or other special conditions of the Order.
- 12) A practitioner whose license is surrendered, revoked or actively suspended for one year or more shall conduct him/herself as follows:
 - a. Promptly require the publishers of any professional directory and any other professional list in which such licensee's name is known by the licensee to appear, to remove any listing indicating that the practitioner is a licensee of the New Jersey State Board of Medical Examiners in good standing.
 - b. Promptly require any and all telephone companies to remove the practitioner's listing in any telephone directory indicating that such practitioner is a practicing professional.
- 13) A practitioner whose practice privileges are affected by a Board Order shall, within 30 days after the effective date of the Board Order, file with the Executive Director of the Board a detailed affidavit specifying by correlatively lettered and numbered paragraphs how such person has fully complied with this directive. The affidavit shall also set forth the residence or other address and telephone number to which communications may be directed to such person. Any change in the residence address or telephone number shall be promptly reported to the Executive Director.
- 14) Where the Board has stayed any part of a suspension order to allow professional practice on probation or on specified practice conditions, the licensee shall fully cooperate with the Board or designated representatives, including the Enforcement Bureau, in ongoing monitoring of the licensee's status and practice.
 - a) Monitoring of practice conditions may include, but is not limited to, inspection of the professional premises and equipment, and inspection and copying of patient records (confidentiality of patient identity shall be protected by the Board) to verify compliance with Board Order and accepted standards of practice.
 - b) Monitoring of status conditions may include, but is not limited to, licensee cooperation in providing releases permitting unrestricted access to records and other information to the extent permitted by law, from any treatment facility, treating practitioner, support group or other individual/facility involved in the education, treatment, monitoring or oversight of the practitioner, or maintained by a rehabilitation program for impaired licensees. If bodily substance monitoring has been ordered, the licensee shall fully cooperate by responding to a demand for breath, blood, urine or other sample in a timely manner and providing the designated sample.