

IN THE MATTER OF)	BEFORE THE
)	
THE LICENSE OF)	TEXAS STATE BOARD
)	
ROBERT IRA LEWY, M.D.)	OF MEDICAL EXAMINERS

AGREED ORDER

On this the 9th day of August, 1997, came on to be heard before the Texas State Board of Medical Examiners (“the Board” or “the Texas Board”), duly in session the matter of the license of Robert I. Lewy, M.D. (“Respondent”). On March 11, 1997, Respondent appeared in person with counsel, Michael R. Sharp, at an Informal Settlement Conference/Show Compliance Proceeding in response to a letter of invitation from the staff of the Board.

The Board was represented at the Informal Settlement Conference/Show Compliance Proceeding by Thomas Kirksey, M.D., and Julian Gomez, M.D. Upon recommendation of the Board’s representatives, and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusion of Law and enters this Order as set forth herein:

FINDINGS OF FACT

1. Respondent, Robert I. Lewy, M.D., holds Texas Medical license F-4931.
2. The Board has jurisdiction over the subject matter and Respondent. Respondent received all notice which may be required by law and by the rules of the Board. All jurisdictional requirements have been satisfied.
3. Respondent is 53 years of age.
4. Respondent has been licensed to practice medicine in Texas for approximately eighteen (18) years.

5. Respondent is certified by the American Board of Internal Medicine and the American Board of Hematology, American Board of Quality Assurance and Utilization Review.

6. On August 1, 1995, Respondent prematurely issued a press release to prospective patients which was confusing and incorrectly characterized his participation status regarding two research studies. Such was corrected by Respondent on August 3, 1995.

7. In 1994, Respondent charged referring agencies a surcharge for evaluating patients on evenings and weekends.

8. In 1993, Respondent was excluded from the medical staff at The Methodist Hospital for inadequate medical record keeping.

9. Respondent has entered into this Agreed Order pursuant to the provisions of Sections 4.02(h) and (I) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b.

10. Although Respondent does not admit a violation of the Medical Practice Act, so as to avoid the expense and inconvenience of litigating the allegations, and in lieu of further investigation or a hearing, Respondent agrees to the entry of this Agreed Order and further agrees to comply with the terms and conditions set forth herein.

11. Respondent has not previously been the subject of disciplinary action by the Board.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes the following:

1. Respondent has violated Section 3.08(18) and (19) of the Medical Practice Act ("the Act"), V.A.C.S., article 4495b, which authorizes the Board to take disciplinary action against Respondent.

2. Section 4.02(h) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

3. Section 4.02(I) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Civil Evidence for purposes of civil litigation.

4. Section 4.12 of the Act authorizes the Board to take action in regard to Respondent and Respondent's medical license as set forth below.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that this Agreed Order shall constitute a PUBLIC REPRIMAND of Respondent, and that Respondent is hereby reprimanded.

It is further ORDERED that:

1. Respondent shall pay an administrative penalty in the amount of \$2,000.00 due to the Board within 60 days of execution of the Agreed Order by the Board.

2. Respondent shall give a copy of this Agreed Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Respondent has privileges, has applied for privileges, or applies for privileges.

3. Respondent shall ensure that any inquiries which are made by any person or entity through any means to Respondent or Respondent's employees regarding Respondent's Texas medical licensure status are answered by accurate reference to this Agreed Order.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. NOTHING IN THIS ORDER SHALL BE DEEMED A WAIVER OF RESPONDENT'S RIGHTS UNDER STATUTE OR THE UNITED STATES OR TEXAS CONSTITUTIONS TO APPEAL AN ORDER OR ACTION OF THE BOARD SUBSEQUENT TO THIS AGREED ORDER EXCEPT AS RESPONDENT MAY HAVE OTHERWISE AGREED TO HEREIN. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, ROBERT IRA LEWY, M.D., HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

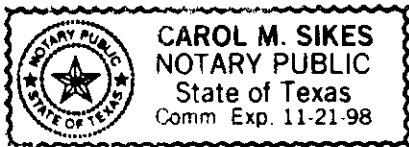
DATED: July 29, 1997.

Robert Ira Lewy
ROBERT IRA LEWY, M.D.
RESPONDENT

STATE OF Texas)
COUNTY OF Harris)

BEFORE ME, the undersigned Notary Public, on this day personally appeared Robert Ira Lewy, M.D., known to me to be the person whose names is subscribed to this instrument, an Agreed Order, and who after being by me duly sworn, on oath, stated that he executed the same for all purposes expressed therein.

Given under my hand and official seal and office this 29 day of July, 1997.



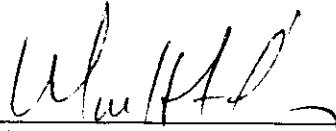
Carol M. Sikes
Signature of Notary Public

Carol M Sikes
Printed or typed name of Notary Public

My commission expires: 11-21-98

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical

Examiners on this 9th day of August, 1997.

 (10)
W.H.F.

William H. Fleming, III, M.D.
President, Texas State Board of
Medical Examiners