

**CONSENT AGREEMENT
BETWEEN
LEWIS LEONARD HORVITZ, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This CONSENT AGREEMENT is entered into by and between LEWIS LEONARD HORVITZ, M.D. and THE STATE MEDICAL BOARD OF OHIO, a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

LEWIS LEONARD HORVITZ voluntarily enters into this Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This CONSENT AGREEMENT contains the entire agreement between the parties, there being no other agreement of any kind, verbal or otherwise, which varies the terms of this CONSENT AGREEMENT.

This CONSENT AGREEMENT is entered into on the basis of the following stipulations, admissions and understandings:

- A. THE STATE MEDICAL BOARD OF OHIO is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for any of the enumerated violations.
- B. THE STATE MEDICAL BOARD OF OHIO enters into this CONSENT AGREEMENT in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code, set forth in the Notice of Opportunity for Hearing issued by the BOARD on April 17, 1996, attached hereto as Exhibit A and incorporated herein by this reference. The BOARD expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this AGREEMENT.
- C. LEWIS LEONARD HORVITZ, M.D. held a certificate to practice medicine and surgery in the State of Ohio until October 1, 1994. That certificate was automatically suspended on that date, pursuant to Section 4731.281, Ohio Revised Code, because no renewal application was submitted.

- D. LEWIS LEONARD HORVITZ, M.D. ADMITS the factual and legal allegations set forth in the Notice of Opportunity for Hearing issued by the BOARD on April 17, 1996, attached hereto as Exhibit A and incorporated herein by reference.
- E. LEWIS LEONARD HORVITZ, M.D. STATES that he has not applied for renewal of his certificate to practice medicine and surgery in the State of Ohio for the 1994 through 1996 renewal period, and he has not applied for reinstatement or restoration of that certificate.

WHEREFORE, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, LEWIS LEONARD HORVITZ, M.D. knowingly and voluntarily agrees with THE STATE MEDICAL BOARD OF OHIO, (hereinafter BOARD), to the following terms, conditions and limitations:

- I. LEWIS LEONARD HORVITZ, M.D. is hereby REPRIMANDED.
- II. LEWIS LEONARD HORVITZ, M.D. agrees that he shall never apply for renewal, reinstatement, or restoration of his certificate to practice medicine and surgery in the State of Ohio. LEWIS LEONARD HORVITZ, M.D. further agrees that he shall never apply for any other certificate issued by the BOARD pursuant to Chapters 4730. or 4731., Ohio Revised Code, and is ineligible to hold any such certificate. Any such attempted application shall be considered null and void and shall not be processed by the BOARD.
- III. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR HORVITZ shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he is under contract to provide physician services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, DOCTOR HORVITZ shall provide a copy of this CONSENT AGREEMENT to all employers or entities with which he contracts to provide physician services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
- IV. Within thirty (30) days of the effective date of this AGREEMENT, DOCTOR HORVITZ shall provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, to the proper

licensing authority of any state or jurisdiction in which he currently holds a license to practice. DOCTOR HORVITZ further agrees to provide a copy of this CONSENT AGREEMENT by certified mail, return receipt requested, at time of application to the proper licensing authority of any state in which he applies for licensure or reinstatement of licensure. Further, DOCTOR HORVITZ shall provide this BOARD with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

If, in the discretion of the Secretary and Supervising Member of THE STATE MEDICAL BOARD OF OHIO, DOCTOR HORVITZ appears to have violated or breached any term or condition of this Agreement, THE STATE MEDICAL BOARD OF OHIO reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Agreement.

DOCTOR HORVITZ acknowledges that he has had an opportunity to ask questions concerning the terms of this Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the BOARD based on alleged violations of this CONSENT AGREEMENT shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

DOCTOR HORVITZ hereby releases the STATE MEDICAL BOARD OF OHIO, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This CONSENT AGREEMENT shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. It is expressly understood that this CONSENT AGREEMENT is subject to ratification by the BOARD prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

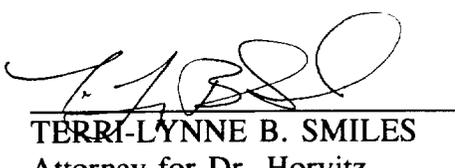
Further, this information may be reported to appropriate organizations, data banks and governmental bodies.


LEWIS LEONARD HORVITZ, M.D.

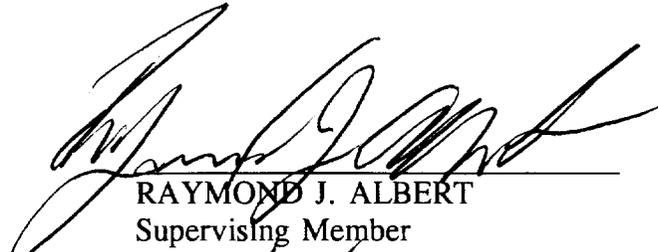
9/7/96
DATE


THOMAS E. GRETTER, M.D.
Secretary

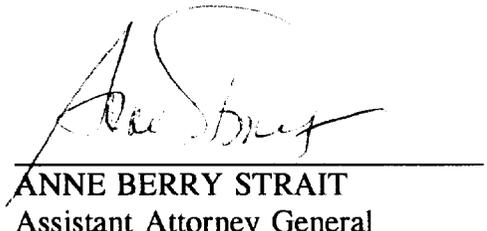
10/8/96
DATE


TERRI-LYNNE B. SMILES
Attorney for Dr. Horvitz

9/10/96
DATE


RAYMOND J. ALBERT
Supervising Member

9/10/96
DATE


ANNE BERRY STRAIT
Assistant Attorney General

9/11/96
DATE



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

April 17, 1996

Lewis Leonard Horvitz, M.D.
1239 Dorsh Road
South Euclid, OH 44121

Dear Doctor Horvitz:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1)(a) On or about August 29, 1989, you filed a Request for Application Forms (hereinafter "REQUEST") for licensure to practice medicine and surgery in Ohio.
- (b) On or about October 4, 1989, you filed an Application for a Certificate (hereinafter "APPLICATION") to practice medicine and surgery in Ohio.
- (c) Subsequently, in reliance upon the truthfulness of your statements in these submissions, you were issued a license to practice medicine and surgery in Ohio.
- (2)(a) The section of the REQUEST, entitled "Postgraduate Training" required you to "List all postgraduate training (internship, residency, or clinical fellowship) undertaken in the U.S. or Canada."

For PGY II training (second year residency) you listed only Robert Wood Johnson [Medical School], New Brunswick, NJ.

In fact, beginning in July 1986, for a period of approximately six weeks into August 1986, you were a PGY II (second year) resident in internal

Mailed 4/18/96

medicine in the University of Pittsburgh College of Medicine residency program at Presbyterian University Hospital, Pittsburgh, PA.

- (b) The section of the APPLICATION, entitled "Resume" required that you "List ALL activities in chronological order from the date of medical school graduation to the present time using MONTH and YEAR."

You stated that from July 1986 to March 1987, you were at Health Sciences/U. of Pitt, 1200 Scaife Hall, Pitt, PA. You listed as your Position & Department "preliminary research and looking for position in Rehab. Med."

In fact, beginning in July 1986, for a period of approximately six weeks into August 1986, you were a PGY II (second year) resident in internal medicine in the University of Pittsburgh College of Medicine residency program at Presbyterian University Hospital, Pittsburgh, PA.

- (c) In the section of the APPLICATION, entitled "Additional Information - Medicine or Osteopathic Medicine," you answered "No" to the following question:

4. Have you ever been warned by, censured by, disciplined by, been put on probation by, been requested to withdraw from, dismissed from, been refused renewal of a contract by, or expelled from a medical school, clinical clerkship, externship, preceptorship, or postdoctoral training program?"

In fact, in August 1986, "due to preparing a report of test results which tests had not been done on the patient," you were terminated as a PGY II (second year) resident in internal medicine in the University of Pittsburgh College of Medicine residency program at Presbyterian University Hospital, Pittsburgh, PA.

- (d) In the "Addendum to Question 5" that you submitted with the section of the APPLICATION, entitled "Additional Information - Medicine or Osteopathic Medicine," you stated that following completion of your internship you took a leave of absence from the Internal Medicine Training Program at the University of Pittsburgh. You stated that you "began a preliminary research project in the field of research in rehabilitation medicine" but

decided on a career in cardiovascular diseases and subsequently transferred to the Internal Medicine Training Program at the University of Medicine and Dentistry of New Jersey - Robert Wood Johnson University Hospital, New Brunswick, NJ.

In fact, beginning in July 1986, for a period of approximately six weeks into August 1986, you were a PGY II (second year) resident in internal medicine in the University of Pittsburgh College of Medicine residency program at Presbyterian University Hospital, Pittsburgh, PA.

You were terminated from that residency program "due to preparing a report of test results which tests had not been done on the patient."

Your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "fraud, misrepresentation, or deception in applying for or securing any license or certificate issued by the board," as that clause is used in Section 4731.22(A), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute "publishing a false, fraudulent, deceptive, or misleading statement," as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Further, your acts, conduct, and/or omissions as alleged in paragraph (2) above, individually and/or collectively, constitute a failure to furnish satisfactory proof of good moral character as required by Section 4731.08, Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

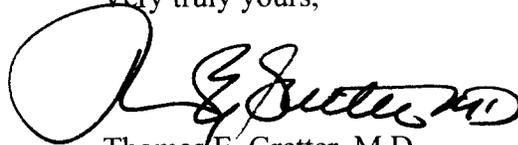
In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, suspend,

April 17, 1996

refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Copies of the applicable sections are enclosed for your information.

Very truly yours,

A handwritten signature in black ink, appearing to read "T. E. Gretter, M.D.", written in a cursive style.

Thomas E. Gretter, M.D.
Secretary

TEG/bjm
Enclosures
CERTIFIED MAIL # P 152 983 370
RETURN RECEIPT REQUESTED

Duplicate mailing to: 1840 Frontage Road
Mark 70, No. 104-108
Cherry Hill, NJ 08034-2201

CERTIFIED MAIL # P 152 983 408
RETURN RECEIPT REQUESTED