



Fields of Opportunities

STATE OF IOWA

TERRY BRANSTAD, GOVERNOR
KIM REYNOLDS, LT. GOVERNOR

IOWA BOARD OF MEDICINE
MARK BOWDEN, EXECUTIVE DIRECTOR

PUBLIC NOTICE

In the matter of the Statement of Charges
against David H. Marcowitz, D.O.,
Respondent, File No. 03-2014-105

Thursday, June 25, 2015, 7:30 A.M.
Iowa Board of Medicine
400 SW Eighth Street, Suite C
Des Moines, Iowa 50309

AGENDA^{1,2}

1. Roll call to establish the presence of all Board members and alternates who were present on May 28, 2015, in the Matter of the Statement of Charges against David H. Marcowitz, D.O., Respondent. File No. 03-2014-105. Panel members are: Hamed Tewfik, M.D., Chair; Allison Schoenfelder, M.D.; Diane Clark; Kyle Ulveling, M.D.; Carole Frier, D.O.; Janece Valentine; Allen Zagoren, D.O.
2. Vote to meet in closed session pursuant to **Iowa Code section 21.5(1)(f)** for the purpose of discussing the decision to be rendered in the Matter of the Statement of Charges against David H. Marcowitz, D.O., Respondent. File No. 03-2014-105.
3. Meet in open session to vote on Decision and Order in the Matter of the Statement of Charges against David H. Marcowitz, D.O., Respondent. File No. 03-2014-105.

¹ Public agenda materials are available via e-mail. Public sessions are recorded and available via CD upon request. Contact ibm@iowa.gov or (515) 281-5171.

² (4) The Iowa Board of Medicine may address agenda items out of sequence to accommodate persons appearing before the Board or to aid in the efficiency or effectiveness of the meeting.'

- C. Respondent failed to produce medical records subpoenaed by the Illinois Board during its investigation.

The Illinois Board suspended Respondent's Illinois medical license for a period of thirty days and Respondent agreed to place his Illinois medical license on permanent inactive status and his Illinois controlled substance license on inactive status. The Illinois Board also ordered Respondent to pay a \$3,000 fine. See Attachment A.

E. SETTLEMENT

14. Settlement. This matter may be resolved by settlement agreement. The procedural rules governing the Board's settlement process are found at 653 Iowa Administrative Code 12.25. If you are interested in pursuing settlement of this matter, please contact Kent M. Nebel, J.D., Legal Director at 515-281-7088 or kent.nebel@iowa.gov.

F. PROBABLE CAUSE FINDING

15. On February 6, 2015, the Iowa Board of Medicine found probable cause to file this Statement of Charges.



Hamed H. Tewfik, M.D., Chairman
Iowa Board of Medicine
400 SW 8th Street, Suite C
Des Moines, Iowa 50309-4686

STATE OF ILLINOIS
DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION
DIVISION OF PROFESSIONAL REGULATION

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois,)	
v.)	
Complainant,)	
David H. Marcowitz, D.O.)	No. 2010-04083
License No. 036-082773,)	
CS License No. 336-045043)	
Respondent.)	

CONSENT ORDER

The Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois, by Vladimir Lozovskiy, one of its attorneys, (hereinafter "Department") and David H. Marcowitz, D.O., (hereinafter "Respondent"), , hereby agree to the following:

STIPULATIONS

David H. Marcowitz, D.O. is licensed as a Physician and Surgeon in the State of Illinois, holding License No. 036-082773 and Illinois Controlled Substance License No. 336-045043. Said licenses are in Active status. At all times material to the matter(s) set forth in this Consent Order, the Department of Financial and Professional Regulation, Division of Professional Regulation, of the State of Illinois had jurisdiction over the subject matter and parties herein.

Information has come to the attention of the Department that Respondent prescribed Controlled Substances to patients in his Illinois practice as well as failed to produce medical records pursuant to the Department's Subpoena when requested. The allegation(s) as set forth herein, if proven to be true, could constitute grounds for suspending, revoking or other discipline of Respondent's Physician and Surgeon license on the authority 225 Illinois Compiled Statutes, Paragraph 60/22(A)(5) and (38).

The Department filed a Formal Complaint on August 2013. Subsequently, Respondent mailed his licenses to the Department indicating his desire to permanently leave the State of Illinois.

Respondent has been advised of the right to a hearing, the right to contest any charges brought forward in the Department's Complaint, and the right to administrative review of this Consent Order. Respondent knowingly waives each of these rights, as well as the right to administrative review of this Consent Order. Such waiver ceases if this Consent Order is rejected by either the Medical Disciplinary Board or the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

Respondent and the Department have agreed, in order to resolve this matter, that Respondent, David H. Marcowitz, D.O., be permitted to enter into a Consent Order with the Department, providing for the imposition of disciplinary measures which are fair and equitable under the circumstances and which are consistent with the best interests of the people of the State of Illinois.

CONDITIONS

WHEREFORE, the Department, through Vladimir Lozovski, its attorney, and David H. Marcowitz, D.O., Respondent, agree:

A. Illinois Physician and Surgeon license of David H. Marcowitz, D.O., License No. 036-082773 and Illinois Controlled Substance License No. 336-045043 are hereby Suspended for thirty (30) days. Thereafter, Respondent agrees to voluntarily have his Illinois Physician and Surgeon License No. 036-082773 and Illinois Controlled Substance License No. 336-045043 to be placed on permanent Inactive Status. Upon the final approval of this Consent Order, Respondent shall submit the necessary documentation required by the Medical Licensing Unit of

the Department to effectuate the change in license status within 30 days from the effective date of this Order.

B. All requests and documentation regarding Respondent's Illinois Physician and Surgeon License and Illinois Controlled Substance License shall be submitted to:

Medical Licensing Unit
Illinois Department of Financial and Professional Regulation
320 W. Washington Street
Springfield, Illinois 62786

C. Respondent shall pay a Fine in the amount of \$3,000.00 dollars (three thousand dollars) being due within six (6) months of the effective date of this Consent Order Respondent shall submit a check payable to: the Illinois Department of Financial and Professional Regulation. Said fine shall be mailed to Illinois Dept. of Financial and Professional Regulation, Attention: CMU/Accounts Receivable - Fine Payments, 320 W. Washington St., 3rd Floor, Springfield, Illinois 62786. In the event that that Respondent shall fail to pay the fine, and the Department is forced to initiate a collection effort to retrieve the fine, Respondent will be responsible for all costs and fees incurred by the collection process;

D. If Respondent fails to have his Illinois Physician and Surgeon License No. 036-082773 and Illinois Controlled Substance No. 336-045043 placed on inactive status within thirty (30) days upon entry of this order, the Director of the Division of Professional Regulation is permitted to issue an Order forthwith mandating the automatic, indefinite and immediate suspension of Respondent's Illinois Physician and Surgeon License No. 036-082773 and Illinois Controlled Substance License No. 336-045043 for a minimum period of twelve (12) months. This suspension shall not preclude the Department from taking any other disciplinary or other actions it deems appropriate. In the event that Respondent contests in writing (by the filing of an appropriate Petition with the Department) the factual basis underlying said suspension within thirty (30) days of the imposition

thereof, then Respondent shall be afforded a hearing on the merits within thirty (30) days from filing of said Petition.

E. This Consent Order shall become effective immediately after it is approved by the Director of the Division of Professional Regulation of the Illinois Department of Financial and Professional Regulation.

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois Division of Professional Regulations

1/2/2014
DATE

Vladimir Lozovskiy
Vladimir Lozovskiy
Attorney for the Department

1/2/2014
DATE

David H. Marcowitz
David H. Marcowitz, D.O.
Respondent

15 Jan 2014
DATE

Janice Lynn
Member, Medical Disciplinary Board

The foregoing Consent Order is approved in full.

DATED THIS 15th day of January, 2014

DEPARTMENT OF FINANCIAL AND PROFESSIONAL REGULATION of the State of Illinois Division of Professional Regulations

Jay Stewart
JAY STEWART
DIRECTOR

REF: Case No. 2010-04083/ License No. 036-082773/336-045043