

**IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA**

FILED

**STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,**

Plaintiff

v.

**ROBERT IRA LEWY, M.D.,
LICENSE NO. 21318,**

Defendant.

MAY 9 2002

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 00-12-2279

VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Robert Ira Lewy, M.D., Oklahoma license no. 21318, who appears in person and through counsel, Linda Scoggins, offer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations set forth in paragraphs (A) and (B) herein, and further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Robert Ira Lewy, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him by his legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.*

2. Defendant, Robert Ira Lewy, M.D., holds Oklahoma license no. 21318.

3. On or about March 21, 1995, Defendant was charged with the crime of MISDEMEANOR FILING A FALSE REPORT, in the District Court of Harris County, State of Texas, when he did "unlawfully knowingly communicate a report of a present emergency, namely a pregnant female needing emergency medical attention to ... the Houston Police Department that he knows is false and that would ordinarily cause action by an official agency organized to deal with emergencies, to-wit: that a pregnant female needed emergency medical attention of the Defendant." Defendant subsequently pled guilty to the charge, the Court granted a deferred adjudication, and upon completion of the deferral period, the charge was dismissed.

4. On or about April 12, 1995, Defendant was charged with the crime of MISDEMEANOR CARRYING A WEAPON, in the District Court of Harris County, State of Texas, when he did "unlawfully intentionally and knowingly carry on and about his person a handgun" into the Harris County Courthouse. Defendant subsequently pled guilty to the charge, the Court granted a deferred adjudication, and upon completion of the deferral period, the charge was dismissed.

5. On or about April 12, 1999, Defendant submitted his Application for Licensure in the State of Oklahoma. On his application, Defendant was asked the following question:

"Have you ever been charged with or convicted of a felony or misdemeanor or of a crime directly or indirectly related to your practice of medicine?"

In response to this question, Defendant answered "No."

6. Defendant is guilty of unprofessional conduct as follows:

A. He engaged in ... misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

- B. Said misrepresentation violated ... the rules and regulations of the Board in violation of OAC 435:10-7-4(39) and 59 O.S. §509(14).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Based on the foregoing facts, Defendant, Robert Ira Lewy, Oklahoma license 21318, is guilty of the unprofessional conduct set forth below:

- A. He engaged in ... misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- B. Said misrepresentation violated ... the rules and regulations of the Board in violation of OAC 435:10-7-4(39) and 59 O.S. §509(14).

Order

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

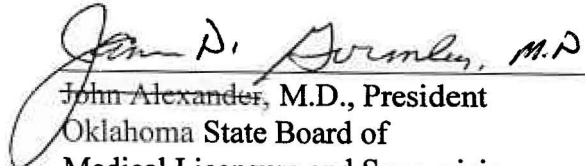
1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Robert Ira Lewy, M.D., holding Oklahoma license No. 21318, is hereby **FORMALLY REPRIMANDED**.


3. If Defendant ever seeks to renew his Oklahoma license or apply for reinstatement of his Oklahoma license, he shall appear before the Board in connection with said application.

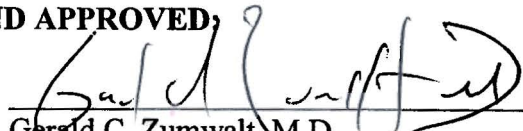
4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

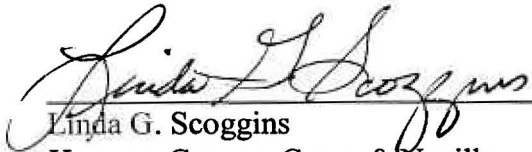
Dated this 9 day of May, 2002.

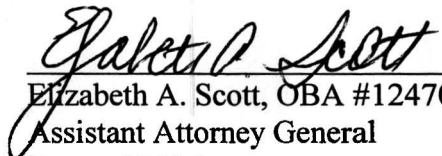

John Alexander, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:


Robert Ira Lewy, M.D.
License No. 21318


Gerald C. Zumwalt, M.D.
Secretary & Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision


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Attorney for the Oklahoma State Board
of Medical Licensure and Supervision