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DEPARTMENT OF HEALTH SERVICES  
**JUL 13 1984**  
HEALTH SERVICES INVESTIGATIONS  
DIVISION OF MEDICAL  
QUALITY ASSURANCE

STATE OF CONNECTICUT  
BOARD OF EXAMINERS IN PODIATRY

IN RE: LAWRENCE JAY MOROWITZ, D.P.M.

STATEMENT OF CHARGES ISSUED MARCH 22, 1982

STATEMENT OF CHARGES ISSUED FEBRUARY 14, 1984

MEMORANDUM OF DECISION AND WRITTEN DECISION  
ON MOTION TO VACATE STAY

Introduction

The Board of Examiners in Podiatry (hereinafter the Board) was presented by the Department of Health Services with a Statement of charges dated February 15, 1984. Amendments were subsequently filed dated March 22, 1984 and April 12, 1984. The Statement of Charges alleges violations of certain provisions of Chapter 375 of the Conn. Gen. Stat. The Notice of Hearing provided that the hearing would take place on March 28, 1984. It was continued to April 25, 1984 and June 13, 1984 in Room 110 at the Department of Health Services, 150 Washington Street, Hartford, Connecticut. It concluded on June 13, 1984.

Each member of the Board of Examiners participating in this decision was either present for the entire hearing or has reviewed the record of the proceedings before the Board.

On the first day of the hearing, March 28, 1984, prior to the presentation of evidence and testimony in support of the allegations in the February 14, 1984 complaint, the Department of Health Services moved that the Board lift a stay of execution it earlier granted of a nine-month license suspension order it imposed on Lawrence J. Morowitz commencing April 15, 1983, arising from a finding by the Board that Dr. Morowitz had violated §20-29 of the Conn. Gen. Stat. by sexually molesting one of his female patients through penetrating her vagina with his finger and massaging her breasts during the course of surgery while she was under sedation with no female assistant present. A copy of the prior decision is attached with the communications concerning the stay. (Exhibit 1.)

The grant of the stay pending the appeal was expressly conditioned on the continued presence of a female assistant at all times while the respondent treated female patients. The Department's motion to lift the stay was based on an alleged violation of such condition. A copy of such motion was furnished to Morowitz's counsel before the hearing. The Board

reserved ruling on such motion until hearing all the evidence after which it granted in writing such motion and rescinded its stay.

Facts

1. Lawrence J. Morowitz, D.P.M., the respondent, is licensed to practice Podiatry in the State of Connecticut and has been so licensed since 1972.

2. Carmen L. Ford initially became a patient of Dr. Morowitz in 1979 and at that time Dr. Morowitz scheduled her for surgery on her foot.

3. Some time during the month of May or June, 1979, while undergoing surgery by Dr. Morowitz, said Carmen L. Ford was sexually assaulted by Dr. Morowitz by laying on top of her on top of the surgery table.

4. Candy Newton initially became a patient of Dr. Morowitz in February, 1983, at the time Dr. Morowitz scheduled her for multiple surgery on her feet, the first of which was to take place a few days later.

5. On February 25, 1983 upon arrival at Dr. Morowitz's office for such surgery Mrs. Newton removed her street clothes and donned a surgical gown and slippers leaving on only her underwear.

6. At this time, Dr. Morowitz injected the complainant's arm with Valium as an anesthetic causing her to lose consciousness.

7. Subsequent to the February 5, 1984 surgery, Mrs. Newton returned to Dr. Morowitz's office for scheduled additional surgery. At which time Dr. Morowitz gave her Valmid with instructions to take this medication upon arising on the morning she was to return to the office for the surgery which was now scheduled for March 9, 1984.

8. On March 9, such surgery was performed. Thereafter on the same day, Dr. Morowitz made a house call to the complainant in response to her call complaining of extreme pain.

9. During the course of this visit, Dr. Morowitz asked her husband to leave the bedroom where the complainant was lying in bed and gave her an injection of Demerol. As the complainant was beginning to doze off from the medication that was administered by Dr. Morowitz he inserted his finger into her vagina and fondled her.

10. The aforementioned penetration of the vagina and fondling of the breasts do not constitute physical conduct required during the surgical procedure performed by

Dr. Morowitz, nor is it justified under any circumstances.

11. On May 13, after taking Valmid tablets prescribed by Dr. Morowitz at home the complainant returned to Dr. Morowitz's office for additional surgery.

12. While in the operating chair and under partial sedation brought about by intravenous administration of Demerol, the complainant heard the telephone ring and observed Dr. Morowitz talking on the telephone approximately twelve feet away with his pants and underpants around his knees. At the time the complainant observed Dr. Morowitz unclothed, no assistant was present.

13. On June 3, 1984, the complainant, Candy Newton, underwent additional surgery at Dr. Morowitz's office. While lying on her side facing left in the surgical chair, Dr. Morowitz had sexual intercourse with the complainant against her will. He physically overcame her protest due to her lack of strength due to sedation.

14. On June 24, 1984, Dr. Morowitz, in his office again, performed surgery on the complainant, while under sedation, without the presence of a female assistant.

15. On this occasion, Dr. Morowitz had sexual intercourse with the complainant while she was physically helpless, this time leaving semen specimen on her leg she noted when she arrived home.

16. As a result of these incidents, the complainant contacted the Stamford Police Department and registered a complaint.

17. On June 30, 1983, as a result of its investigation, the Stamford Police Department arrested Dr. Morowitz.

18. On May 25, 1984, in the Superior Court in Stamford, Connecticut, a jury found Dr. Morowitz criminally guilty of sexually assaulting the complainant while she was physically helpless, in violation of §§53a-71(a)(2) and 53a-73.

19. On or about February 10, 1983, Lawrence Morowitz performed surgery upon the finger of his employee, Linda Kane, whom he sedated. Her husband, a security guard at the building, was not present during the entire surgery.

20. Dr. Morowitz failed to maintain a medical record for Linda Kane in regard to treatment of her finger.

21. On or about June 25, 1984, Lawrence Morowitz was admitted to St. Joseph's Hospital for treatment of an intentional overdose of Dalmane in an attempt to commit suicide.

22. During 1983 Dr. Morowitz had administered or dispensed controlled substances to his patient Candy Newton and did not maintain controlled substances disposition records.

Discussion

Section 20-59 of the Conn. Gen. Stat. provides in pertinent part as follows:

Disciplinary action by board; grounds. The board may take any of the actions set forth in section 19a-17 for any of the following reasons: (1) Procurement of a license by fraud or material deception; (2) conviction in a court of competent jurisdiction, either within or without this state, of any crime in the practice of podiatry; (3) fraudulent or deceptive conduct in the course of professional services or activities; (4) illegal or incompetent or negligent conduct in the practice of podiatry; (5) habitual intemperance in the use of spirituous stimulants or addiction to the use of morphine, cocaine or other drugs having a similar effect; (6) aiding and abetting the practice of podiatry by an unlicensed person or a person whose license has been suspended or revoked; (7) mental illness or deficiency of the practitioner;

(8) physical illness or loss of motor skill including but not limited to, deterioration through the aging process, of the practitioner; (9) undertaking or engaging in any medical practice beyond the privileges and rights accorded to the practitioner of podiatry by the provisions of this chapter; or (10) violation of any provision of this chapter or any regulation adopted hereunder.

Section 20-9 of the Conn. Gen. Stat. in pertinent part provides as follows:

Who may practice medicine or surgery. No person shall, for compensation, gain or reward, received or expected, diagnose, treat, operate for or prescribe for any injury, deformity, ailment or disease, actual or imaginary, of another person, nor practice surgery, until he has obtained such a certificate of registration as is provided in section 20-10, and then only in the kind or branch of practice stated in such certificate; . . . . (Emphasis added.)

Section 20-50 of the Conn. Gen. Stat. in pertinent part provides as follows:

Podiatry is defined to be the diagnosis, prevention and treatment of foot ailments . . . .

Motion to Dismiss Statement of Charges for failure to satisfy burden of proof on charges contained therein is denied.

First Count - Although the testimony did not specify June of 1979 as the date when the violation is alleged to have occurred, it is sufficient that complainant, Carmen L. Ford,

was a patient of Dr. Morowitz on both before and after this time and that Dr. Morowitz has had sexual intercourse with the complainant by lying on top of her on top of the surgical table while she was sedated. Such activity constitutes illegal practice, therefore violates §20-59(4) of the Conn. Gen. Stat.

Second Count - Direct testimony of Linda Kane provided sufficient credible evidence that Dr. Morowitz fondled her vaginal area when his hand had gone down into her lower section and that her husband was not present at all times when Dr. Morowitz was performing the surgery, therefore, violating Section 20-59(4) of the Conn. Gen. Stat.

Third Count - On or about march 9, 1983, Dr. Morowitz injected his female patient, Candy Newton, with Valium and while she was sedated he inserted his fingers into her vagina while she was dozing off, in violation of §20-59(4) of the Conn. Gen. Stat.

Fourth Count - On or about May 13, 1983 Dr. Morowitz injected his female patient, Candy Newton, with Valium prior

to surgery and while in a sedated condition had sexual intercourse with said Candy Newton as evidenced by her testimony that while still conscious, she observed him standing a very short distance away speaking on the phone with his pants and his underpants pulled down to around his knees, in violation of §20-59(4) of the Conn. Gen. Stat.

Fifth Count - On or about May 13, 1983 Dr. Morowitz made a house call on his female patient, Candy Newton, and injected her with a controlled substance and inserted his fingers into her vagina as observed by her sister, Brenda Ozendine, in violation of §20-59 (4) of the Conn. Gen. Stat.

Sixth Count - On or about June 24, 1983 Dr. Morowitz injected his female patient, Candy Newton, with a controlled substance prior to surgery in his office and while sedated had sexual intercourse with her as evidenced by the presence of semen on her leg which was discovered after she returned home after the surgery that day, in violation of §20-52 of the Conn. Gen. Stat.

It is concluded, however, that Dr. Morowitz did not also have oral intercourse with his patient, Candy Newton, in that there was no evidence of any kind presented in support of this allegation.

Seventh Count - During 1982 Lawrence Morowitz performed surgery upon a finger of his employee, Linda Kane, as evidenced by the direct testimony of Linda Kane and Dr. Morowitz which medical practice is beyond the scope of practice of podiatry, in violation §§20-50, 20-9 and 20-14 of the Conn. Gen. Stat.

Eighth Count - During 1983 Dr. Morowitz performed surgery upon Linda Kane and did not maintain a medical record for Linda Kane as evidenced by the direct testimony of Dr. Morowitz which failure is fraudulent or deceptive conduct in the course of professional service, in violation of §20-50 of the Conn. Gen. Stat. and negligent, incompetent or illegal under §20-59(4) of the Conn. Gen. Stat.

Ninth Count - On or about June 25, 1983 Dr. Morowitz as admitted to St. Joseph's Hospital in Stamford, Connecticut for treatment of intentional overdose of either Dalmane or Vamid from which conduct it is concluded that Dr. Morowitz is mentally ill or deficient, in violation of §20-59(7) of the Conn. Gen. Stat.

Tenth Count - On or about June 3, 1983 Dr. Morowitz injected his female patient, Candy Newton, with a controlled substance while performing surgery upon her in his office and while Candy Newton, lying in the chair on her side facing

to the left, Dr. Morowitz was beside her having sexual intercourse with her, in violation of §20-59(4) of the Conn. Gen. Stat.

Eleventh Count - It is concluded that Dr. Lawrence Morowitz did not possess marijuana, in violation of §20-59 of the Conn. Gen. Stat. No evidence was adduced in support of this charge.

Twelveth Count - During 1983 Dr. Morowitz was dispensing Valmid and Dalmane, a controlled substance, to his patient Candy Newton. He did not keep a controlled substance disposition record. A failure to keep medical record constitutes negligent or incompetent practice under §20-59(4) of the Conn. Gen. Stat. It further violates §§21a-254(c), 20-59 and 20-50 of the Conn. Gen. Stat.

Thirteenth Count - During 1983 Dr. Morowitz administered or dispensed Valium injectable, and Demerol injectable, both controlled substances, to his patient, Candy Newton, as evidenced by the testimony of Connecticut drug control agent, in violation of §20-50(4) of the Conn. Gen. Stat. He negligently or incompetently failed to document the administration of these controlled substances in the medical record of Candy Newton, in violation of §20-59(4) Conn. Gen. Stat.

Conclusion

From the facts and discussion above, the respondent has committed serious numerous violations of §§20-50, 20-9, 20-14, 21a-254(c) and 20-50 of the Conn. Gen. Stat., in the manner specified in Counts 1 - 10, 12 and 13. The continued practice of podiatry by the respondent constitutes a threat to the health and safety of the public.

ORDER

It is the unanimous decision of the Board of Examiners in Podiatry that the license of respondent, Lawrence Jay Morowitz, D.M.P., be revoked.

It is also the unanimous decision of the Board of Examiners in Podiatry to ratify the granting of the Department's motion to rescind the stay to Dr. Morowitz in regard to the nine-month suspension imposed on Dr. Morowitz arising from a previous citing of sexual misconduct based on the March 22, 1982 statement of charges.

The Board of Examiner in Podiatry hereby advises the Department of Health Services of this decision. The Board

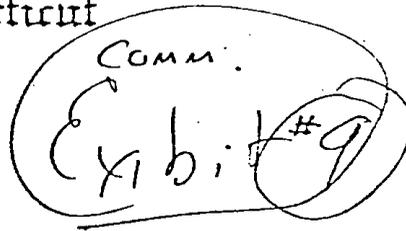
in its meeting of July 5, 1984, authorized Irwin Kove, D.P.M.,  
to sign this decision on behalf of the entire Board.

Dated at Hartford, Connecticut this 9<sup>th</sup> day  
of July, 1984.

BOARD OF EXAMINERS IN PODIATRY

  
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IRWIN KOVE, D.P.M. }

Exhibit 1  
State of Connecticut



JOSEPH I. LIEBERMAN  
ATTORNEY GENERAL

Office of The Attorney General  
30 TRINITY STREET Tel: 566-4990  
HARTFORD 06106

April 8, 1983

RECEIVED  
DEPARTMENT OF HEALTH SERVICES  
FEB 3 1984  
HEARINGS & INVESTIGATIONS  
DIVISION OF MEDICAL  
QUALITY ASSURANCE

David Golub, Esquire  
184 Atlantic Street  
P. O. Box 389  
Stamford, Connecticut 06904

Re: Lawrence Jay Morowitz, D.P.M.

Dear Attorney Golub:

This to inform you that the Board of Examiners in Podiatry has decided to grant your oral request for a stay of its order suspending the license of Lawrence Jay Morowitz, D.P.M.

Your stay is granted based on your representation that you will be filing a timely administrative appeal from the aforementioned Board's decision. The stay, of course, is granted only for as long as it takes to prosecute said appeal in the Superior Court. In addition, the stay is conditional upon Dr. Morowitz' having at least one additional person on duty in his office at all times.

Thank you for your cooperation in this matter.

Very truly yours,

JOSEPH I. LIEBERMAN  
ATTORNEY GENERAL

A handwritten signature in cursive that reads "Stanley K. Peck".

By: Stanley K. Peck  
Assistant Attorney General

SKP:md

cc: Irving Freedman, D.P.M.