

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130
Mailing Address: Post Office Box 30250, New Orleans, LA 70190-0250
www.lsbme.la.gov



Telephone: (504) 568-6820
FAX: (504) 568-8893
Writer's Direct Dial:

(504) _____

BEFORE THE LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF:

IRA PINCUS MARKOWITZ, M.D.
(Certificate No. MD.017060),
Respondent

No. 15-I-1020

CONSENT ORDER

Ira Pincus Markowitz, M.D. ("Dr. Markowitz") is, and at all times pertinent hereto has been, a physician licensed to practice medicine in the State of Louisiana, as evidenced by License Number MD.017060. Dr. Markowitz practices in the field of vascular surgery in and around New Orleans, Louisiana.

The Board initiated an investigation upon receipt of information that Dr. Markowitz may have diverted controlled substances for his own use. In response, the Board Ordered him to undergo an evaluation at an approved facility, which resulted in a determination that Dr. Markowitz was suffering from a substance use disorder, and treatment was recommended. Subsequently Dr. Markowitz signed a monitoring contract with the Physicians' Health Program and based upon current reports, he is noted to be in recovery and cleared to return to the practice of medicine. Additionally, during the investigation the Board became aware that Dr. Markowitz was suffering from a medical condition which impacted his ability to practice as a Vascular Surgeon. An evaluation of his condition determined that while it is anticipated that Dr. Markowitz will continue to improve, he is currently limited in his capacity to practice surgery.

Predicated upon the information outlined above, the Director of Investigations ("DOI") has determined that reasonable cause exists to pursue administrative proceedings against Dr. Markowitz for violation of the Louisiana Medical Practice Act, La. Rev. Stat. § 37:1285 (A)(5),¹

¹ Pursuant to La. R.S. § 37:1285A(5), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of "[h]abitual or recurring abuse of drugs, ... which are capable of inducing psychological dependence."

(A)(6),² and (A)(25).³

As evidenced by his subscription hereto, Dr. Markowitz, without admitting any liability or violation of federal or state law or regulation, and for purposes of this Consent Order only, acknowledges that such information would provide the DOI with a reasonable basis to initiate formal administrative proceedings against his license pursuant to the Louisiana Medical Practice Act, constituting cause for such action against the physician's license to practice medicine in the state of Louisiana as the Board may deem appropriate, pursuant to the Medical Practice Act.

Recognizing his right to written notification of any charges that may be asserted against him as a result of this investigation, as well as the right to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence in defense or in mitigation of the charges made and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§ 49:951 et seq., Dr. Markowitz, nonetheless, hereby waives his rights to notice, formal adjudication and written decision and, pursuant to La. Rev. Stat. § 49:955(D), consents to entry of the Order set forth hereinafter. Furthermore, Dr. Markowitz acknowledges that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951 et seq., or to which he otherwise may be afforded by any law to contest his agreement to or the force and effect of the Board's investigation or this document in any court or other forum. By his subscription hereto, Dr. Markowitz also hereby authorizes the DOI to present this Consent Order to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. Rev. Stat. § 49:960. Dr. Markowitz expressly acknowledges that the disclosure of such information to the Board by the DOI shall be without prejudice to the DOI's authority to proceed with the filing and adjudication of any administrative charges that may subsequently be filed in this matter against him, or to the Board's capacity to adjudicate such complaint should the Board decline to approve this Consent Order.

Accordingly, in consideration of the foregoing and pursuant to the authority vested in the Board by La. Rev. Stat. § 37:1285 and La. Rev. Stat. § 49:955(D);

IT IS ORDERED that the license of Ira Pincus Markowitz, M.D., to engage in the practice of medicine in the State of Louisiana, as evidenced by Certificate No. 017060 be, and the same is hereby, placed **ON PROBATION** for a period of three (3) years (the "probationary period"); *provided, however*, that Dr. Markowitz's continuing exercise of rights and privileges granted

² Pursuant to La. R.S. § 37:1285A(6), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of "[p]rescribing, dispensing, or administering legally controlled substances or any dependency-inducing medication without legitimate medical justification therefor or in other than a legal or legitimate manner."

³ Pursuant to La. R.S. § 37:1285A(25), the Board may suspend, revoke, or impose probation or other restrictions on the license of an individual licensed to practice medicine in the State of Louisiana as a result of an "[i]nability to practice medicine with reasonable skill or safety to patients because of mental illness or deficiency; physical illness, including but not limited to deterioration through the aging process or loss of motor skills; and/or excessive use or abuse of drugs, including alcohol."

thereby, shall be conditioned upon and subject to his acceptance of and strict compliance with the following terms, conditions and restrictions:

1. **Board Approval of Practice Setting.** Dr. Markowitz shall, for the duration of the probationary period, before continuing or accepting any employment with any clinic, hospital, or other entity providing healthcare services to patients, obtain the Board's written approval of his employment and shall provide any and all information that the Board may then require in connection with such approval.
2. **Practice Monitoring.** Dr. Markowitz's performance of surgical procedures shall be supervised by another physician who is qualified and credentialed to perform the Limited Procedures (as defined in paragraph 3 below) (the "Practice Monitor") designated by the hospital or institution and *preapproved in writing by the Board*. The Practice Monitor shall monitor Dr. Markowitz's performance of surgical procedures to determine whether he is practicing consistently within accepted standards. Dr. Markowitz shall authorize and cause such physician to submit to the Board written reports of his or her determination concerning Dr. Markowitz's competence and physical ability to practice as derived from such monitoring as required by this Consent Order or in response to any inquiry from the DOI.
3. **Limitations on Surgical Practice.** Dr. Markowitz's surgical practice shall be limited to performing diagnostic and interventional peripheral vascular procedures of the lower extremities ("Limited Procedures"). Dr. Markowitz may only perform Limited Procedures under the direct and immediate supervision and observation of his Practice Monitor. After the Practice Monitor has observed Dr. Markowitz perform no less than ten Limited Procedures, and only with the Practice Monitor's recommendation, Dr. Markowitz may petition the Board to grant him permission to perform Limited Procedures without the direct supervision of his Practice Monitor. Furthermore, as his physical limitations may allow, Dr. Markowitz may petition the Board to allow additional vascular procedures if, in the Board's sole discretion, such permission is warranted by the circumstances presented to the Board.
4. **Vascular surgeon must be available for back-up.** Dr. Markowitz previously represented to his evaluator that he understood that he needed a vascular surgeon available as a back-up or a transfer agreement with a hospital if he were to perform any Limited Procedures. In the event that the Board allows Dr. Markowitz to perform Limited Procedures without the direct supervision of the Practice Monitor, Dr. Markowitz shall only perform Limited Procedures when a vascular surgeon is immediately available for back-up or when a transfer agreement with a hospital is validly in place.
5. **Maintenance of Complete Abstinence.** Dr. Markowitz shall maintain complete and total abstinence from the use of alcohol and controlled and other mood-altering substances for as long as he holds a license to practice medicine in this state, except as may be prescribed by a physician other than himself, with whom he has a formal doctor-patient relationship for a *bona fide* medical condition. Dr. Markowitz shall personally inform his treating and monitoring physicians and the PHP, both orally and in writing,

within forty-eight (48) hours of the prescription of or administration of any controlled or mood-altering substance received by him from another physician.

6. **Continuing Treatment, Participation in the PHP/Reports to Board.** Dr. Markowitz shall enter into and execute a monitoring agreement with the PHP for not less than the duration of the probationary period. Dr. Markowitz shall continue in, abide by and strictly adhere to all recommendations for ongoing treatment and monitoring of his condition, which have or may be contained in his PHP monitoring agreement, or any subsequent agreement which may be recommended by the PHP, and those recommended by his treating physicians and any other health care provider involved in his care to the extent that they continue to follow him. Dr. Markowitz shall, in addition, authorize and cause his treating and monitoring physicians and providers and/or the PHP to submit to the Board not less frequently than quarterly throughout the probationary period, written reports and/or verbal reports, should the Board desire the latter, on his then-current treatment diagnosis, prognosis, course of treatment, maintenance of abstinence from alcohol and controlled and mood-altering substances, his fitness and ability to practice medicine with reasonable skill and safety to patients, and his compliance with the terms, conditions and restrictions of this Order and his PHP monitoring agreement.
7. **Attendance at Approved Seminar/Proper Prescribing, Medical Record Keeping, Professionalism and Medical Ethics.** Within the first year of the probationary period, Dr. Markowitz shall provide written confirmation that he has attended and successfully completed one or more courses of study in the areas of proper prescribing of controlled substances, creation and maintenance of adequate medical records, and professionalism and medical ethics. All courses required by this provision shall be comprehensive in nature (greater than 20 credit hours) and shall be acceptable to and preapproved in writing by the Board or its designee.
8. **Continuing Medical Education.** Dr. Markowitz shall obtain not less than fifty (50) credit hours per year for each of the three (3) years of his probationary period through attendance at and participation in continuing medical education ("CME") programs accredited by the American Medical Association. On or before the anniversary date of the effective date of this Consent Order, for each of the next three (3) years, Dr. Markowitz shall cause to be submitted to the Board written certification of the CME programs and credits completed by him during the preceding twelve (12) months.
9. **Absence from the State/Practice/Effect on Probation.** Should Dr. Markowitz at any time during the period of probation ordered herein be absent from the state of Louisiana, relocate to and/or take up residency in another state or country, or discontinue practicing as a physician, for a period of thirty (30) days or more, he will so advise the Board in writing. In such instance, the probationary period ordered herein shall be deemed interrupted and extended for no less than the period of time during which he was not engaged in practice or was absent from the state of Louisiana; however, all terms and conditions may continue to be in effect as ordered or may be modified or altered as needed at the Board's discretion.

10. **Notification.** Dr. Markowitz shall provide a complete copy of this Order to each hospital, clinic, facility or other employer or prospective employer at which or for whom he provides services as a physician in this state.
11. **Cooperation with Board's Probation and Compliance Officer.** Dr. Markowitz shall immediately notify the Board's Probation and Compliance Officer of any change in his current home and professional addresses and telephone numbers, and he shall direct all matters required pursuant to this Consent Order to the attention of the Probation and Compliance Officer, with whom he shall cooperate on all matters and inquiries pertaining to his compliance with the terms and conditions of this Consent Order.
12. **Probation Monitoring Fee.** For each year of the probationary period, Dr. Markowitz shall pay the Board a probation monitoring fee of Three Hundred (\$300.00) Dollars. Payment of the initial fee shall be due not later than sixty (60) days from the effective date of this Order. All subsequent annual payments shall be due on or before the anniversary date of the initial fee payment.
13. **Effect of Violation/Sanction.** By his subscription hereto, Dr. Markowitz acknowledges that his receipt of written notification that the Board has received reliable information which indicates his failure to comply with the requirements set forth by this Order in any respect shall, without the need for formal hearing or for providing him with any right to which he may otherwise be entitled pursuant to the Louisiana Administrative Procedure Act, La. Rev. Stat. §§ 49:951 et seq., or which otherwise may be afforded to him by law, constitute his irrevocable consent to the immediate suspension of his license to practice medicine in this state pending a hearing before the Board and the conclusion of the administrative proceedings by issuance of a final decision following administrative adjudication of such charges; provided, however, that after the receipt of the written notification of suspension as provided for by this paragraph, on written motion to the Board filed by Dr. Markowitz within seven (7) days of his receipt of the written notification, Dr. Markowitz may request a preliminary hearing regarding the suspension order, which hearing shall be conducted according to the following procedures by a single member of the Board designated for this purpose. Upon such motion by Dr. Markowitz requesting a hearing, the designated Board member shall schedule a hearing within ten (10) days of the motion by Dr. Markowitz. Said hearing shall be conducted on written submissions by the parties filed five (5) days before the telephonic hearing, and a telephonic hearing conducted by the designated Board member who shall, based on the written submissions and the telephonic hearing, issue a decision either sustaining or vacating the suspension order pending the issuance of a final order by the Board at the conclusion of the administrative proceedings.
14. **Certification of Compliance with Probationary Terms/Personal Appearance.** At least sixty (60) days prior to the conclusion of the probationary period imposed herein, Dr. Markowitz shall provide the Board with an affidavit certifying that he has complied with each of the terms of probation imposed by this Order and he shall contact the Board and arrange for a personal appearance before the Board at its meeting preceding the expiration of his probationary period. The probationary period and all of its terms

and conditions shall be, and shall be deemed to be, extended and continued in full force and effect pending Dr. Markowitz's compliance with the requirements of this provision.

IT IS FURTHER ORDERED that any violation or failure of strict compliance with any of the terms and conditions set forth in this Order by Dr. Markowitz shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Markowitz's license to practice medicine in the State of Louisiana or for such other action as the Board may deem appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. § 37:1285.

IT IS FURTHER ORDERED that this Consent Order shall be, and shall be deemed to be, a public record.

Signed at New Orleans, Louisiana, and effective on this 10th day of OCT, 2016.

LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

BY: 

J. MICHAEL BURDINE, M.D.
President

*Acknowledgement and Consent
Follows on Next Page*

**ACKNOWLEDGMENT
AND CONSENT**

STATE OF LOUISIANA
PARISH OF ORLEANS

I, Ira Pincus Markowitz, M.D. hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 2nd day of SEPTEMBER, 2016.

Ira Pincus Markowitz
IRA PINCUS MARKOWITZ, M.D. } mo.

WITNESSES:

Debra B. Fox
Signature

Laura L. Ross
Signature

DEBRA B. FOX
Typed Name

Laura L. Ross
Typed Name

601 Poydras St., #2323
Street Address

601 Poydras St., #2323
Street Address

NEW ORLEANS, LA 70130
City/State/Zip Code

New Orleans, LA 70130
City/State/Zip Code

Sworn to and subscribed before me this 2nd day of SEPTEMBER, 2016, in the presence of the two stated witnesses.

[Signature]
Notary Public (Signature and Seal)

EDWARD J. CASTAING, JR.
Printed Name ~~NOTARY PUBLIC~~ Number
Parish of Orleans, State of Louisiana
LSBA # 4022
My Commission is issued for life.