

IN THE MATTER OF	*	BEFORE THE
STEVEN Z. LENOWITZ, M.D.	*	MARYLAND STATE BOARD
Respondent	*	OF PHYSICIANS
LICENSE NUMBER: D29032	*	CASE NUMBER: 2218-0139A

* * * * *

CONSENT ORDER

On September 13, 2019, Disciplinary Panel A (“Panel A”) of the Maryland State Board of Physicians (the “Board”) charged **Steven Z. Lenowitz, M.D.** (the “Respondent”), license number D29032, with violating the Maryland Medical Practice Act (the “Act”) Md. Code Ann., Health Occ. (“Health Occ.”) §§ 14-101 *et seq.* (2014 Repl. Vol. and 2018 Supp.).

The pertinent provision of the Act under § 14-404 provides the following:

(a) *In general.* --Subject to the hearing provisions of § 14-405 of this subtitle, a disciplinary panel, on the affirmative vote of a majority of the quorum of the disciplinary panel, may reprimand any licensee, place any licensee on probation, or suspend or revoke a license if the licensee:

- ...
 - (3) Is guilty of:
 - ...
 - (ii) Unprofessional conduct in the practice of medicine[.]

One form of unprofessional conduct in the practice of medicine is “disruptive behavior.” The problem of “disruptive physician behavior” has been addressed by The Joint Commission and the American Medical Association (“AMA”).

AMA OPINION 9.4.4, JUNE 2016

AMA Code of Medical Ethics: Professional Self-Regulation Opinion 9.4.4
pertaining to Physicians with Disruptive Behavior states in pertinent part:

The importance of respect among all health professionals as a means of ensuring good patient care is foundational to ethics. Physicians have a responsibility to address situations in which individual physicians behave disruptively, that is, speak or act in ways that may negatively affect patient care, including conduct that interferes with the individual's ability to work with other members of the health care team, or for others to work with the physician.

On November 6, 2019, Panel A was convened as a Disciplinary Committee for Case Resolution ("DCCR") in this matter. Based on negotiations occurring as a result of this DCCR, the Respondent agreed to enter into this Consent Order, consisting of Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

Panel A finds:

1. At all times relevant hereto, the Respondent was and is a physician licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on February 28, 1983. The Respondent's license is scheduled to expire on September 30, 2020.
2. The Respondent is board-certified in obstetrics and gynecology.
3. At all times relevant, the Respondent practiced at a hospital (the "Hospital")¹ located in Baltimore, Maryland.

¹ To maintain confidentiality, the names of the Hospital, Hospital employees, and other individuals have not been identified in this Consent Order.

4. On or about November 27, 2017, the Board received from the Hospital a Mandated 10-Day Report (the "Report") regarding the Respondent. The Report notified the Board that the Respondent's employment at the Hospital had been suspended with pay effective November 9, 2017 through November 20, 2017.
5. Attached to the Report was a letter dated November 22, 2017, addressed to the Respondent from a Hospital official that described the basis for the Respondent's suspension and the lifting of the suspension. The letter referred to a September 8, 2017 incident (identified as "Incident 1" herein) and a November 2, 2017 incident (identified as "Incident 2" herein), both of which related to the Respondent's conduct while he was on duty at the Hospital. The letter described the Respondent's behavior related to Incident 1 as "disruptive and inappropriate" and his comments during Incident 2 to be "inappropriate and unacceptable in the work place."
6. The Board initiated an investigation, the results of which are summarized below.
7. The Board's investigation included interviewing Hospital officials, staff, and the Respondent under oath.
8. The Board also subpoenaed the Respondent's Hospital Quality Assurance file. The file contained documentation of an incident of the Respondent's disruptive conduct in 2008, 2011, and 2014. The Respondent was counseled that his conduct was inappropriate after each of the incidents.
9. On or about February 28, 2019, the Board received from the Hospital a Mandated 10-Day Report regarding an incident that occurred on February 15, 2019 (identified as "Incident #3 herein). The Report notified the Board that the Respondent was

suspended effective February 19, 2019 for conduct that included making inappropriate suggestive comments and blowing on the neck of a colleague.

10. On or about March 18, 2019, the Board received from the Hospital and updated Mandated 10-Day Report regarding Incident #3. The Updated Report reported that the Respondent's suspension was continued for three months, with a referral to a program (the "Program") for mandatory evaluation and compliance with Program recommendations.
11. On or about July 19, 2019, the Board received from the Hospital another updated Mandated 10-Day Report regarding Incident #3. The Updated Report notified the Board that the Hospital had recommended termination of the Respondent's privileges, and that on July 16, 2019, the Respondent resigned from the Hospital's medical staff.

Incident # 1

12. On September 8, 2017, the Respondent attended, with other members of his department, a presentation by a surgical supply company official regarding a new piece of surgical equipment.
13. During the meeting, the Respondent made loud derogatory remarks about the equipment.
14. Also during the meeting, the Respondent directed sexually explicit hand gestures toward the company official as that individual was speaking.
15. As a result of his disruptive conduct, the Respondent was counseled and placed on a remediation plan that included completing a training module on disruptive

behavior, apologizing to the attendees of the meeting and ensuring that he conduct himself in an appropriate and professional manner in the future.

Incident #2

16. On November 2, 2017, a Hospital staff member (“Employee 1”) complained to the Hospital human resources office regarding the Respondent’s conduct during lunch in a staff lounge.
17. Employee 1 reported that the Respondent had made sexually explicit comments about the size of his submarine sandwich in the presence of Hospital staff.
18. After the Respondent ate part of the sandwich, Employee 1 observed the Respondent holding the remaining portion to his crotch area and waving it back and forth near the back of a nurse’s head while making sexually explicit remarks.
19. When a Hospital official met with the Respondent and questioned him regarding this incident, the Respondent stated, “you can’t joke with anyone these days.”
20. At the same meeting, when counseled by the Hospital official regarding his disruptive conduct during Incident #1, the Respondent was unapologetic and failed to recognize that his conduct was disruptive.
21. As a result of Incident #1 and Incident #2, the Respondent’s employment was suspended with pay from November 9, 2017, pending investigation of his conduct.
22. By letter dated November 22, 2017, a Hospital official notified the Respondent that he was reinstated and cautioned him that any further disruptive conduct would lead to disciplinary action, including termination.

Incident #3

23. On February 15, 2019, while in an operating room, the Respondent forcefully blew air on the back of a physician assistant's ("PA 1") neck as she was preparing to intubate a patient for the administration of anesthesia.
24. Shortly thereafter, while still in the operating room, the Respondent made suggestive and inappropriate comments to PA 1 regarding dating his son.
25. The Hospital suspended the Respondent effective February 19, 2019.
26. The Respondent resigned from the Hospital effective July 16, 2019.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Panel A concludes that Respondent engaged in unprofessional conduct in the practice of medicine, in violation of Health Occ. § 14-404(a)(3)(ii).

ORDER

It is thus by Disciplinary Panel A of the Board, hereby:

ORDERED that the Respondent is **REPRIMANDED**; and it is further

ORDERED that the Respondent is placed on **PROBATION** until he completes a course in professionalism which shall include workplace sexual harassment. The following terms apply:

- (a) it is the Respondent's responsibility to locate, enroll in and obtain the disciplinary panel's approval of the course before the course is begun;
- (b) the disciplinary panel will not accept a course taken over the internet;
- (c) the Respondent must provide documentation to the disciplinary panel that the Respondent has successfully completed the course;
- (d) the course may not be used to fulfill the continuing medical education credits required for license renewal; and
- (e) the Respondent is responsible for the cost of the course.

ORDERED that, after the Respondent has complied with all terms and conditions of probation, the Respondent may submit a written petition for termination of probation. After consideration of the petition, the Respondent's probation may be administratively terminated through an order of the disciplinary panel if the Respondent has complied with all probationary terms and conditions and there are no pending complaints relating to the charges; and it is further

ORDERED that the effective date of the Consent Order is the date the Consent Order is signed by the Executive Director of the Board or her designee. The Executive Director or her designee signs the Consent Order on behalf of the disciplinary panel which has imposed the terms and conditions of this Consent Order; and it is further

ORDERED that the Respondent is responsible for all costs incurred in fulfilling the terms and conditions of this Consent Order; and it is further

ORDERED that, if the Respondent allegedly fails to comply with any term or condition imposed by this Consent Order, the Respondent shall be given notice and an opportunity for a hearing. If the disciplinary panel determines there is a genuine dispute as to a material fact, the hearing shall be before an Administrative Law Judge of the Office of Administrative Hearings followed by an exceptions process before a disciplinary panel; and if the disciplinary panel determines there is no genuine dispute as to a material fact, the Respondent shall be given a show cause hearing before a disciplinary panel; and it is further

ORDERED that after the appropriate hearing, if the disciplinary panel determines that the Respondent has failed to comply with any term or condition imposed by this Consent Order, the disciplinary panel may reprimand the Respondent, place the Respondent on probation with appropriate terms and conditions, or suspend with appropriate terms and conditions, or revoke the Respondent's license to practice medicine in Maryland. The disciplinary panel may, in addition to one or more of the sanctions set forth above, impose a civil monetary fine on the Respondent; and it is further

ORDERED that this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6); and it is further

11/14/2019

Date

Signature on File

Christine A. Farrelly
Executive Director
Maryland State Board of Physicians

CONSENT

I, Steven Z. Lenowitz, M.D. acknowledge that I have consulted with counsel before signing this document.

By this Consent, I agree to be bound by this Consent Order and all its terms and conditions and understand that the disciplinary panel will not entertain any request for amendments or modifications to any condition.

I assert that I am aware of my right to a formal evidentiary hearing, pursuant to Md. Code Ann., Health Occ. § 14-405 and Md. Code Ann., State Gov't §§ 10-201 et seq. concerning the pending charges. I waive this right and have elected to sign this Consent Order instead.

I acknowledge the validity and enforceability of this Consent Order as if entered after the conclusion of a formal evidentiary hearing in which I would have had the right to counsel, to confront witnesses, to give testimony, to call witnesses on my behalf, and to all other substantive and procedural protections as provided by law. I waive those procedural and substantive protections. I acknowledge the legal authority and the jurisdiction of the disciplinary panel to initiate these proceedings and to issue and enforce this Consent Order.

I voluntarily enter into and agree to comply with the terms and conditions set forth in the Consent Order as a resolution of the charges. I waive any right to contest the Findings of Fact and Conclusions of Law and Order set out in the Consent Order. I waive all rights to appeal this Consent Order.

I sign this Consent Order, without reservation, and fully understand the language and meaning of its terms.

Signature on File

11/13/19
Date

Steven Z. Lenowitz, M.D.
Respondent

NOTARY

STATE OF Maryland
CITY/COUNTY OF Baltimore

I HEREBY CERTIFY that on this 13th day of November 2019, before me, a Notary Public of the foregoing State and City/County, personally appeared Steven Z. Lenowitz, M.D., and made oath in due form of law that signing the foregoing Consent Order was his voluntary act and deed.

AS WITNESSETH my hand and notarial seal.



Notary Public

My Commission expires: 9/30/20_____

