

FORE THE BOARD OF MEDICAL EXAMINERS

OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT :
 AND STATEMENT OF CHARGES AGAINST : FINDINGS OF FACT
 ALAN J. HOROWITZ, M.D., : CONCLUSIONS OF LAW,
 RESPONDENT : AND DECISION

The above entitled matter came on for hearing before the Board of Medical Examiners on June 14, 1984 in the conference room of the Iowa Medical Society, West Des Moines, Iowa.

The hearing was a disciplinary hearing concerning the license of the Respondent, Alan J. Horowitz, M.D. to practice medicine and surgery in the State of Iowa. A Complaint and Statement of Charges dated April 12, 1984, by the Executive Director of the Iowa State Board of Medical Examiners initiated the action.

Board members in attendance were: Dr. Joseph Baker, Dr. William Bliss, Marian Bourek, Dr. Richard Carruthers, Dr. John Garred, Dr. Dorothy Gildea, Dr. Reid Motley, and Dr. Hormoz Rassekh.

The State of Iowa was represented by Julie F. Pottorff, Assistant Attorney General. The Respondent did not appear and was not represented by legal counsel.

Pursuant to the authority of Iowa Code section 17A.12(3) and Iowa Administrative Code subrule 135.301(20), the hearing was conducted in the absence of the Respondent.

The Board, having considered the testimony and evidence, issued the following findings of fact, conclusions of law, and decision.

FINDINGS OF FACT

1. At all times pertinent, the Respondent was licensed to practice medicine and surgery in the State of Iowa.
2. The Executive Director of the Iowa State Board of Medical Examiners filed a Complaint and Statement of Charges against the Respondent which along with the Original Notice was received by the Respondent by restricted certified mail. Respondent also acknowledged receipt of the documents. (Exhibit 2)

2. On August 31, 1983, the Respondent pleaded guilty to a charge that he engaged in an unlawful and unnatural, perverted sexual practice on a twelve year old male patient, a violation of section 554 of Article 27 of the Code of Maryland. The Respondent was convicted and sentenced to be committed to the care and custody of the Commissioner of Correction for a period of five (5) years. The sentence was suspended, and the Respondent was placed on active supervised probation for a period of five (5) years. The Respondent was further ordered not to practice medicine in Maryland or any other jurisdiction until permission is granted by the court to do so. (Exhibit 5)

CONCLUSIONS OF LAW

1. Iowa Code section 148.6"c" and Iowa Administrative Code rule 470-135.204(9) provide as grounds for suspension or revocation of a license to practice medicine and surgery.

"Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine."

The Respondent violated a statute prohibiting unnatural and perverted sexual practice. The victim was a twelve year old male psychiatric patient for whom the Respondent was providing treatment as a psychiatrist. The action by the Respondent was a breach of trust in the relationship between a patient and a psychiatrist, and relates to the Respondent's practice of medicine. The Respondent performed the sex act for no legitimate medical or psychiatric purpose on his patient.

DECISION

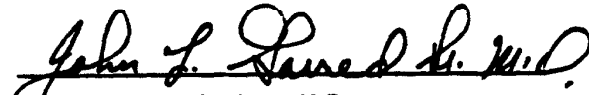
It is ordered that the license of Alan J. Horowitz to practice medicine and surgery in the State of Iowa is hereby permanently revoked.

Dated this 13th day of September, 1984:

Alan J. Horowitz, M.D.

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IOWA STATE BOARD OF MEDICAL EXAMINERS


John L. Garred, Sr., M.D.
Iowa State Board of Medical Examiner
for and on behalf of the Board

Copies to:
Alan J. Horowitz
Julie F. Pottorff, Assistant Attorney General

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : COMPLAINT AND STATEMENT
ALAN J. HOROWITZ, M.D., : OF CHARGES
RESPONDENT. :

COMES NOW Ronald V. Saf, Executive Director of the Iowa State Board of Medical Examiners on the 12th day of APRIL, 1984, and files this Complaint and Statement of Charges against Alan J. Horowitz, M.D., a physician licensed pursuant to Chapter 147, Code of Iowa, and alleges:

1. That Norman L. Pawlewski is the duly appointed, qualified and acting Commissioner of Public Health of the state of Iowa.
2. That Reid E. Motley, M.D., Chairman, John L. Carred, M.D., Vice-Chairman, Kathryn E. Cammack, Secretary, Alyce M. Fanslow, Ph.D., Joseph B. Baker, D.O., Richard L. Carruthers, D.O., William E. Bliss, M.D., Dorothy J. Gildea, M.D., and Hormoz Rassekh, M.D., are the duly appointed, qualified and acting officers and members of the Iowa State Board of Medical Examiners.
3. That the Respondent is a resident of Swithsburg, Maryland, and was issued license number 20336 to practice medicine and surgery in the State of Iowa on August 19, 1976, as recorded in Book 4, Page 998 of the permanent records in the office of the Iowa Board of Medical Examiners.
4. That the Respondent's license is current through March 31, 1985.
5. That on April 18, 1983, the Respondent was charged with an eight count indictment in Washington County, Maryland alleging sexual offenses, assault, and perverted sex practice involving several juvenile, white male psychiatric patients.
6. That on August 31, 1983, the Respondent plead guilty to the charge of unnatural perverted sexual practice in violation of section 554 of Article 27 of the Annotated Code of Maryland.
7. That on August 31, 1983, the Respondent was sentenced to five years suspended sentence; conditions of which were, to be on active supervised probation for a period of five years, to participate and complete a program of psychotherapy in Monsey, New York, and Respondent was not to practice medicine in state of Maryland or any other state without the court's permission.

8. That the Respondent is guilty of a violation of section 148.6(c) of the Code of Iowa which states:

148.6(c) Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine.

9. That the Respondent is guilty of a violation of Rule 470-135.204(9) of the Iowa Administrative Code which states:

470-135.204(9) Violating a statute or law of this state, another state, or the United States, without regard to its designation as either felony or misdemeanor, which statute or law relates to the practice of medicine.

10. That paragraphs 8 and 9 constitute grounds for which the Respondent's license to practice medicine and surgery in the State of Iowa can be suspended or revoked.

WHEREFORE, the undersigned charges that Alan J. Horowitz, M.D., has violated section 148.6(c) of the Code of Iowa and Rule 470-135.204(9) of the Iowa Administrative Code, and the undersigned prays that the Board enter an order fixing a time and place of hearing on this Complaint and Statement of Charges.

The undersigned further prays that upon final hearing, the Board enter its Findings of Fact and Decision to suspend or revoke the license to practice medicine and surgery issued to Alan J. Horowitz, M.D., on the 19th day of August, 1976, and for such other and further relief as the Board deems just in the premises.

IOWA STATE BOARD OF MEDICAL EXAMINERS



Ronald V. Saf, Executive Director
Iowa State Board of Medical Examiners
State Capitol Complex
Executive Hills West
Des Moines, Iowa 50319