

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

AGENCY FOR HEALTH)
CARE ADMINISTRATION,)
)
PETITIONER,)
)
v.)
)
LAURENCE ELLIOT LEVINE, M.D.)
)
RESPONDENT.)
_____)

CASE NO. 96-08196

ADMINISTRATIVE COMPLAINT

COMES NOW the Petitioner, Agency for Health Care Administration, hereinafter referred to as "Petitioner," and files this Administrative Complaint before the Board of Medicine against Laurence Elliot Levine, M.D., hereinafter referred to as "Respondent," and alleges:

1. Petitioner is the state agency charged with regulating the practice of medicine pursuant to Section 20.42, Florida Statutes; Chapter 455, Florida Statutes, and Chapter 458, Florida Statutes.

2. Respondent is and has been at all times material hereto a licensed physician in the state of Florida, having been-issued license number ME 0059004. Respondent's last known address is 31 Smithshire Estates, Andover, Maryland 01810.

3. The New Hampshire Board of Medicine is the disciplining body for the State of New Hampshire.

4. On or about July 1, 1996, the New Hampshire Board of Medicine issued a Consent Decree in which Respondent voluntarily surrendered his license to practice medicine in

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lieu of further disciplinary proceedings. The board alleged that Respondent engaged in professional misconduct by persuading a patient to purchase controlled substances for Respondent, and prescribed controlled substances to a patient who provided the medication to Respondent for his own use. Respondent notified the Florida Board of Medicine that he voluntarily surrendered his license to practice medicine in the State of New Hampshire.

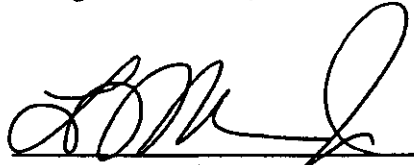
5. Respondent is guilty of having action taken against his license to practice medicine by the State of New Hampshire.

6. Based on the foregoing, Respondent violated Section 458.331(1)(b), Florida Statutes, having a license or the authority to practice medicine revoked, suspended, or otherwise acted against, including the denial of licensure, by the licensing authority of any jurisdiction, including its agencies or subdivisions.

WHEREFORE, the Petitioner respectfully requests the Board of Medicine enter an order imposing one or more of the following penalties: permanent revocation or suspension of the Respondent's license, restriction of the Respondent's practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, the assessment of costs related to the investigation and prosecution of this case, other than costs associated with an attorney's time, as provided for in Section 455.227(3), Florida Statutes, and/or any other relief that the Board deems appropriate.

SIGNED this 24 day of April, 1997.

Douglas M. Cook, Director



Larry G. McPherson, Jr.
Chief Medical Attorney

COUNSEL FOR AGENCY:

Larry G. McPherson, Jr.
Chief Medical Attorney
Agency for Health Care Administration
P. O. Box 14229
Tallahassee, Florida 32317-4229
Florida Bar # 788643
RPC/jto
PCP: April 23, 1997
PCP Members: Katims and Dauer

FILED

AGENCY FOR
HEALTH CARE ADMINISTRATION
DEPUTY CLERK

CLERK

DATE

Stephen G. Jen
4-24-97

STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION

Laurence E. Levine, M.D.

AHCA Case No. 96-04781

WAIVER OF FINDING PROBABLE CAUSE

Pursuant to Section 455.225(10), Florida Statutes, I

Laurence E. Levine, MD ME 0059004
Name (please print) (License Number)

hereby waive probable cause regarding the above-referenced complaint, the investigative reports of the Agency for Health Care Administrative and all other information obtained pursuant to the Agency's investigation regarding the above styled case.

By signing this waiver, I understand that the record becomes public record and remains a public record and that information is immediately accessible to the public, whether or not probable cause is found to exist. Section 455.225(10), Florida Statutes.

I AFFIRM THAT I HAVE READ AND UNDERSTOOD THE FOREGOING.

Laurence E. Levine, MD
Signature

STATE OF ~~FLORIDA~~ MASSACHUSETTS
COUNTY OF Essex

Before me personally appeared Laurence E. LEVINE whose identity is known to my by, Mass Lic. 503772058 (type of identification) and who, acknowledges that his signature appears above. 9-8-98

SWORN to or affirmed by Affiant before me this 20 day of July, 1998

Doreen E. Carpino
Notary
Doreen E. CARPINO
Type or Print Name

My Commission Expires: My Commission Expires March 18, 1999

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**STATE OF FLORIDA
AGENCY FOR HEALTH CARE ADMINISTRATION**

**AGENCY FOR HEALTH CARE
ADMINISTRATION,**

Petitioner,

v.

**AHCA CASE NOS. 96-08196
96-04781**

LAURENCE E. LEVINE, M.D.,

Respondent.

CONSENT AGREEMENT

Laurence E. Levine, M.D., referred to as the "Respondent," and the Agency for Health Care Administration, referred to as "Agency," stipulate and agree to the following Agreement and to the entry of a Final Order of the Board of Medicine, referred to as "Board," incorporating the Stipulated Facts and Stipulated Disposition in this matter.

STIPULATED FACTS

1. At all times material hereto, Respondent was a licensed physician in the State of Florida having been issued license number ME 0059004.
2. Respondent was charged by an Administrative Complaint filed by the Agency and properly served upon Respondent with violations of Chapter 458.331(1)(b), Florida Statutes, and the rules enacted pursuant thereto.
3. Respondent admits the allegations of fact contained in the Administrative Complaint for purposes of these proceedings only.

STIPULATED CONCLUSIONS OF LAW

1. Respondent admits that, in his capacity as a licensed physician, he is subject to the provisions of Chapters 455 and 458, Florida Statutes, and the jurisdiction of the Agency and the Board.
2. Respondent admits that the facts set forth in the Administrative Complaint, if proven, would constitute violations of Chapter 458, Florida Statutes, as alleged in the Administrative Complaint.
3. Respondent admits that the Stipulated Disposition in this case is fair, appropriate and acceptable to Respondent.

STIPULATED DISPOSITION

1. FUTURE CONDUCT. Respondent shall not in the future violate Chapters 455, 458 and 893, Florida Statutes, or the rules promulgated pursuant thereto. Prior to signing this agreement, Respondent read Chapters 455, 458, and 893, Florida Statutes, and the Rules of the Board of Medicine, at Section 59R, Florida Administrative Code.
2. SUSPENSION. Effective the date of filing of the Final Order incorporating the terms of this Consent Agreement, Respondent's license to practice medicine shall be suspended until such time as Respondent's Massachusetts medical license is no longer in any way encumbered. Prior to reinstatement, Respondent shall appear before the Board and demonstrate he is no longer impaired.
3. PHYSICIANS' RECOVERY NETWORK. Respondent shall participate and comply with the Physicians' Recovery Network (PRN). Respondent shall enter into an after care contract with the PRN and shall cause the medical director of the network to send the Board a copy of that after care contract. Respondent shall comply with all of the conditions of his after care contract with the PRN.

Respondent shall execute a release for the PRN to authorize the PRN to release information and medical records (including psychiatric records and records relating to treatment for drug dependence and alcoholism) to the Board as needed to monitor the progress of Respondent in the Network's program. Respondent shall cause the director of PRN to report to the Board any problems that may occur with Respondent and any violations of Chapter 458, Florida Statutes, that occur within thirty days of the occurrence of any problems or violations of the law.

4. It is expressly understood that this Agreement is subject to the approval of the Board and the Agency. In this regard, the foregoing paragraphs (and only the foregoing paragraphs) shall have no force and effect unless a Final Order incorporating the terms of this Agreement is entered by the Board.

5. Respondent is not required to appear before the Board at the meeting of the Board where this Agreement is considered. Respondent shall, however, in conjunction with the consideration of a request for reinstatement, appear before the Board and respond to questions under oath from the Board, Board Staff or Agency Staff. Respondent shall be prepared to explain the circumstances involved in this matter and what measures have been taken to prevent a recurrence.

6. Should this Agreement be rejected, no statement made in furtherance of this Agreement by the Respondent may be used as direct evidence against the Respondent in any proceeding; however, such statements may be used by the Petitioner for impeachment purposes.

7. Respondent and the Agency fully understand that joint Agreement and subsequent Final Order incorporating same will in no way preclude additional

proceedings by the Board and/or the Agency against the Respondent for acts or omissions not specifically set forth in the Administrative Complaint attached as Exhibit A.

8. Upon the Board's adoption of this Agreement, Respondent expressly waives all further procedural steps, and expressly waives all rights to seek judicial review of or to otherwise challenge or contest the validity of the Agreement and the Final Order of the Board incorporating said Agreement.

9. Upon the Board's adoption of this Agreement, the parties hereby agree that each party will bear his own attorney's fees and costs resulting from prosecution or defense of this matter. Respondent waives the right to seek any attorney's fees or costs from the Agency in connection with this matter.

10. This Agreement is executed by the Respondent for the purpose of avoiding further administrative action with respect to this cause. In this regard, Respondent authorizes the Board to review and examine all investigative file materials concerning Respondent prior to or in conjunction with consideration of the Agreement. Furthermore, should this Joint Agreement not be accepted by the Board, it is agreed that presentation to and consideration of this Agreement and other documents and matters by the Board shall not unfairly or illegally prejudice the Board or any of its members from further participation, consideration or resolution of these proceedings.

SIGNED this 9 day of July 1991.


LAURENCE E. LEVINE

Before me, personally appeared Laurence E. Levine whose identity is known to me by personally known (type of identification) and who, under oath, acknowledges that his/her signature appears above.

Sworn to and subscribed before me this 9th day of July, 1998.

Jane M. Quimby
NOTARY PUBLIC
My commission expires July 24, 2003

Jane M. Quimby
NOTARY PUBLIC

My Commission Expires:

APPROVED this 9th day of July, 1998.

James T. Howell
Secretary

Larry G. McPherson, Jr.
By: Larry G. McPherson, Jr.
Chief Attorney
Medical Section

STATE OF FLORIDA
BOARD OF MEDICINE

Final Order No. DOH-98-1066 Date 9-18-98
FILED

DEPARTMENT OF HEALTH,

Department of Health
Angela Hall, AGENCY CLERK

Petitioner,

By: Stephanie J. D. H.
Deputy Agency Clerk

vs.

CASE NO.: 96-08196
96-04781
LICENSE NO.: ME0059004

LAURENCE E. LEVINE, M.D.,

Respondent.

FINAL ORDER

THIS CAUSE came before the Board of Medicine (Board) pursuant to Sections 120.569 and 120.57(4), Florida Statutes, on August 7, 1998, in Palm Beach Gardens, Florida, for consideration of a Consent Agreement (attached hereto as Exhibit A) entered into between the parties in the above-styled cause. Respondent waived a finding of probable cause in Case Number 96-04781. Upon consideration of the Consent Agreement, the documents submitted in support thereof, the arguments of the parties, and being otherwise advised in the premises,

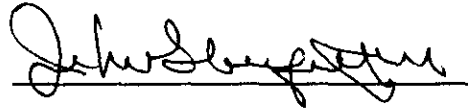
IT IS HEREBY ORDERED AND ADJUDGED that the Consent Agreement as submitted be and is hereby approved and adopted in toto and incorporated by reference herein. Accordingly, the parties shall adhere to and abide by all the terms and conditions of the Consent Agreement.

This Final Order shall take effect upon being filed with the

Clerk of the Department of Health.

DONE AND ORDERED this 15th day of September 1998.

BOARD OF MEDICINE



JOHN W. GLOTFELTY, M.D.
CHAIRMAN

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing Final Order has been provided by U.S. Mail to Laurence E. Levine, M.D., 31 Smithshire Estates, Andover MA 01810-2974; to Robert A. Stolzberg, Esquire, Charmoy, Stolzberg & Holian, LLP, 44 School Street, Suite 1100, Boston, MA 02108; and by interoffice delivery to Larry G. McPherson, Jr., Chief Attorney, Agency for Health Care Administration, 2727 Mahan Drive, Tallahassee, Florida 32308-5403, on or before 5:00 p.m., this _____ day of _____, 1998.
