

IN THE MATTER OF
ALLAN L. LEVY, M.D.

Respondent

License Number: D32252

* BEFORE THE
* MARYLAND STATE
* BOARD OF PHYSICIANS
* Case Number: 2220-0201B

* * * * *

CONSENT ORDER

On April 30, 2020, Disciplinary Panel B (“Panel B”) of the Maryland State Board of Physicians (the “Board”) charged Allan L. Levy, M.D. (the “Respondent”) with violating the Maryland Medical Practice Act (the “Act”), Md. Code Ann., Health Occ. §§ 14-101 *et seq.* (2014 Repl. Vol. & 2019 Supp.).

The relevant provisions of the Act state the following:

Health Occ. § 14-404. Denials, reprimands, probations, suspension, and revocations – Grounds.

- (a) 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; [and/or]
 - (25) Knowingly fails to report suspected child abuse in violation of § 5-704 of the Family Law Article[.]

The pertinent provisions of the Family Law Article of the Annotated Code of Maryland provide:

§ 5-704. Reporting of abuse or neglect – By health practitioner, police officer, educator, or human service worker.

(a) *In general.* – Notwithstanding any other provision of law, including any law on privileged communications, each health practitioner . . . acting in a professional capacity in this State:

- (1) who has reason to believe that a child has been subjected to abuse or neglect, shall notify the local department or the appropriate law enforcement agency; and
- (2) if acting as a staff member of a hospital, public health agency, child care institution, juvenile detention center, school, or similar institution, shall immediately notify and give all information required by this section to the head of the institution or the designee of the head.

(b) *Oral and written reports; cooperation among departments and agencies.* – (1) An individual who notifies the appropriate authorities under subsection (a) of this section shall make:

- (i) an oral report, by telephone or direct communication, as soon as possible to the local department or appropriate law enforcement agency; and
- (ii) a written report:
 1. to the local department not later than 48 hours after the contact, examination, attention, or treatment that caused the individual to believe that the child had been subjected to abuse or neglect; and
 2. with a copy to the local State’s Attorney.

...

(c) *Contents of report.* – Insofar as is reasonably possible, an individual who makes a report under this section shall include in the report the following information:

- (1) the name, age, and home address of the child;
- (2) the name and home address of the child’s parent or other person who is responsible for the child’s care;
- (3) the whereabouts of the child;

- (4) the nature and extent of the abuse or neglect of the child, including any evidence or information available to the reporter concerning possible previous instances of abuse or neglect; and
- (5) any other information that would help to determine:
 - (i) the cause of the suspected abuse or neglect; and
 - (ii) the identity of any individual responsible for the abuse or neglect.

On July 15, 2020, Panel B 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, Order, and Consent.

FINDINGS OF FACT

Panel B finds the following:

BACKGROUND/LICENSING INFORMATION

1. At all times relevant to these charges, the Respondent was and is licensed to practice medicine in the State of Maryland. The Respondent was initially licensed to practice medicine in Maryland on May 8, 1985, under License Number D32252. The Respondent’s license is current and is scheduled for renewal on or before September 30, 2020.
2. The Respondent is board-certified in psychiatry and maintains a medical office in Frederick County, Maryland.

CURRENT INVESTIGATIVE ALLEGATIONS¹

The Complaint

3. On or about December 15, 2019, the Board received a complaint from a managed mental health care organization which reported that it received an anonymous complaint alleging that in January 2019, a minor female patient (the “Patient”)² disclosed to the Respondent that she had been a victim of sexual and physical abuse but that the Respondent failed to report the suspected abuse to the Department of Social Services.

4. By letter dated January 6, 2020, the Board requested that the Respondent provide a response to the allegations in the complaint. The Board also issued the Respondent a *subpoena duces tecum* for the Patient’s treatment records.

Respondent’s response to the complaint

5. By letter dated January 21, 2020, the Respondent, through legal counsel, provided a written response to the Board, which the Respondent countersigned. The Respondent stated that he first evaluated the Patient on January 3, 2019, on which visit the Patient disclosed that she “had been physically, sexually, and verbally abused by her father since a young age.” The Respondent stated that before evaluating the Patient, he obtained and reviewed some of her prior treatment records, which also stated that she informed other health care providers “about physical and sexual abuse.” The Respondent stated that he continued to treat the Patient until May 1, 2019 but failed to notify Child Protective

¹ The Respondent entered into Consent Orders with the Board in 2012 and 2017, but the prior orders were unrelated to the issues in this case.

² For confidentiality reasons, the name of the Patient will not be disclosed in this document. The Respondent may obtain the identity of the Patient by contacting the assigned administrative prosecutor.

Services of the suspected abuse. The Respondent stated that on May 2, 2019, he received additional treatment records involving the Patient, which also recounted concerns of suspected child abuse. The Respondent stated that he did not report the suspected abuse because he “felt that it was already known and was being addressed by the courts.”

Subsequent Board investigation

6. The Board reviewed the Respondent’s treatment records for the Patient., which confirmed that the Respondent first evaluated the Patient on January 3, 2019. The Respondent’s treatment records state that the Patient reported on this visit that her father had physically, sexually and verbally abused her. The Respondent’s treatment records also contain treatment records from other health care practitioners who recorded that the Patient reported that her father had emotionally and sexually abused her. The Respondent continued to treat the Patient until May 1, 2019.

7. The Respondent’s treatment records for the Patient do not show that the Respondent ever notified a local department of social services or a law enforcement agency to report the suspected child abuse of the Patient.

8. The Board’s investigation determined that the Respondent treated the Patient in 2019, who reported to him that she was the subject of physical, sexual and verbal abuse, and that he failed to notify a local department of social services or a law enforcement agency to report the Patient’s suspected child abuse.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, Disciplinary Panel B of the Board concludes as a matter of law that the Respondent knowingly failed to report suspected child

abuse in violation of § 5-704 of the Family Law Article, in violation of Health Occ. § 14-404(a)(25). Panel B dismisses the charge under Health Occ. § 14-404(a) (3)(ii).

ORDER

It is, thus, on the affirmative vote of a majority of the quorum of Board Disciplinary Panel B, hereby

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

ORDERED that, within **thirty (30) days**, the Respondent shall pay a civil fine of **\$1,000.00**. The payment shall be by money order or bank certified check made payable to the Maryland Board of Physicians and mailed to P.O. Box 37217, Baltimore, Maryland 21297. The Board will not renew or reinstate the Respondent's license if the Respondent fails to timely pay the fine to the Board; 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 this Consent Order is a public document. *See* Health Occ. §§ 1-607, 14-411.1(b)(2) and Gen. Prov. § 4-333(b)(6).

08/17/2020
Date

Signature on File

Christine A. Farrelly, Executive Director
Maryland State Board of Physicians

CONSENT

I, Allan L. Levy, 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.

8/13/20
Date

Signature on File

Allan L. Levy, M.D.

NOTARY

STATE OF: Maryland

CITY/COUNTY OF: Frederick

I HEREBY CERTIFY that on this 13 day of August, 2020,
before me, a Notary Public of the State and City/County aforesaid, personally appeared
Allan L. Levy, M.D. and made oath in due form of law that the foregoing Consent Order
was his voluntary act and deed.

AS WITNESS, my hand and Notary Seal.



Notary Public

My commission expires: 3/31/23

