

IN THE MATTER OF
THE COMPLAINT AGAINST
LIONEL LEVISON, M.D.

BEFORE THE
TEXAS STATE BOARD OF
MEDICAL EXAMINERS

AGREED ORDER

On the 10 day of October, 2003, came on to be heard before the Texas State Board of Medical Examiners ("the Board" or "the Texas Board"), duly in session, the matter of the license of Lionel Levison, M.D. ("Respondent"). On March 24, 2003, Respondent appeared in person, with counsel Tom Hirsch, at an Informal Show Compliance Proceeding and Settlement Conference in response to a letter of invitation from the staff of the Board. Sherry Statman represented Board Staff. The Board's Representatives were Dr. Larry Price, D.O., a member of the Board, and Ms. Phyllis Strother, a member of the District Review Committee.

Upon the recommendation of the Board's Representatives and with the consent of Respondent, the Board makes the following Findings of Fact and Conclusions of Law and enters this Agreed Order.

FINDINGS OF FACT

The Board finds that:

1. Respondent received all notice required by law. All jurisdictional requirements have been satisfied. Respondent waives any defect in notice and any further right to notice or hearing under TEX. OCC. CODE ANN. Title 3, Subtitle B (Vernon's 2002) (the "Act") or the Rules of the Board.
2. Respondent currently holds Texas Medical License No. F-7512. Respondent was originally issued this license to practice medicine in Texas on June 11, 1980. Respondent is licensed to practice in Missouri.
3. Respondent is primarily engaged in the practice of Psychiatry and Neurology. Respondent is certified by the American Board of Psychiatry and Neurology.

4. Respondent is 73 years of age.
5. Respondent has not previously been the subject of disciplinary action by the Board.
6. From 1996 to 2001, Medical Center Hospital received complaints that Respondent made sexually inappropriate remarks and actions towards female coworkers.
7. On May 8, 2002, Respondent's staff privileges were terminated by the Board of Directors of Medical Center Hospital for inappropriate behavior that was disruptive to the operation of the hospital.
8. Respondent has cooperated in the investigation of the allegations related to this Agreed Order. Respondent's cooperation, through consent to this Agreed Order, pursuant to the provisions of Section 164.002 the Act, will save money and resources for the State of Texas. To avoid further investigation, hearings, and the expense and inconvenience of litigation, Respondent agrees to the entry of this Agreed Order and to comply with its terms and conditions.

CONCLUSIONS OF LAW

Based on the above Findings of Fact, the Board concludes that:

1. The Board has jurisdiction over the subject matter and Respondent pursuant to the Act.
2. Section 164.001 of the Act authorizes the Board to impose a range of disciplinary actions against a person for violation of the Act or a Board rule. Such sanctions include: revocation, suspension, probation, public reprimand, limitation or restriction on practice, counseling or treatment, required educational or counseling programs, monitored practice, public service, and an administrative penalty.

3. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based upon Respondent's unprofessional or dishonorable conduct that is likely to deceive or defraud the public or injure the public.

4. Section 164.002(a) of the Act authorizes the Board to resolve and make a disposition of this matter through an Agreed Order.

5. Section 164.002(d) of the Act provides that this Agreed Order is a settlement agreement under the Texas Rules of Evidence for purposes of civil litigation.

ORDER

Based on the above Findings of Fact and Conclusions of Law, the Board ORDERS that this Agreed Order shall constitute a public reprimand of the Respondent and the Respondent is hereby reprimanded. Respondent shall pay an administrative penalty in the amount of Five thousand dollars (\$5000.00) within sixty (60) days of the signing of this Order by the presiding officer of the Board.

1. Respondent shall pay an administrative penalty in the amount of Five thousand dollars (\$5000.00) within six (6) months of the signing of this Order by the presiding officer of the Board.

2. Respondent shall pay an administrative penalty in the amount of five thousand dollars (\$5000.00) by cashier's checks or money orders payable to the Texas State Board of Medical Examiners and submitted to the Director of Compliance for the Board for routing so as to be remitted to the comptroller of Texas for deposit in the general revenue fund in accordance with the following payment schedule:

One thousand (\$1000.00) dollars per month for five (5) months, due by the fifteenth (15th) of the month, to begin within thirty (30) days from the signing of this Order by the presiding officer of the Board.

3. Respondent's failure to pay the administrative penalty as ordered shall constitute grounds for further disciplinary action by the Board as provided for in the Act, and may result in a referral by the Executive Director of the Board for collection by the Office of the Attorney General.

4. Within one year from the signing of this Order by the presiding officer of the Board, Respondent shall enroll in and successfully complete "Maintaining Proper Boundaries," a CME course taught by Vanderbilt University and a course involving sexual harassment prevention. Documentation of attendance and successful completion of this requirement shall be delivered to the Director of Compliance for the Board on or before the expiration of the time limit set forth for completion of the course.

5. The time period of this Order shall be tolled if (a) Respondent subsequently resides or practices outside the State of Texas, (b) Respondent subsequently is in official retired status with the Board, (c) Respondent's license is subsequently cancelled for nonpayment of licensure fees, or (d) this Order is stayed or enjoined by Court Order. If Respondent leaves Texas to live or practice elsewhere, Respondent shall immediately notify the Board in writing of the dates of Respondent's departure from and subsequent return to Texas. When the period of tolling ends, Respondent shall be required to comply with the terms of this Order for the period of time remaining on the Order. Respondent shall pay all fees for reinstatement or renewal of a license covering the period of tolling.

6. Respondent shall comply with all the provisions of the Act and other statutes regulating the Respondent's practice.

7. Respondent shall fully cooperate with the Board and the Board staff, including Board attorneys, investigators, compliance officers, consultants, and other employees or agents of the Board in any way involved in investigation, review, or monitoring associated with Respondent's compliance with this Order. Failure to fully cooperate shall constitute a violation of this order and a basis for disciplinary action against Respondent pursuant to the Act.

8. Respondent shall inform the Board in writing of any change of Respondent's mailing or practice address within ten days of the address change. This information shall be submitted to the Permits Department and the Director of Compliance for the Board. Failure to provide such information in a timely manner shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

9. Any violation of the terms, conditions, or requirements of this Order by Respondent shall constitute unprofessional conduct likely to deceive or defraud the public, and to injure the public, and shall constitute a basis for disciplinary action by the Board against Respondent pursuant to the Act.

10. The above-referenced conditions shall continue in full force and effect without opportunity for amendment, except for clear error in drafting, for 12 months following entry of this Order. If, after the passage of the 12-month period, Respondent wishes to seek amendment or termination of these conditions, Respondent may petition the Board in writing. The Board may inquire into the request and may, in its sole discretion, grant or deny the petition without further appeal or review. Petitions for modifying or terminating may be filed only once a year thereafter.

RESPONDENT WAIVES ANY FURTHER HEARINGS OR APPEALS TO THE BOARD OR TO ANY COURT IN REGARD TO ALL TERMS AND CONDITIONS OF THIS AGREED ORDER. RESPONDENT AGREES THAT THIS IS A FINAL ORDER.

THIS ORDER IS A PUBLIC RECORD.

I, LIONEL LEVISON, M.D. HAVE READ AND UNDERSTAND THE FOREGOING AGREED ORDER. I UNDERSTAND THAT BY SIGNING, I WAIVE CERTAIN RIGHTS. I

SIGN IT VOLUNTARILY. I UNDERSTAND THIS AGREED ORDER CONTAINS THE ENTIRE AGREEMENT AND THERE IS NO OTHER AGREEMENT OF ANY KIND, VERBAL, WRITTEN OR OTHERWISE.

DATED 8/29/03 2003.

[Signature]
LIONEL LEVISON, M.D.
RESPONDENT

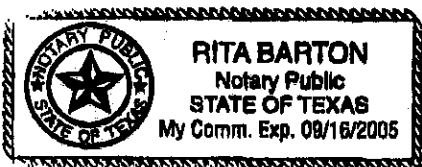
STATE OF Texas
COUNTY OF Ector

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SWORN TO AND ACKNOWLEDGED BEFORE ME, the undersigned Notary Public, on this 29 day of August, 2003.

[Signature]
Signature of Notary Public

(Notary Seal)



Rita Barton
Printed or typed name of Notary Public
My commission expires: 9-16-2005

SIGNED AND ENTERED by the presiding officer of the Texas State Board of Medical Examiners on this 10 day of October, 2003.

[Signature]
Lee S. Anderson, M.D., President
Texas State Board of Medical Examiners