

HEARING CONDUCTED BY THE
TEXAS STATE OFFICE OF ADMINISTRATIVE HEARINGS
SOAH DOCKET NO. 503-17-5936.MD
TEXAS MEDICAL LICENSE NO. F-7512

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

BEFORE THE
TEXAS MEDICAL BOARD

DEFAULT ORDER

During open meeting at Austin, Texas, the Texas Medical Board (“Board”) considered Board Staff’s request for Determination of Default and Issuance of Order of Default (“Motion”) against Lionel Levison, M.D. (“Respondent”).

I. FINDINGS

1. Respondent is a Texas physician and holds Texas Medical License No. F-7512, and was licensed to practice as a physician at all times material and relevant to this Order.
2. All jurisdictional requirements have been satisfied under TEX. OCC. CODE ANN., Title 3, Subtitle B, the Medical Practice Act (“Act”).
3. Respondent received all notice that may be required by law and by the rules of the Board.
4. A Complaint was filed by the Board on August 30, 2017, with the State Office of Administrative Hearings (“SOAH”), alleging that Respondent violated the Act and was subject to disciplinary action by the Board.
5. On or about August 30, 2017, the Board served Respondent with a copy of the Complaint via United States Postal Service (USPS) by certified mail/return receipt requested at Respondent’s mailing address of record on file with the Board.
6. A hearing on the merits was set for August 8, 2018, at SOAH. Notice of that hearing was sent to the last known address for Respondent on June 29, 2018. That notice contained the following **NOTICE: PURSUANT TO SOAH RULE §155.501, UPON FAILURE TO APPEAR AT THE HEARING, THE FACTUAL ALLEGATIONS IN THE**

NOTICE AND COMPLAINT WILL BE DEEMED ADMITTED AS TRUE, AND THE RELIEF SOUGHT IN THE NOTICE OF HEARING MAY BE GRANTED BY DEFAULT.

7. No answer or responsive pleading was ever filed by Respondent.
8. Respondent failed to appear at the hearing on August 8, 2018.
9. The court issued its Order No. 3 Dismissing Case on August 10, 2018.
10. Pursuant to 22 TEX. ADMIN. CODE §187.27, the Board finds that this Determination of Default is meritorious, and satisfies all jurisdictional and legal requirements. The Board further finds that the issuance of a Default Order is warranted.

II. CONCLUSIONS OF LAW

Based on the above Findings, the Board concludes the following:

1. Violations of the Act: The actions of Respondent as specified in the Complaint violate one or more of the following provisions of the Act:

a. Section 160.009(b) of the Act authorizes the Board to discipline Respondent based on failure to comply with a Board subpoena.

b. Section 164.051(a)(1) of the Act authorizes the Board to discipline Respondent based on Respondent committing an act prohibited under Section 164.052.

c. Section 164.051(a)(3) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's violation of a Board Rule, specifically Board Rule 165.1, failure to maintain an adequate medical record for each patient that is complete, contemporaneous, and legible.

d. Section 164.051(a)(6) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's failure to practice medicine in an acceptable professional manner consistent with public health and welfare, as further defined by Board Rules: 190.8(1)(A), failure to treat a patient according to the generally accepted standard of care; 190.8(1)(B), negligence in performing medical services; 190.8(1)(C), failure to use proper diligence in one's professional practice; and 190.8(1)(D), failure to safeguard against potential complications.

e. Section 164.052(a)(5) of the Act authorizes the Board to take disciplinary action against Respondent based on Respondent's unprofessional or dishonorable

conduct that is likely to deceive or defraud the public or injure the public, and further defined by Board Rules: 190.8(2)(B), failure to comply with a Board request for information; and, 190.8(2)(D), failure to cooperate with Board staff.

2. Aggravating Factors: Board Rule 190.14 provides that the Board may impose more restrictive sanctions when there are multiple violations of the Act. Board Rule 190.15 provides that the Board may consider aggravating factors that warrant more severe or restrictive disciplinary action. This case includes the aggravating factor of: 1) increase potential for harm to the public; and 2) previous disciplinary action by the Board.

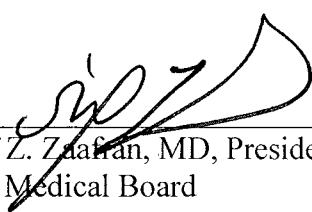
III. ORDER

IT IS THEREFORE the Board's finding, having reviewed the administrative record, that this Determination of Default is meritorious.

Based on the above finding that Determination of Default is meritorious, the Board ORDERS that:

1. All allegations set forth in the Complaint filed in SOAH No. 503-17-5936.MD are deemed true.
2. Respondent's Texas Physician License No. F-7512 is hereby REVOKED.

SIGNED AND ENTERED by the presiding officer of the Texas Medical Board on this 19 day of October, 2018.



Sherif Z. Zafran, MD, President
Texas Medical Board