



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: William H. Levy, MD
Docket No.: 98-10-A-1018MD
Document: Statement of Charges

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

Adjudicative Clerk Office
P.O. Box 47879
Olympia, WA 98504-7879
Phone: (360) 236-4677
Fax: (360) 586-2171

You may appeal the decision to withhold any information by writing to the Deputy Secretary, Department of Health, P.O. Box 47890, Olympia, WA 98504-7890.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice)	
as a Physician and Surgeon of:)	Docket No. 98-10-A-1018MD
)	
WILLIAM H. LEVY, M.D.)	STATEMENT OF CHARGES
License No. MD21325)	
Respondent.)	
_____)	

The Program Manager, on designation by the Medical Quality Assurance Commission (Commission), makes the allegations below. Any patients referred to in this Statement of Charges are identified in an attached Confidential Schedule.

Section 1: ALLEGED FACTS

- 1.1 William H. Levy, MD, Respondent, was issued a license to practice medicine and surgery by the state of Washington on January 19, 1984.
- 1.2 Respondent treated Patient One from approximately January 1997 through January 1998. Respondent's diagnosis of Patient One was Post Traumatic Stress Disorder secondary to a sexual assault. Over the treatment period, Respondent prescribed Xanax .5 mg (Alprazolam) to Patient One for treatment of anxiety. Patient One routinely took 10 to 12 mg of Xanax per day during the treatment period.
- 1.3 Respondent failed to keep written records of his treatment of Patient One. Respondent did not maintain written records of her psychiatric history, or any of her 55 treatment sessions, or of any mental status examinations or psychiatric evaluations that Respondent may have performed. During the investigation of these charges, Respondent stated to the investigator that he maintained Patient One's psychiatric history and treatment records in his head.
- 1.4 Respondent failed to keep a record of prescriptions written for Patient One, and was unaware of what quantities of Xanax he had prescribed over the treatment period.
- 1.5 During the investigation of these charges, Respondent stated that he did not notice any signs that Patient One was becoming addicted to Xanax, yet Respondent admitted to having prescribed Dalmane to Patient One to help her "withdraw" from Xanax.

1.6 On or about January 17, 1998, Patient One was admitted to Swedish Medical Center for treatment of addiction to Dalmane and Xanax. Patient One was subsequently treated at Overlake hospital.

Section 2: ALLEGED VIOLATIONS

2.1 The violations alleged in paragraphs 1.2 through 1.6 above constitute grounds for disciplinary action pursuant to RCW 18.130.180(4) and (6), which define unprofessional conduct as:

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed...

(6) The possession, use, prescription for use, or distribution of controlled substances or legend drugs in any way other than for legitimate or therapeutic purposes...

2.2 The violations alleged in paragraphs 1.2 through 1.6 above constitute grounds for the imposition of sanctions under RCW 18.130.160.

Section 3: NOTICE TO RESPONDENT

It is further alleged that the charges in this document affect the public health, safety and welfare. The Program Manager of the Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130., and the imposition of sanctions under RCW 18.130.160.

DATED this 14th day of December, 1998.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

By: Maryella E. Jansen
Maryella E. Jansen
Program Manager

Presented by:

Delia Anderson
Delia Anderson, WSBA# 24775
Assistant Attorney General

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:

Program No. 98-02-0067MD



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: William H. Levy, MD
Docket No.: 98-10-A-1018MD
Document: Amended Statement of Charges

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

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STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice)	
as a Physician and Surgeon of:)	Docket No. 98-10-A-1018MD
)	
WILLIAM H. LEVY, M.D.)	AMENDED STATEMENT OF CHARGES
License No. MD21325)	
Respondent.)	
_____)	

The Program Manager, on designation by the Medical Quality Assurance Commission (Commission), makes the allegations below. Any patients referred to in this Amended Statement of Charges are identified in an attached Confidential Schedule.

Section 1: ALLEGED FACTS

1.1 William H. Levy, MD, Respondent, was issued a license to practice medicine and surgery by the state of Washington on January 19, 1984.

1.2 Respondent treated Patient One from approximately January 1997 through January 1998. Respondent's diagnosis of Patient One was Post Traumatic Stress Disorder secondary to a sexual assault. Over the treatment period, Respondent prescribed Xanax .5 mg (Alprazolam) to Patient One for treatment of anxiety. Patient One routinely took 6 to 7 mg of Xanax per day towards the end of the treatment period.

1.3 Respondent failed to keep adequate written records of his treatment of Patient One. Respondent did not maintain written records of her psychiatric history, or any of her 55 treatment sessions, or of any mental status examinations or psychiatric evaluations that Respondent may have performed. During the investigation of these charges, Respondent stated to the investigator that he maintained Patient One's psychiatric history and treatment records in his head.

1.4 Respondent failed to keep an adequate record of prescriptions written for Patient One, and was unaware of what quantities of Xanax he had prescribed over the treatment period.

1.5 During the investigation of these charges, Respondent stated that he did not notice any signs that Patient One was becoming addicted to Xanax, yet Respondent admitted to having prescribed Dalmane to Patient One to help her "withdraw" from Xanax.

1.6 On or about January 17, 1998, Patient One was admitted to Swedish Medical Center for treatment of addiction to Dalmane and Xanax. Patient One was subsequently treated at Overlake hospital.

1.7 Respondent has treated Patient Two from approximately January 1991 through the present. Respondent's diagnosis of Patient Two was moderately severe depression and chronic recurrent migraine headache. Over the treatment period, Respondent prescribed Fioricet with Codeine #3, Diazepam (Valium), Alprazolam (Xanax), Percocet, Lorazepam (Ativan), and Prozac to Patient Two. Between January 1999 and June 1999, Patient Two routinely took Fioricet with Codeine #3 and Diazepam daily.

1.8 Respondent failed to keep adequate records of his treatment of Patient Two. Respondent did not maintain written records of Patient Two's psychiatric history, or any of the treatment sessions, or any of the mental status examinations or psychiatric evaluations that Respondent may have performed.

1.9 Respondent failed to keep adequate record of the prescriptions written for Patient Two and was unaware of what quantities of drugs he had prescribed over the treatment period.

Section 2: ALLEGED VIOLATIONS

2.1 The violations alleged in paragraphs 1.2 through 1.9 above constitute grounds for disciplinary action pursuant to RCW 18.130.180(4) which defines unprofessional conduct as:

(4) Incompetence, negligence, or malpractice which results in injury to a patient or which creates an unreasonable risk that a patient may be harmed...

2.2 The violations alleged in paragraphs 1.2 through 1.9 above constitute grounds for the imposition of sanctions under RCW 18.130.160.

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Section 3: NOTICE TO RESPONDENT

It is further alleged that the charges in this document affect the public health, safety and welfare. The Program Manager of the Commission directs that a notice be issued and served on Respondent as provided by law, giving Respondent the opportunity to defend against these charges. If Respondent fails to defend against these charges, Respondent shall be subject to discipline pursuant to RCW 18.130., and the imposition of sanctions under RCW 18.130.160.

DATED this 15th day of September, 1999.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

By: Maryella E. Jansen
Maryella E. Jansen
Program Manager

Presented by:

Lori Lebon Salo

Lori Lebon Salo, WSBA# 22518
Assistant Attorney General

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:

Program No. 99-03-0020 MD



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: William H. Levy, MD
Docket No.: 98-10-A-1018MD
Document: Final Order

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

If you have any questions or need additional information regarding the information that was withheld, please contact:

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STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice)		
As a Physician and Surgeon of:)		Docket No. 98-10-A-1018MD
WILLIAM H. LEVY, MD)		
License No. MD21325)		STIPULATED FINDINGS OF
Respondent.)		FACT, CONCLUSIONS OF LAW
_____)		AND AGREED ORDER

The Medical Quality Assurance Commission (Commission), by and through Gerald D. Kelly, JD, Lead Staff Attorney, Department of Health, and William H. Levy, MD, Respondent, represented by Robert N. Meals, stipulate and agree to the following:

Section 1: PROCEDURAL STIPULATIONS

1.1 William H. Levy, MD, Respondent was issued a license to practice medicine and surgery by the state of Washington on January 19, 1984.

1.2 On December 14, 1998, the Commission issued a Statement of Charges regarding the professional practice of Respondent. On September 15, 1999, the Commission issued an Amended Statement of Charges regarding the professional practice of Respondent.

1.3 The Statement of Charges alleges that Respondent violated RCW 18.130.180(4) and (6). The Amended Statement of Charges re-alleges that Respondent violated RCW 18.130.180 (4) only.

1.4 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Statement of Charges.

1.5 Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges by presenting evidence at a hearing.

1.6 Respondent understands that, should the State prove at a hearing the allegations in the Statement of Charges, the Commission has the power and authority to impose sanctions pursuant to RCW 18.130.160.

ORIGINAL

1.7 Respondent and the Commission agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Agreed Order).

1.8 Respondent waives the opportunity for a hearing on the Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Commission.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.10 Should this Agreed Order be signed and accepted it will be subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any applicable interstate/national reporting requirements.

1.11 Should this Agreed Order be rejected, Respondent waives any objection to the participation at hearing of all or some of the Commission members who heard the Agreed Order presentation.

Section 2: STIPULATED FACTS

The State and Respondent stipulate to the following facts:

2.1 Respondent does not contest that the following evidence in these stipulated facts would be presented at hearing and is sufficient to justify a finding of a violation of RCW 18.130.180(4).

2.2 William H. Levy, MD, Respondent, was issued a license to practice medicine and surgery by the state of Washington on January 19, 1984.

2.3 The patients referred to by number are identified in the Confidential Schedule attached as Exhibit A to the Statement of Charges in this matter dated December 14, 1998, and the Amended Statement of Charges in this matter dated September 15, 1999, and by reference incorporated herein.

2.4 Respondent treated Patient One from approximately January 1997 through January 1998. Respondent's diagnosis of Patient One was Post Traumatic Stress Disorder secondary to a sexual assault. Over the treatment period, Respondent prescribed Xanax .5 mg (Alprazolam) to Patient One for treatment of anxiety. Patient One routinely took 6 to 7 mg of Xanax per day during the treatment period.

2.5 Respondent failed to keep written records of his treatment of Patient One. Respondent did not maintain written records of her psychiatric history, or any of her 55

treatment sessions, or of any mental status examinations or psychiatric evaluations that Respondent may have performed. During the investigation of these charges, Respondent stated to the investigator that he maintained Patient One's psychiatric history and treatment records in his head.

2.6 Respondent failed to keep a record of prescriptions written for Patient One, and was unaware of what quantities of Xanax he had prescribed over the treatment period.

2.7 During the investigation of these charges, Respondent stated that he did not notice any signs that Patient One was becoming addicted to Xanax, yet Respondent admitted to having prescribed Dalmane to Patient One to help her "withdraw" from Xanax.

2.8 On or about January 17, 1998, Patient One was admitted to Swedish Medical Center for treatment of addiction to Dalmane and Xanax. Patient One was subsequently treated at Overlake hospital.

2.9 Respondent has treated Patient Two from approximately November 1998 through the present. Respondent's diagnosis of Patient Two was moderately severe depression and chronic recurrent migraine headache. Over the treatment period, Respondent prescribed Butalbital, Fiorinal with Codeine #3, Diazepam (Valium), Alprazolam (Xanax), Percocet, Lorazepam (Ativan), and Prozac to Patient Two for treatment of migraine headache with associated stress and anxiety. Patient Two routinely took Fiorinal with Codeine #3 and Diazepam daily during the treatment period.

2.10 Respondent failed to keep written records of his treatment of Patient Two. Respondent did not maintain written records of the psychiatric history, or any of the treatment sessions, or of any mental status examinations or psychiatric evaluations of Patient Two that Respondent may have performed.

2.11 Respondent failed to keep a record of prescriptions written for Patient Two, and was unaware of what quantities of drugs he had prescribed over the treatment period.

Section 3: CONCLUSIONS OF LAW

The State and the Respondent agree to the entry of the following Conclusions of Law:

3.1 The Commission has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 The above facts constitute unprofessional conduct in violation of RCW 18.130.180(4).

3.3 The above violation, if proven, is grounds for the imposition of sanctions under RCW 18.130.160.

Section 4: AGREED ORDER

Based on the preceding Stipulated Facts and Conclusions of Law, Respondent agrees to entry of the following Order:

4.1 It is hereby ordered that Respondent's license to practice medicine in the state of Washington is suspended for a period of three (3) years. Said suspension is stayed and Respondent is placed on probation providing that Respondent complies with the terms and conditions in the following paragraphs.

4.2 Respondent shall ensure that all care delivered to patients falls within acceptable standards of medical practice and he shall create and keep a medical record for all patients treated and/or seen. Respondent's record-keeping shall include sufficient description of subjective complaints and objective findings/observations to reflect indications for diagnosis and treatment and a complete treatment plan. Respondent shall record in each patient's chart the types, dosages and directions for all medications prescribed, and at the beginning of each patient visit Respondent shall enter in the patient's chart what medications the patient is taking, the frequency of use and the dosage.

4.3 A physician, approved by the Commission, will monitor Respondent including, but not limited to, the review and evaluation of fifteen (15) patient charts per quarter, five (5) per month, which have been selected at random by the Monitor, with quarterly reports from the Monitor to the Medical Consultant of the Commission for a period of one (1) year from the date the Agreed Order is signed or until changed by the Commission. All costs associated with this shall be borne by the Respondent.

4.4 **PRESCRIBING MEDICATION:** Respondent's privilege to prescribe controlled substances and Benzodiazepines, to both in-patients and out-patients shall be restricted as follows:

- a. **Triplicate Prescriptions.** Respondent shall legibly write all prescriptions for scheduled drugs and Benzodiazepines on triplicate sequentially numbered prescription pads. The white copy shall be given to the patient. The pink copy

shall be placed in the patient's chart. Respondent shall send the yellow copies to the Commission on a quarterly basis. In addition, Respondent shall maintain a drug list in all patient records that itemizes all drugs prescribed, the date of the prescription, and the strength and dosage of the medication. This drug list shall be kept current and shall be maintained at the front of each patient record.

4.5 CONTINUING MEDICAL EDUCATION (CME):

- a. Pursuant to RCW 18.130.160(4) Respondent shall complete a two (2) day course of at least ten (10) course hours of category I CME, or other Commission or its designee approved program(s) in advance, in the area of chemical and drug addiction. Said CME course hours shall be completed within one year of the date of entry of this Order and may be counted towards the CME courses required for licensure. All costs associated with such course(s) shall be borne by Respondent.
- b. Pursuant to RCW 18.130.160(4) Respondent shall complete a course of at least four (4) course hours of category I CME, or other commission or its designee approved program(s) in advance, in the area of medical record keeping. Said CME course hour shall be completed within one year of the date of entry of this Order and may be counted towards the CME courses required for licensure. All costs associated with such course(s) shall be borne by Respondent.
- c. Pursuant to RCW 18.130.160(4) Respondent shall attend and participate in, during the first two (2) years of probation, twenty (20) or more hours of psychiatric review courses, category I (CME), with said courses approved by the Commission or its designee in advance. Said course hours shall be in addition to the CME courses required for licensure and all costs associated with such course(s) shall be borne by Respondent.

4.6 COMPLIANCE:

- a. Respondent shall appear before the Commission 6 months from the date this Agreed Order is signed by the Commission, or as soon thereafter as the Commission's schedule permits, and then 6 months following the first appearance, and then yearly thereafter, and present proof that he is complying with the Order. He shall continue to make such compliance appearances annually or as soon

thereafter as the Commission's schedule permits, until the suspension is lifted by the Commission.

b. In order to monitor compliance with the Order Respondent agrees that a representative of the Commission may make announced visits to Respondent's practice to:

- (1) Inspect office and/or medical records;
- (2) Interview office staff;
- (3) Review other aspects of Respondent's practice.

c. All costs of compliance shall be borne by the Respondent.

d. Proof of completion shall be submitted to the following address:

Compliance Officer
Medical Quality Assurance Commission
1300 SE Quince Street, M/S 7866
Post Office Box 47866
Olympia, WA 08504-7866

4.7 Based upon its review of Respondent's compliance with the terms of probation, the Commission may change the conditions of probation and/or may impose additional conditions or extend probation at any time during the period of suspension as necessary to protect the public.

4.8 Respondent may petition the Commission for a change in the terms and conditions of this Order no sooner than two (2) years from the date it is signed by the Commission, and subject to other provisions in this Order.

4.9 The Commission's oversight and monitoring of Respondent shall continue until Respondent files a written petition for termination of the Commission's oversight and monitoring and, if the Commission so requests, appear personally before the Commission. Termination of the Commission's oversight and monitoring shall be by written order of the Commission.

4.10 Pursuant to RCW 18.130.160(8), Respondent shall pay a fine of Four Thousand Dollars (\$4,000.00) within six (6) months of the effective date of this Order. The fine assessed herein shall be payable to the State Treasurer and sent to the address below:

Department of Health
PO Box 1099
Olympia, WA 98507-1099

4.11 Respondent shall obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington.

4.12 Respondent shall assume all costs of complying with this Order.

4.13 In the event Respondent leaves the State of Washington to reside or to practice outside the State of Washington, Respondent must notify the Commission in writing of the dates of departure and return.

4.14 Respondent shall inform the Commission and the Adjudicative Clerk's Office, in writing, of changes in his residential and/or business addresses.

4.15 If Respondent violates any provision of this Order in any respect, the Commission may take further action against Respondent's license.

4.16 This Stipulation and Agreed Order shall become effective ten (10) days from the date the Order is signed by the Commission chair, or upon service of the Order on the Respondent, whichever date is sooner.

I, William H. Levy, MD, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.


WILLIAM H. LEVY, MD
Respondent

3/2/00
Date


ROBERT N. MEALS
Attorney for Respondent

3/2/00
Date

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Section 5: ORDER

The Commission accepts and enters these Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

DATED this 16th day of March, 2000.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

By: Jessica M. Pyson PA-C

PANEL CHAIR

PRESENTED BY:

Gerald D. Kelly, JD, WSBA# 5427
Lead Staff Attorney
Department of Health

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:

Program No. 98-02-0067MD & 99-03-0036MD



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: William H. Levy, MD
Docket No.: 98-10-A-1018MD
Document: Amended Final Order

Regarding your request for information about the above-named practitioner, certain information may have been withheld pursuant to Washington state laws. While those laws require that most records be disclosed on request, they also state that certain information should not be disclosed.

The following information has been withheld: **NONE**

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STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

In the Matter of the License to Practice)	
As a Physician and Surgeon of:)	Docket No. 98-10-A-1018MD
)	
WILLIAM H. LEVY, MD)	AMENDED STIPULATED FINDINGS OF
License No. MD21325)	FACT, CONCLUSIONS OF LAW
)	AND AGREED ORDER
Respondent.)	
_____)	

The Medical Quality Assurance Commission (Commission), by and through Gerald D. Kelly, JD, Lead Staff Attorney, Department of Health, and William H. Levy, MD, Respondent, represented by Robert N. Meals, stipulate and agree to the following:

Section 1: PROCEDURAL STIPULATIONS

1.1 William H. Levy, MD, Respondent was issued a license to practice medicine and surgery by the state of Washington on January 19, 1984.

1.2 On December 14, 1998, the Commission issued a Statement of Charges regarding the professional practice of Respondent. On September 15, 1999, the Commission issued an Amended Statement of Charges regarding the professional practice of Respondent.

1.3 The December 14, 1998 Statement of Charges alleges that Respondent violated RCW 18.130.180(4) and (6). The September 15, 1999 Amended Statement of Charges re-alleges that Respondent violated RCW 18.130.180 (4) only.

1.4 Respondent understands that the State is prepared to proceed to a hearing on the allegations in the Statement of Charges and Amended Statement of Charges.

1.5 Respondent understands that he has the right to defend himself against the allegations in the Statement of Charges and Amended Statement of Charges by presenting evidence at a hearing.

1.6 Respondent understands that, should the State prove at a hearing the allegations in the Statement of Charges and Amended Statement of Charges, the Commission has the power and authority to impose sanctions pursuant to RCW 18.130.160.

1.7 Respondent and the Commission agree to expedite the resolution of this matter by means of this Stipulated Findings of Fact, Conclusions of Law and Agreed Order (Agreed Order).

1.8 Respondent waives the opportunity for a hearing on the Statement of Charges and Amended Statement of Charges contingent upon signature and acceptance of this Agreed Order by the Commission.

1.9 This Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.10 Should this Agreed Order be signed and accepted it will be subject to the reporting requirements of RCW 18.130.110, Section 1128E of the Social Security Act, and any applicable interstate/national reporting requirements.

1.11 Should this Agreed Order be rejected, Respondent waives any objection to the participation at hearing of all or some of the Commission members who heard the Agreed Order presentation.

Section 2: STIPULATED FACTS

The State and Respondent stipulate to the following facts:

2.1 Respondent does not contest that the following evidence in these stipulated facts would be presented at hearing and is sufficient to justify a finding of a violation of RCW 18.130.180(4).

2.2 William H. Levy, MD, Respondent, was issued a license to practice medicine and surgery by the state of Washington on January 19, 1984.

2.3 The patients referred to by number are identified in the Confidential Schedule attached as Exhibit A to the Statement of Charges in this matter dated December 14, 1998, and the Amended Statement of Charges in this matter dated September 15, 1999, and by reference are incorporated herein.

2.4 Respondent treated Patient One from approximately January 1997 through January 1998. Respondent's diagnosis of Patient One was Posttraumatic Stress Disorder secondary to a sexual assault. Over the treatment period, Respondent prescribed Xanax .5 mg (Alprazolam) to Patient One for treatment of anxiety. Patient One routinely took 7 to 8 mg of Xanax per day during the treatment period.

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2.5 Respondent failed to keep adequate written records of his treatment of Patient One. Respondent did not maintain written records of her psychiatric history, or any of her 55 treatment sessions, or of any mental status examinations or psychiatric evaluations that Respondent may have performed. During the investigation of these charges, Respondent stated to the investigator that he maintained Patient One's psychiatric history and treatment records in his head.

2.6 Respondent failed to keep an adequate record of prescriptions written for Patient One, and therefore his rationale for subsequent escalating dosages of Xanax was unclear.

2.7 During the investigation of these charges, Respondent stated that he did not notice any signs that Patient One was becoming addicted to Xanax, yet Respondent admitted to having prescribed Dalmane to Patient One to help her "withdraw" from Xanax.

2.8 On or about January 17, 1998, Patient One was admitted to Swedish Medical Center for treatment of addiction to Benzodiazepines. Patient One was subsequently treated at Overlake Hospital.

2.9 Respondent has treated Patient Two from approximately November 1998 through to the present. Respondent's diagnosis of Patient Two was moderately severe depression and chronic recurrent migraine headaches. Over the treatment period, Respondent prescribed Butalbital, Fiorinal with Codeine #3, Diazepam (Valium), Alprazolam (Xanax), Percocet, Lorazepam (Ativan), and Prozac to Patient Two for treatment of migraine headache with associated stress and anxiety. Patient Two routinely took significant amounts of Fiorinal with Codeine #3 and Diazepam during the treatment period.

2.10 Respondent failed to keep adequate written records of his treatment of Patient Two. Respondent did not maintain written records of the psychiatric history, or any of the treatment sessions, or of any mental status examinations or psychiatric evaluations of Patient Two that Respondent may have performed.

2.11 Respondent failed to keep an adequate record of prescriptions written for Patient Two so that the rationale for the quantities of drugs or the diagnosis requiring the use of drugs was unclear.

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Section 3: CONCLUSIONS OF LAW

The State and the Respondent agree to the entry of the following Conclusions of Law:

3.1 The Commission has jurisdiction over Respondent and over the subject matter of this proceeding.

3.2 The above facts constitute unprofessional conduct in violation of RCW 18.130.180(4).

3.3 The above violation, if proven, is grounds for the imposition of sanctions under RCW 18.130.160.

Section 4: AGREED ORDER

Based on the preceding Stipulated Facts and Conclusions of Law, Respondent agrees to entry of the following Order:

4.1 It is hereby ordered that Respondent's license to practice medicine in the state of Washington is placed on probation for a minimum period of three (3) years and it is required that Respondent must comply with the terms and conditions in the following paragraphs.

4.2 Respondent shall ensure that all care delivered to patients falls within acceptable standards of medical practice and he shall create and keep a medical record for all patients treated and/or seen. Respondent's record keeping shall include sufficient description of subjective complaints and objective findings/observations to reflect indications for diagnosis and treatment and a complete treatment plan. Respondent shall record in each patient's chart the types, dosages and directions for all medications prescribed, and at the beginning of each patient visit Respondent shall enter in the patient's chart what medications the patient is taking, the frequency of use and the dosage.

4.3 A physician, approved by the Commission, will monitor Respondent including, but not limited to, the review and evaluation of fifteen (15) patient charts per quarter, five (5) per month, which have been selected at random by the Monitor, with quarterly reports from the Monitor to the Medical Consultant of the Commission for a minimum period of one (1) year from the date the Agreed Order is signed or until changed by the Commission. All costs associated with this monitoring shall be borne by the Respondent.

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4.4 PREScribing MEDICATION: Respondent's privilege to prescribe all controlled substances, to both in-patients and out-patients, shall be restricted as follows:

a. **Triplicate Prescriptions.** Respondent shall legibly write all prescriptions for all scheduled medications on triplicate sequentially numbered prescription pads. The white copy shall be given to the patient. The pink copy shall be placed in the patient's chart. Respondent shall send the yellow copies to the Commission, or its' designee, on a quarterly basis. In addition, Respondent shall maintain a drug list in all patient records that itemizes all drugs prescribed, the date of the prescription, and the strength and dosage of the medication. This drug list shall be kept current and shall be maintained at the front of each patient record.

4.5 CONTINUING MEDICAL EDUCATION (CME):

a. Pursuant to RCW 18.130.160(4) Respondent shall complete a two (2) day course of at least ten (10) course hours of category I CME, or other Commission or its designee approved program(s) in advance, in the area of the appropriate use of controlled substances. Said CME course hours shall be completed within one year of the date of entry of this Order and may be counted towards the CME courses required for licensure. All costs associated with such course(s) shall be borne by Respondent.

b. Pursuant to RCW 18.130.160(4) Respondent shall complete a course of at least one (1) course hour of category I CME, or other commission or its designee approved program(s) in advance, in the area of medical record keeping. Said CME course hour shall be completed within one year of the date of entry of this Order and may be counted towards the CME courses required for licensure. All costs associated with such course(s) shall be borne by Respondent.

c. Pursuant to RCW 18.130.160(4) Respondent shall attend and participate in, during the first two (2) years of probation, twenty (20) or more hours of psychiatric review courses, category I (CME), with said courses approved by the Commission or its' designee in advance. Said course hours shall be in addition to the CME courses required for licensure and all costs associated with such course(s) shall be borne by Respondent.

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4.6 COMPLIANCE:

a. Respondent shall appear before the Commission six (6) months from the date this Agreed Order is signed by the Commission, or as soon thereafter as the Commission's schedule permits, and then six (6) months following the first appearance, and then yearly thereafter, and present proof that he is complying with the Order. He shall continue to make such compliance appearances annually or as soon thereafter as the Commission's schedule permits, until the Commission lifts the probation.

b. In order to monitor compliance with the Order Respondent agrees that a representative of the Commission may make announced visits to Respondent's practice to:

- (1) Inspect office and/or medical records;
- (2) Interview office staff;
- (3) Review other aspects of Respondent's practice.

c. All costs of compliance shall be borne by the Respondent.

d. Proof of completion shall be submitted to the following address:

Compliance Officer
Medical Quality Assurance Commission
1300 SE Quince Street, M/S 7866
Post Office Box 47866
Olympia, WA 08504-7866

4.7 Based upon its review of Respondent's compliance with the terms of probation, the Commission may change the conditions of probation and/or may impose additional conditions or extend probation at any time during the period of probation as necessary to protect the public.

4.8 Respondent may petition the Commission for a change in the terms and conditions of this Order no sooner than two (2) years from the date it is signed by the Commission, and subject to other provisions in this Order.

4.9 The Commission's oversight and monitoring of Respondent shall continue until Respondent files a written petition for termination of the Commission's oversight and monitoring and, if the Commission so requests, appear personally before the Commission. Termination of the Commission's oversight and monitoring shall be by written order of the Commission.

4.10 Pursuant to RCW 18.130.160(8), Respondent shall pay a fine of Two Thousand Five Hundred Dollars (\$2,500.00) within twelve (12) months of the effective date of this Order. The fine assessed herein shall be payable to the State Treasurer and sent to the address below:

Accounting Department
Department of Health
PO Box 1099
Olympia, WA 98507-1099

4.11 Respondent shall obey all federal, state and local laws and all administrative rules governing the practice of the profession in Washington State.

4.12 Respondent shall assume all costs of complying with this Order.

4.13 In the event Respondent leaves the state of Washington to reside or to practice outside the state of Washington, Respondent must notify the Commission in writing of the dates of departure and return.

4.14 Respondent shall inform the Commission and the Adjudicative Clerk's Office, in writing, of changes in his residential and/or business addresses.

4.15 If Respondent violates any provision of this Order in any respect, the Commission may take further action against Respondent's license.

4.16 This Stipulation and Agreed Order shall become effective ten (10) days from the date the Order is signed by the Commission chair, or upon service of the Order on the Respondent, whichever date is sooner.

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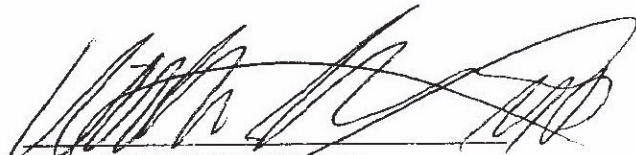
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I, William H. Levy, MD, Respondent, certify that I have read this Stipulated Findings of Fact, Conclusions of Law and Agreed Order in its entirety; that my counsel of record, if any, has fully explained the legal significance and consequence of it; that I fully understand and agree to all of it; and that it may be presented to the Commission without my appearance. If the Commission accepts the Stipulated Findings of Fact, Conclusions of Law and Agreed Order, I understand that I will receive a signed copy.


WILLIAM H. LEVY, MD
Respondent

3/28/00
Date


ROBERT N. MEALS
Attorney for Respondent

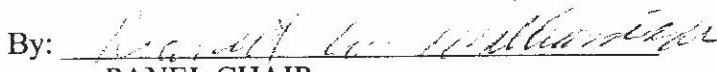
3/27/00
Date

Section 5: ORDER

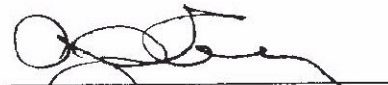
The Commission accepts and enters this Stipulated Findings of Fact, Conclusions of Law and Agreed Order.

DATED this 10 day of April, 2000.

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE COMMISSION

By: 
PANEL CHAIR

PRESENTED BY:


Gerald D. Kelly, JD, WSBA# 5427
Lead Staff Attorney, Department of Health

FOR INTERNAL USE ONLY. INTERNAL TRACKING NUMBERS:

Program No. 98-02-0067MD & 99-03-0036MD