

**CONSENT AGREEMENT
BETWEEN
ALLAN B. LEVIN, M.D.
AND
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Allan B. Levin, M.D.(Dr. Levin), and the State Medical Board of Ohio (Board), a state agency charged with enforcing Chapter 4731, Ohio Revised Code.

Dr. Levin, voluntarily enters into this Consent Agreement being fully informed of his rights under Chapter 119, Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

This Consent Agreement contains the entire Consent Agreement between the parties, there being no other Consent Agreement of any kind, verbal or otherwise, which varies the terms of this Consent Agreement.

BASIS FOR ACTION

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The State Medical Board Ohio is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for any of the enumerated violations.
- B. The Board enters into this Consent Agreement in lieu of further formal proceedings based upon the violations of Section 4731.22, Ohio Revised Code set forth in the Notice of Opportunity for Hearing issued by the Board on April 10, 2002, attached hereto as Exhibit A and incorporated herein by this reference. The Board expressly reserves the right to institute additional formal proceedings based upon any other violations of Chapter 4731 of the Ohio Revised Code whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Levin is licensed to practice medicine and surgery in the State of Ohio and the State of Wisconsin.
- D. Dr. Levin states that the Medical Examining Board of Wisconsin issued a Final Decision and Order dated November 14, 2001, in which he was reprimanded for unprofessional conduct. Further, the Board action limited

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Dr. Levin's Wisconsin license for one year and required no fewer than 160 hours of uncompensated community medical services and payment of partial costs of investigating and prosecuting in the amount of \$1100.00.

- E. Dr. Levin admits that he violated R. C. 4731.22(B)(22) as set forth in the Notice of Opportunity for Hearing issued by the Board on April 10, 2002.

AGREED CONDITIONS

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any further formal proceedings at this time, Allan B. Levin, M.D, knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

1. Dr. Levin is hereby **REPRIMANDED** for the conduct set forth in paragraphs D through E, above.

Required Reporting by Licensee

2. Within thirty (30) days of the effective date of this Consent Agreement, Dr. Levin shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, for a period of 5 years following the effective date of this consent agreement, Dr. Levin shall provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.
3. Within thirty (30) days of the effective date of this Consent Agreement, Dr. Levin shall provide a copy of this Consent Agreement by certified mail, return receipt requested, to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license. Dr. Levin further agrees to provide a copy of this Consent Agreement by certified mail, return receipt requested, at the time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, for a period of 5 years following the effective date of this consent agreement, Dr. Levin shall provide this Board with a copy of the return receipt as proof of notification within thirty (30) days of receiving that return receipt.

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FAILURE TO COMPLY

If, in the discretion of the Secretary and Supervising Member of The State Medical Board of Ohio, Dr. Levin appears to have violated or breached any term or condition of this Consent Agreement, The Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Levin has violated any term, condition, or limitation of this Consent Agreement, Dr. Levin agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

ACKNOWLEDGMENTS/LIABILITY RELEASE

Dr. Levin acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119, Ohio Revised Code.

Dr. Levin hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr Levin agrees to provide his social security number to the Board and hereby authorizes the Board to utilize that number in conjunction with that reporting.

EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

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Allan B. Levin
ALLAN B. LEVIN, M.D.

7/24/02
DATE

Anand G. Garg
ANAND G. GARG, M.D.
Secretary

8/14/02
DATE

Bruce F. Ehlke
BRUCE F. EHLKE
Attorney for Dr. Levin
July 24, 2002
DATE

Raymond J. Albert
RAYMOND J. ALBERT
Supervising Member
8/14/02
DATE

Kyle E. Wilcox
KYLE E. WILCOX
Assistant Attorney General
8/21/02
DATE

consent.doc REVISED 7/15/02



State Medical Board of Ohio

77 S. High St., 17th Floor • Columbus, OH 43215-6127 • (614) 466-3934 • Website: www.state.oh.us/med/

April 10, 2002

Allan B. Levin, M.D.
4585 Fox Bluff Lane
Middleton, Wisconsin 53562-2327

Dear Doctor Levin:

In accordance with R.C. Chapter 119., you are hereby notified that the State Medical Board of Ohio intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand or place you on probation for one or more of the following reasons:

- (1) The Medical Examining Board of Wisconsin (hereinafter the "Wisconsin Board") issued a Final Decision and Order dated November 14, 2001, which reprimanded you for unprofessional conduct; limited your Wisconsin license for one year; required no fewer than 160 hours of uncompensated community medical services and payment of partial costs of investigating and prosecuting in the amount of \$1100.00.

A copy of the Wisconsin Board Final Decision and Order is attached hereto and incorporated herein.

The Wisconsin Board Final Decision and Order, as alleged in paragraph one (1) above, constitutes "[a]ny of the following actions taken by the agency responsible for regulating the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or the limited branches of medicine in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand," as that clause is used in R.C. 4731.22(B)(22).

Pursuant to R.C. Chapter 119., you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty (30) days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments,

Mailed 4-11-02

Allan B. Levin, M.D.

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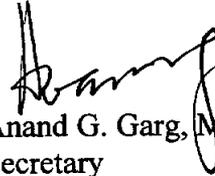
or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty (30) days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand or place you on probation.

Please note that, whether or not you request a hearing, R.C. 4731.22(L), effective March 9, 1999, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Anand G. Garg, M.D.
Secretary

AGG/jag
Enclosures

CERTIFIED MAIL # 7000 0600 0024 5140 0036
RETURN RECEIPT REQUESTED

4. Respondent retired from the University of Wisconsin following a contested internal hearing in this matter. He is presently working as a consultant, and not providing direct patient care. The moneys collected pursuant to the inappropriate billing practices set forth in ¶¶ 3-4, above, have been refunded to the extent they were paid by Medical Assistance or Medicare. Respondent has also settled a lawsuit resulting from the activities described in ¶2, above, in a manner acceptable to the affected parties.

CONCLUSIONS OF LAW

A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to §448.02(3), Wis. Stats. and is authorized to enter into the attached Stipulation pursuant to §227.44(5), Wis. Stats.

B. The conduct described in paragraphs 2-3, above, violated § Med 10.02(2)(m), Wis. Adm. Code. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that Allan B. Levin, M.D., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that respondent's license to practice medicine and surgery is LIMITED for one year (and continuing until his community service obligation set forth below, is completed), effective the date of this order, as provided by §448.02(3)(e), Wis. Stats.

IT IS FURTHER ORDERED, that respondent shall provide no fewer than 160 hours of uncompensated community service (which may consist of providing clinical medical services to indigent patients in an established program for providing such services) as approved by the Board or its designee. Respondent shall propose a plan for such community service within 45 days of this Order, and shall diligently and continually work towards completing the requirements of this paragraph.

IT IS FURTHER ORDERED, that respondent shall pay the partial costs of investigating and prosecuting this matter in the amount of \$1100, within 30 days of this order.

IT IS FURTHER ORDERED, that pursuant to §448.02(4), Wis. Stats., if the Board determines that there is probable cause to believe that respondent has violated any term of this Final Decision and Order, the Board may order that the license and registration of respondent be summarily suspended pending investigation of the alleged violation.

Dated this November 14, 2001.

WISCONSIN MEDICAL EXAMINING BOARD, by:

by: 
a member of the Board

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

ALLAN B. LEVIN, M.D.,
RESPONDENT.

STIPULATION

LS _____ MED
95 MED 323

It is hereby stipulated between the above Respondent and the undersigned prosecuting attorney for the Division of Enforcement of the Department of Regulation and Licensing, as follows:

1. This Stipulation is entered into as a result of a pending investigation of licensure of Respondent by the Division of Enforcement. Respondent consents to the resolution of this investigation by agreement and without the issuance of a formal complaint.
2. Respondent understands that by signing this Stipulation, respondent waives the following rights with respect to disciplinary proceedings: the right to a statement of the allegations against respondent; a right to a hearing at which time the State has the burden of proving those allegations; the right to confront and cross-examine the witnesses against respondent; the right to call witnesses on respondent's behalf and to compel attendance of witnesses by subpoena; the right to testify personally; the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision; the right to petition for rehearing; and all other applicable rights afforded to respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, and the Wisconsin Administrative Code.
3. Respondent is represented by an attorney.
4. Respondent denies that he has committed any unprofessional conduct, but solely to settle this matter and to avoid the expenses and uncertainties of litigation, agrees to the adoption of the attached Final Decision and Order by the Board. The parties consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.
5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation or the proposed Final Decision and Order, and the matter shall be returned to the Division of Enforcement for further proceedings. In the event that this Stipulation is not accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.
6. The parties agree that an attorney for the Division of Enforcement may appear before the Board, in open or closed session, without the presence of Respondent or Respondent's attorney, for the purposes of speaking in support of this agreement and answering questions that the members of the Board and its staff may have in connection with their deliberations on the case.
7. The Case Advisor in this matter may participate freely in any deliberations of the Board regarding acceptance of this Stipulation and the proposed Final Order, and may relate to the Board any knowledge and view of the case acquired during the investigation.

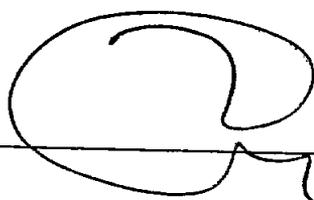
8. This stipulation is subject to approval by the Division of Enforcement's attorney-supervisor. If approved by the supervisor, the Division of Enforcement joins Respondent in recommending that the Board adopt this Stipulation and issue the attached Final Decision and Order.

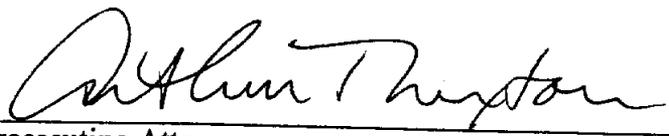
9. The language of the Findings has been negotiated as a matter of compromise between the parties, and respondent agrees not to claim in any other medical licensure forum that the discipline imposed was not justified by the Findings of Fact stated.

10. Respondent is informed that should the Board adopt this stipulation, the Board's final decision and order is a public record and will be published in the monthly *Report of Decisions* issued by the department. A summary of the order will be published in the *Wisconsin Regulatory Digest* issued semiannually by the Board. Other reporting as required by law will occur. A press release will be prepared and distributed to all press boxes in the State Capitol building, to the press in the community where respondent resides and practices, and to individuals and organizations included on a mailing list maintained by the department. This is standard department procedure and in no way specially directed at Respondent.

11. Respondent agrees to deliver respondent's credentials to the Board immediately upon receipt of the Final Decision and Order resulting from this Stipulation. Respondent is informed that the Board is required to file an Adverse Action Report with the National Practitioner Data Bank within 30 days following the date of its Final Decision Order. This is standard department procedure and in no way specially directed at Respondent.

Alta Taberino 11/7/01
Respondent Date


Bruce F. Ehlke Nov. 7, 2001
Attorney for Respondent Date


Arthur Thuyton 11/12/01
Prosecuting Attorney Date
Division of Enforcement