



STATE OF WASHINGTON
DEPARTMENT OF HEALTH
Olympia, Washington 98504

RE: Howard Levine, MD
Docket No.: 05-10-A-1037MD
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:

Customer Service Center
P.O. Box 47865
Olympia, WA 98504-7865
Phone: (360) 236-4700
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:

HOWARD LEVINE, MD
License No. MD00019774

Respondent.

Docket No. 05-10-A-1037MD

**STIPULATED FINDINGS OF
FACT, CONCLUSIONS OF LAW
AND AGREED ORDER**

The Medical Quality Assurance Commission ('Commission'), by and through Michael J. Weisman, Department of Health Staff Attorney, and Respondent, Howard Levine, MD, represented by counsel, Thomas Fitzpatrick of the Talmadge Law Group, PLLC, stipulate and agree to the following:

Section 1: PROCEDURAL STIPULATIONS

1.1 Respondent is licensed to practice as a physician and surgeon in the state of Washington.

1.2 On January 24, 2006, the Commission issued a Statement of Charges against Respondent.

1.3 In the Statement of Charges, the Commission alleges that Respondent violated RCW 18.130.180(9).

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 if the allegations are proven at a hearing, the Commission has the authority to impose sanctions pursuant to RCW 18.130.160.

1.6 Respondent has the right to defend against the allegations in the Statement of Charges by presenting evidence at a hearing.

1.7 Respondent waives the opportunity for a hearing on the Statement of Charges provided that the Commission accepts this Agreed Order.

1.8 The parties agree to resolve this matter by means of this Stipulated Findings of Fact, Conclusions of Law, and Agreed Order (Agreed Order).

1.9 Respondent understands that this Agreed Order is not binding unless and until it is signed and accepted by the Commission.

1.10 If the Commission accepts this Agreed Order, it is subject to the federal reporting requirements pursuant to Section 1128E of the Social Security Act and 45 CFR Part 61, RCW 18.130.110 and any other applicable interstate/national reporting requirements. It is a public document and will be available on the Department of Health web site.

1.11 If the Commission rejects this Agreed Order, Respondent waives any objection to the participation at hearing of any Commission members who heard the Agreed Order presentation.

Section 2: FINDINGS OF FACT

The State and Respondent stipulate to the following facts:

2.1 Howard J. Levine, MD, Respondent was issued a license to practice as a physician and surgeon by the State of Washington in March 1982. Respondent is subject to the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order in Docket No. 98-10-A-1028MD, dated November 4, 1999, and the Stipulated Findings of Fact, Conclusions of Law, and Agreed Order in Docket No. 99-12-A-1079MD, dated July 13, 2000.

2.2 The Agreed Order dated November 4, 1999, provided, at paragraph 4.13, that Respondent agreed to pay an administrative fine in the amount of \$8,000 (Eight Thousand Dollars) within thirty-six months of the acceptance of the Agreed Order. Respondent has paid \$5,000 (Five Thousand Dollars). Respondent was informed by letter dated April 27, 2005 that he was out of compliance with the Agreed Order dated November 4, 2005, due to failure to pay the remaining \$3,000 (Three Thousand Dollars) of the agreed upon fine.

2.3 The Agreed Order of July 13, 2000, provided, at paragraph 4.5, that Respondent agreed to participate in and successfully complete the Professional/Problem Based Ethics program (ProBE program). The program was to be completed by the end of the probationary period or as agreed to between the Respondent and the Medical

Consultant. Respondent was informed by letter dated April 27, 2005, that he was out of compliance with the Agreed Order for failure to attend the required course.

2.4 The Agreed Order dated July 13, 2000, provided, at paragraph 4.9, that Respondent agreed to pay an administrative fine in the amount of \$ 5,000 (Five Thousand Dollars). Respondent was informed by letter dated April 27, 2005, that he was out of compliance due to failure to pay the agreed upon fine. Respondent paid \$200 (Two Hundred Dollars) on May 17, 2005, but otherwise remains out of compliance with the Agreed Order.

Section 3: CONCLUSIONS OF LAW

The State and 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 Respondent has committed unprofessional conduct in violation of RCW 18.130.180(9).

3.3 The above violations provide grounds for imposing sanctions under RCW 18.130.160.

Section 4: AGREED ORDER

Based on the Findings of Fact and Conclusions of Law, Respondent agrees to entry of the following Agreed Order:

4.1 Respondent's license to practice medicine will be suspended immediately if Respondent fails to appear at the ProBE Program in New Brunswick, NJ on September 15, 2006. Respondent must complete the ProBE Program and receive a satisfactory evaluation of his performance in the course. Unsatisfactory performance in the course will be considered non-compliance with the terms of the Agreed Order.

4.2 On April 27, 2006, Respondent presented payment in full for his outstanding fine in the amount of \$7,800.00 (Seven Thousand Eight Hundred Dollars) in compliance with the requirement of the Agreed Order in Docket No. 99-12-A-1079MD dated July 13, 2000.

4.3 Respondent is **CENSURED** for his failure to complete the terms and conditions of his Agreed Order. The orders are agreements that Respondent has

consistently refused to abide by. He has previously failed to pay his fines or attend the required ethics course. This reflects a lack of recognition of his ethical and legal responsibilities.

4.4 Respondent can petition the Commission to terminate this Agreed Order only after the compliance office in this case has sent him a letter stating that each and every condition under the Agreed Order dated July 13, 2000, has been satisfactorily completed.

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

4.6 Respondent is responsible for all costs of complying with this Agreed Order.

4.7 Respondent shall inform the Commission and the Adjudicative Service Unit, in writing, of changes in Respondent's residential and/or business address within thirty (30) days of the change.

Section 5: FAILURE TO COMPLY

Protection of the public requires practice under the terms and conditions imposed in this order. Failure to comply with the terms and conditions of this order may result in suspension of the credential after a show cause hearing. If Respondent fails to comply with the terms and conditions of this order, the Commission may hold a hearing to require Respondent to show cause why the credential should not be suspended. Alternatively, the Commission may bring additional charges of unprofessional conduct under RCW 18.130.180(9). In either case, Respondent will be afforded notice and an opportunity for a hearing on the issue of non-compliance.

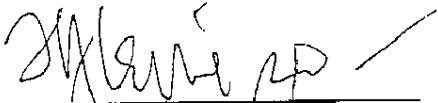
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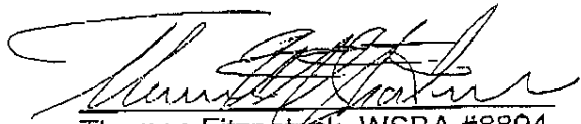
Section 6: ACCEPTANCE

I, Howard Levine, MD, Respondent, have read, understand, and agree to this Agreed Order. This Agreed Order may be presented to the Commission without my appearance. I understand that I will receive a signed copy if the Commission accepts this Agreed Order.



HOWARD LEVINE, MD
Respondent

May 10, 2006
Date



Thomas Fitzpatrick, WSBA #8894
Attorney for Respondent

May 10, 2006
Date

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Section 6: ORDER

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

DATED: June 1, 2006

STATE OF WASHINGTON
DEPARTMENT OF HEALTH
MEDICAL QUALITY ASSURANCE
COMMISSION

James R. Cook, MD
PANEL CHAIR

Presented by:

Michael J. Weisman
Michael Weisman, WSBA #17758
DEPARTMENT OF HEALTH STAFF ATTORNEY

June 1, 2006
Date

FOR INTERNAL USE ONLY:

PROGRAM NO. 2003-09-0008MD