

STATE OF ALABAMA            )  
  )  
MONTGOMERY COUNTY        )

VOLUNTARY SURRENDER

I, DEBORAH L. LEVICH, M D., do hereby voluntarily surrender my certificate of qualification and license to practice medicine in the State of Alabama, number MD.25207, under the provisions of Ala. Code §34-24-361(g)(2002). I acknowledge that this action is taken by me while under investigation by the State Board of Medical Examiners for alleged violations of Ala. Code §34-24-360(2), (3) and (13) (2002).

I acknowledge that I sign this document willingly and that I execute it as my free and voluntary act for the purposes herein expressed, and that I am of sound mind and under no constraint or undue influence. I further acknowledge that this document is a public record of the Alabama Board of Medical Examiners and may be released by the Board upon request.

EXECUTED this 17<sup>th</sup> day of March, 2008

  
DEBORAH L. LEVICH, M. D.

  
Witness



**IN THE MATTER OF** ) **BEFORE THE ALABAMA BOARD**  
 ) **OF MEDICAL EXAMINERS**  
**DEBORAH LYN LEVICH, M. D.** )  
**(Collaborative Practice with** )  
**Janet F. Onthank King, CRNP)** )

**ORDER TO SHOW CAUSE**  
**and**  
**ORDER TEMPORARILY SUSPENDING APPROVAL**  
**OF COLLABORATING PRACTICE AND SETTING HEARING**

This Order to Show Cause and Order Temporarily Suspending Approval of Collaborating Practice and Setting Hearing is directed to DEBORAH LYN LEVICH, M. D., License Number MD.00025207, pursuant to the authority of Ala. Code §§34-21-88 and 41-22-19(d)(2002) and Alabama Board of Medical Examiners Rules, Chapters 540-X-6 and 540-X-8.

It is the ORDER of the Alabama State Board of Medical Examiners (hereinafter “the Board”), that the Board’s approval of the collaborating practice of DEBORAH LYN LEVICH, M. D., with Janet F. Onthank King, CRNP, be, and the same is hereby, immediately SUSPENDED, based upon a finding by the Board that danger to the public health, safety and welfare requires the emergency suspension, and as grounds for said finding, states the following:

1. On or about July 29, 2004, Dr. Levich was approved for a collaborating practice with Janet F. Onthank King, CRNP. The site of the collaborating practice is Summit Medical Center, 1032 18<sup>th</sup> Street South, Birmingham AL 35203.
2. Upon inspection of Dr. Levich’s oversight and direction as a collaborating physician, information obtained by the Board shows that Dr. Levich knowingly condoned or permitted CRNP Janet King to engage in acts and/or to render services not authorized in her

protocol and/or to engage in acts prohibited by Ala. Code §34-21-88 and Alabama Board of Medical Examiners' Rule 540-X-8-.15, including the following:

a. The administration of an ultrasound by Ms. King on pregnant patient, SJ, without the presence of, or consultation with, a physician;

b. The dispensing of Misoprostol by Ms. King to patient SJ, without the presence of, or consultation with, a physician; and

c. The performance of a medical abortion by Ms. King by administering a dosage of Mifeprex.

3. Additionally, the Board's inspection has shown that Dr. Levich has required or knowingly permitted or condoned the prescribing of medication not on the approved formulary to patients by CRNP King.

4. Dr. Levich has allowed the prescribing of drugs not on the approved formulary by a CRNP utilizing Dr. Levich's Alabama Controlled Substances Certificate number and DEA registration number and, consequently, has aided or abetted the practice of medicine by a person not licensed by the Medical Licensure Commission of Alabama.

5. Dr. Levich has required or knowingly permitted or condoned the certified registered nurse practitioner to engage in acts or render services not authorized in the collaborative practice protocol, and Dr. Levich has committed acts which would constitute aiding or abetting the unlicensed practice of medicine, a violation of Ala. Code §34-24-360(13), all of which constitute grounds for termination of the approval of the Board of the collaborating practice of Dr. Levich and Janet F. Onthank King, CRNP.

6. Based upon investigations conducted by the Alabama Board of Medical Examiners and the Alabama Department of Public Health, the Board finds as follows:

a. On February 20, 2006, patient SJ, who was pregnant, was seen at Summit and received an ultrasound to determine the gestational age of the fetus. Although Department of Public Health Rules for Abortion or Reproductive Health Centers (hereinafter "Health Department Rules") require that the ultrasound be performed by a physician (Ala. Admin. Code §420-5-1-.03), patient SJ's ultrasound was not performed by a physician. On February 20, 2006, patient SJ, was advised by Janet F. Onthank King, CRNP, who is not a physician, that patient SJ, was six weeks pregnant.

b. On that same date, February 20, 2006, Janet F. Onthank King, CRNP, who is not a physician, performed a medical abortion by administering a dosage of Mifeprex. Pursuant to the Health Department Rules (Ala. Admin. Code §420-5-1-.03), only a physician may perform an abortion in an abortion center. Further, Ms. King performed the abortion even though the blood pressure reading for patient SJ (on February 20, 2006) was 182/129, a critical and dangerously high blood pressure that indicated a need for immediate medical treatment.

c. On February 20, 2006, Ms. King dispensed four tablets of Misoprostol to patient SJ and gave her instructions to insert the four tablets on February 22, 2006.

d. On the evening of February 26, 2006, patient SJ presented to the emergency room of a Birmingham hospital with the head of a baby protruding. While at the hospital, patient SJ delivered a stillborn, macerated, six pound, four ounce baby.

e. Though patient SJ was not seen by a physician at Summit, the facility's records inaccurately reflect that Dr. Levich, who was not present at the facility on that date, performed

the ultrasound and provided the medical abortion. Based upon information obtained by the Board during its investigation, it was determined that Dr. Levich required or knowingly permitted or condoned the alteration of records at Summit to inaccurately reflect that she was present on February 20, 2006, for patient SJ's examination, ultrasound and treatment.

7. The above-described acts also constitute unprofessional conduct as defined in Ala. Code §34-24-360(2)(2002).

8. As a result of the above-described acts, the Alabama Department of Public Health ordered an emergency suspension of the license to operate Summit as an abortion or reproductive health center on May 17, 2006.

DEBORAH LYN LEVICH, M. D., is hereby ORDERED to immediately CEASE and DESIST from engaging in the collaborating practice with Janet F. Onthank King, CRNP, which was approved on or about July 29, 2004, until such time as this Order to Show Cause shall be heard by the Alabama Board of Medical Examiners and a decision rendered thereon.

DEBORAH LYN LEVICH, M. D., is hereby ORDERED and DIRECTED to appear before the Alabama Board of Medical Examiners, 848 Washington Avenue, Montgomery, Alabama, at 1:30 p.m., CDT, on Wednesday, July 19, 2006, and to show cause, if there be any, why the approval of the Alabama Board of Medical Examiners of the collaborating practice of DEBORAH LYN LEVICH, M. D., and Janet F. Onthank King, CRNP, should not be terminated.

Dr. Levich is entitled to be present at the hearing, to call witnesses to present evidence in his behalf, to examine documents offered into evidence and to examine any witnesses called to testify. Dr. Levich is entitled to be represented by counsel at his own expense.

This hearing shall be considered a contested case under the Alabama Administrative Procedures Act, and the hearing shall be conducted in accordance with Ala. Code §41-22-1, *et. seq.*, and Chapter 6 of the Rules and Regulations of the Board of Medical Examiners.

The Honorable Wayne Turner is hereby appointed as Hearing Officer.

ORDERED this 18<sup>th</sup> day of May, 2006.

William F. Addison  
William F. Addison, Attorney for the  
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Larry D. Dixon  
Larry D. Dixon, Executive Director  
Alabama Board of Medical Examiners

RETURN OF SERVICE

I, the undersigned, being over the age of 19 years and not a party in this matter, hereby certify that I have served the foregoing Dumay Semichon upon Debrah Luch, this the 18<sup>th</sup> day of May, 2006.

Debrah Luch

Cheryl S. Thomas  
Process Server

SWORN TO AND SUBSCRIBED before me this 18<sup>th</sup> day of May, 2006.

Carla H. Kruger  
Notary Public  
My Commission Expires: 10-1-07