

**BEFORE THE MEDICAL LICENSURE COMMISSION
OF ALABAMA**

ALABAMA STATE BOARD OF MEDICAL)
EXAMINERS,)

Case no. 2020-244
2020-207

Complainant,)

vs.)

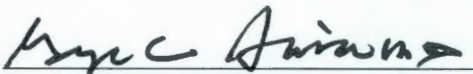
LEAH N. TORRES, M.D.)

Respondent.)

ORDER

This matter came before the Medical Licensure Commission of Alabama on January 27, 2021 on the Motion to Modify Order filed by Dr. Torres and the Response in Opposition to Respondent's Motion to Modify Order filed by the Board of Medical Examiners. Upon consideration thereof, the Commission finds that the Motion to Modify Order is due to be and is hereby DENIED.

Done this 2 day of Feb, 2021.



GEORGE C. SMITH, SR., M.D.
Chairman, Medical Licensure Commission
of Alabama

**BEFORE THE MEDICAL LICENSURE COMMISSION
OF ALABAMA**

ALABAMA STATE BOARD OF MEDICAL) EXAMINERS,)) Complainant,)) vs.)) LEAH N. TORRES, M.D.)) Respondent.) _____))	Case No. 2020-244 2020-207
---	---	---

ORDER

These matters, having been previously consolidated for hearing, came before the Medical Licensure Commission of Alabama for hearing on December 21, 2020. The Administrative Complaint filed in case number 2020-207 having been rendered moot by the expiration of the temporary license previously issued to Dr. Torres, it is hereby ordered, that the Administrative Complaint numbered 2020-207 be and is hereby DISMISSED by stipulation of the parties.

A hearing was held on December 21, 2020 on the appeal from the Alabama Board of Medical Examiners of the denial of an initial COQ applied for by Dr. Torres in case number 2020-244. Dr. Torres, along with counsel, appeared for the hearing, gave testimony, and submitted evidentiary material. The Board of Medical Examiners was represented by Mr. Wilson Hunter and his staff and submitted testimony and evidentiary material.

Regarding the claim of unprofessional conduct, the Commission found insufficient evidence that Dr. Torres's statements violated the high standard of ethical integrity or were shameful or immoral in that she was only describing a procedure that is legal in Alabama. Regarding the claim that Dr. Torres was deceptive in applying for a Temporary Emergency License when she did not

directly care for COVID-19 patients, the evidence received demonstrated that, at the time Dr. Torres applied, the language in the required affirmation was ambiguous and has since been clarified. Dr. Torres did, however, state in her application that she expected to be employed by "West Alabama Women's Center." It seems evident that this is a medical facility that does not provide direct care to COVID-19 patients. Further, the Commission notes that Dr. Torres's intent regarding the affirmation made by her in conjunction with her application for a temporary emergency license was not made a basis of the COQ denial by the board and is, therefore, outside of the Commission's jurisdiction to consider, except to the extent offered for impeachment.

Regarding the claims that Dr. Torres was untruthful in multiple answers on the application form, although the Commission found no overwhelming evidence to agree with the BME's denial of a COQ in an otherwise competent and qualified applicant, there were elements in some of Dr. Torres's answers in her application which, in their totality, were suggestive of deceptive answers and a lack of ethical integrity expected of practicing physicians in Alabama. Thus, the Commission directs that Dr. Torres must attend an ethics course. The Commission further notes that it lacks jurisdiction to consider evidence submitted at the hearing relative to whether and to what extent Dr. Torres practiced medicine after her temporary suspension of license in 2020, except to the extent offered as impeachment.

Based upon the evidence and testimony submitted at the hearing, the Commission hereby ORDERS and directs that the Alabama Board of Medical Examiners shall issue a certificate of qualification to practice medicine in the state of Alabama to Leah N. Torres, M.D. upon the completion of the following:

- 1) The successful completion by Dr. Torres of an ethics course to be approved by the Board; and

2) The issuance and payment of a non-disciplinary citation and administrative fine to Dr. Torres in an amount to be determined by the Board.


Done this 29th day of December, 2020.

Handwritten signature of George C. Smith, Sr., M.D. in black ink.

GEORGE C. SMITH, SR., M.D.
Chairman, Medical Licensure Commission
of Alabama

party with an objection to the joinder shall submit written objections within fourteen (14) days of the date of this Order.

Done this 3 day of Oct, 2020.



GEORGE C. SMITH, SR., M.D.
Chairman, Medical Licensure Commission
of Alabama



ALABAMA STATE BOARD OF MEDICAL EXAMINERS

OFFICE OF THE GENERAL COUNSEL
E. WILSON HUNTER, GENERAL COUNSEL

E. Wilson Hunter
General Counsel

whunter@albme.org
(334) 833-0188

August 20, 2020

VIA FEDERAL EXPRESS

Leah N. Torres, M.D.
535 Jack Warner Pkwy NE Ste 1
Tuscaloosa AL 35404



RE: Letter of Notice of Denial of Application

Dear Dr. Torres:

On August 19, 2020, the Alabama State Board of Medical Examiners ("the Board") considered your application for a certificate of qualification for a license to practice medicine in Alabama. Based on information contained in your application, and information received in connection with that application, the Board found the following:

1. That you have committed fraud in applying for a certificate of qualification to practice medicine in Alabama when you submitted or caused to be submitted to the Alabama State Board of Medical Examiners an application for a certificate of qualification in which you answered "No" to question 6, when, in fact, your staff privileges at a hospital or health care facility had been revoked, suspended, curtailed, limited, or placed under conditions restricting your practice, in violation of Ala. Code § 34-24-360(1).
2. That you have committed fraud in applying for a certificate of qualification to practice medicine in Alabama when you submitted or caused to be submitted to the Alabama State Board of Medical Examiners an application for a certificate of qualification in which you answered "No" to question 8, when, in fact, a medical malpractice action relating to your performance of professional service was settled on or about August 28, 2018, in violation of Ala. Code § 34-24-360(1).
3. That you have committed fraud in applying for a certificate of qualification to practice medicine in Alabama when you submitted or caused to be submitted to the Alabama State Board of Medical Examiners an application for a certificate of qualification in which you answered "No" to question 10, when, in fact, on or about March 13, 2019, you, through counsel, raised the issue of a mental, emotional, nervous, or behavioral disorder or condition as a defense, mitigation, or explanation for your actions in the course of a judicial proceeding in the United States District Court for the District of Utah, case number 2:19-cv-175-BSJ, in violation of Ala. Code § 34-24-360(1).

4. That you have submitted or caused to be submitted false, misleading, or untruthful information to the Board in connection with your application for a certificate of qualification to practice medicine in Alabama when you answered "Yes" to question 14 and, in explanation, stated that you worked as a locum tenens physician between June 2018 and February 2019, when, in fact, you were unable to find employment from March 2018 to December 2018, in violation of Ala. Code § 34-24-360(1).
5. That you have committed unprofessional conduct as defined in the rules promulgated by the Medical Licensure Commission; specifically, you have made public statements related to the practice of medicine which violate the high standards of honesty, diligence, prudence, and ethical integrity demanded from physicians licensed to practice in Alabama and which evidence conduct which is immoral and which is willful, shameful, and which shows a moral indifference to the standards and opinions of the community, in violation of Rule 545-X-4-.06 of the Rules and Regulations of the Medical Licensure Commission, all in violation of Ala. Code § 34-24-360(2).

Accordingly, the Board decided to deny your application for a certificate of qualification pursuant to Ala. Code §34-24-70(d) and Board Rule 540-X-3-.19.

You have the right to appeal the decision of the Board denying your application for a certificate of qualification to the Medical Licensure Commission pursuant to Rules 540-X-3-.21 and 540-X-5-.08 of the Rules and Regulations of the Alabama State Board of Medical Examiners. Copies of these rules are enclosed for your information. The time for the filing of an appeal is limited to thirty (30) days from the date of this letter.

If you desire to appeal the decision of the Board, your notice of appeal must be filed with the Commission on or before September 21, 2020. Any written notice of appeal should be directed to George C. Smith, Sr., M.D., Chairman, Medical Licensure Commission of Alabama, P.O. Box 887, Montgomery, Alabama 36101-0887, phone 334-242-4153 or 1-800-227-2606, e-mail ksilas@almlc.org.

If you have any questions concerning this matter, please contact our office.

Sincerely,
Alabama Board of Medical Examiners



E. Wilson Hunter
General Counsel

EWH:chk
Enclosures

cc: Tiffany Seamon, Director of Credentialing (w/o enclosures)
Karen Silas, Executive Assistant, Medical Licensure Commission (w/o enclosures)

ALABAMA STATE BOARD OF)
MEDICAL EXAMINERS,)
)
 Complainant,)
)
 v.)
)
 LEAH N. TORRES, M.D.)
)
 Respondent.)

BEFORE THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

CASE NO. 2020-207

**ORDER TEMPORARILY SUSPENDING LICENSE
AND SETTING HEARING**

Upon the verified Administrative Complaint of the Alabama State Board of Medical Examiners, and pursuant to the authority of Ala. Code §§ 34-24-361(f) and 41-22-19(d), it is the ORDER of the Commission that the license to practice medicine in Alabama, license certificate number MD.41207, of LEAH N. TORRES, M.D., be, and the same is hereby, immediately suspended. LEAH N. TORRES, M.D., is hereby ORDERED and DIRECTED to surrender the said license certificate to Sam Aikens, a duly authorized agent of the Medical Licensure Commission. LEAH N. TORRES, M.D., is hereby ORDERED to immediately CEASE and DESIST from the practice of medicine in the State of Alabama until such time as the Administrative Complaint of the Alabama State Board of Medical Examiners shall be heard by the Commission and a decision rendered thereon.

This action is made consistent with the Rules and Regulations of the Board of Medical Examiners and the Medical Licensure Commission and Ala. Code § 34-24-361(f), based upon the request of the Alabama State Board of Medical Examiners upon the Board's finding and certification that the Board presently has evidence in its possession that the continuance in practice of LEAH N. TORRES, M.D. may constitute an immediate danger to her patients and/or the public.


It is the further ORDER of the Medical Licensure Commission that the Administrative Complaint of the Alabama State Board of Medical Examiners be, and the same is hereby, set for hearing on the 9th day of December, 2020, at 10:00 a.m., at the offices of the Medical Licensure Commission, 848 Washington Avenue, Montgomery, Alabama.

LEAH N. TORRES, M.D., is ORDERED to appear before the Commission at the aforesaid time and date to answer the allegations of the Administrative Complaint filed by the Alabama State Board of Medical Examiners.

It is the further ORDER of the Commission that a copy of the verified Administrative Complaint of the Alabama State Board of Medical Examiners and a copy of this order shall be forthwith served upon LEAH N. TORRES, M.D., by personally delivering the same to her at her office or at her residence or such place as she may be found in the State of Alabama, or by certified mail, return receipt requested, to her last known address if she cannot be found in the State of Alabama. The Commission further directs that the service of process shall be made by Sam Aikens, who is designated as the duly authorized agent of the Medical Licensure Commission.

It is further ordered that the parties and their attorneys immediately check their calendars for scheduling conflicts. No requests for continuances based upon scheduling conflicts of attorneys or parties will be considered unless such request is made forty-five (45) days prior to the scheduled hearing date.

ORDERED at Montgomery, Alabama, this 26 day of August 2020.



George C. Smith, Sr., M.D.
Medical Licensure Commission of Alabama



ALABAMA STATE BOARD OF MEDICAL EXAMINERS

OFFICE OF THE GENERAL COUNSEL
E. WILSON HUNTER, GENERAL COUNSEL

E. Wilson Hunter
General Counsel

whunter@albme.org
(334) 833-0188

August 20, 2020

VIA FEDERAL EXPRESS

Leah N. Torres, M.D.
535 Jack Warner Pkwy NE Ste 1
Tuscaloosa AL 35404

RE: Letter of Notice of Denial of Application

Dear Dr. Torres:

On August 19, 2020, the Alabama State Board of Medical Examiners ("the Board") considered your application for a certificate of qualification for a license to practice medicine in Alabama. Based on information contained in your application, and information received in connection with that application, the Board found the following:

1. That you have committed fraud in applying for a certificate of qualification to practice medicine in Alabama when you submitted or caused to be submitted to the Alabama State Board of Medical Examiners an application for a certificate of qualification in which you answered "No" to question 6, when, in fact, your staff privileges at a hospital or health care facility had been revoked, suspended, curtailed, limited, or placed under conditions restricting your practice, in violation of Ala. Code § 34-24-360(1).
2. That you have committed fraud in applying for a certificate of qualification to practice medicine in Alabama when you submitted or caused to be submitted to the Alabama State Board of Medical Examiners an application for a certificate of qualification in which you answered "No" to question 8, when, in fact, a medical malpractice action relating to your performance of professional service was settled on or about August 28, 2018, in violation of Ala. Code § 34-24-360(1).
3. That you have committed fraud in applying for a certificate of qualification to practice medicine in Alabama when you submitted or caused to be submitted to the Alabama State Board of Medical Examiners an application for a certificate of qualification in which you answered "No" to question 10, when, in fact, on or about March 13, 2019, you, through counsel, raised the issue of a mental, emotional, nervous, or behavioral disorder or condition as a defense, mitigation, or explanation for your actions in the course of a judicial proceeding in the United States District Court for the District of Utah, case number 2:19-cv-175-BSJ, in violation of Ala. Code § 34-24-360(1).

4. That you have submitted or caused to be submitted false, misleading, or untruthful information to the Board in connection with your application for a certificate of qualification to practice medicine in Alabama when you answered "Yes" to question 14 and, in explanation, stated that you worked as a locum tenens physician between June 2018 and February 2019, when, in fact, you were unable to find employment from March 2018 to December 2018, in violation of Ala. Code § 34-24-360(1).
5. That you have committed unprofessional conduct as defined in the rules promulgated by the Medical Licensure Commission; specifically, you have made public statements related to the practice of medicine which violate the high standards of honesty, diligence, prudence, and ethical integrity demanded from physicians licensed to practice in Alabama and which evidence conduct which is immoral and which is willful, shameful, and which shows a moral indifference to the standards and opinions of the community, in violation of Rule 545-X-4-.06 of the Rules and Regulations of the Medical Licensure Commission, all in violation of Ala. Code § 34-24-360(2).

Accordingly, the Board decided to deny your application for a certificate of qualification pursuant to Ala. Code §34-24-70(d) and Board Rule 540-X-3-.19.

You have the right to appeal the decision of the Board denying your application for a certificate of qualification to the Medical Licensure Commission pursuant to Rules 540-X-3-.21 and 540-X-5-.08 of the Rules and Regulations of the Alabama State Board of Medical Examiners. Copies of these rules are enclosed for your information. The time for the filing of an appeal is limited to thirty (30) days from the date of this letter.

If you desire to appeal the decision of the Board, your notice of appeal must be filed with the Commission on or before September 21, 2020. Any written notice of appeal should be directed to George C. Smith, Sr., M.D., Chairman, Medical Licensure Commission of Alabama, P.O. Box 887, Montgomery, Alabama 36101-0887, phone 334-242-4153 or 1-800-227-2606, e-mail ksilas@almlc.org.

If you have any questions concerning this matter, please contact our office.

Sincerely,
Alabama Board of Medical Examiners



E. Wilson Hunter
General Counsel

EWH:chk
Enclosures

cc: Tiffany Seamon, Director of Credentialing (w/o enclosures)
Karen Silas, Executive Assistant, Medical Licensure Commission (w/o enclosures)