



STATE OF NEW YORK DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Public

February 28, 2007

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Denise Lepicier, Esq.
NYS Department of Health
90 Church Street -4th Floor
New York, New York 10007

Georges Leveque, Jr., M.D.
180 Ketay Drive South
East Northport, New York 11731

RE: In the Matter of Georges Leveque, Jr., M.D.

Dear Parties:

Enclosed please find the Determination and Order (No. 07-47) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct
New York State Department of Health
Hedley Park Place
433 River Street - Fourth Floor
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

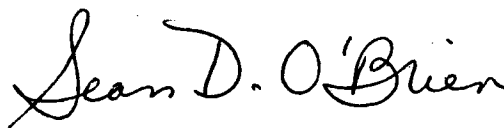
The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge
New York State Department of Health
Bureau of Adjudication
Hedley Park Place
433 River Street, Fifth Floor
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's Determination and Order.

Sincerely,



Sean D. O'Brien, Director
Bureau of Adjudication

SDO:cah

Enclosure

**STATE OF NEW YORK : DEPARTMENT OF HEALTH
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT**

**IN THE MATTER
OF
GEORGES LEVEQUE JR., M.D.**

DETERMINATION

AND

ORDER

BPMC #07-47

COPY

A Notice of Hearing and Statement of Charges, both dated December 4, 2006, were served upon the Respondent, **GEORGES LEVEQUE JR. M.D.** Chairperson **ALAN KOPMAN, SHELDON GAYLIN M.D.,** and **RAFAEL LOPEZ M.D.,** duly designated members of the State Board for Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. Administrative Law Judge **KIMBERLY A. O'BRIEN ESQ.** served as the Administrative Officer.

The Department of Health ("the Department") appeared by **THOMAS CONWAY ESQ.,** General Counsel, by **DENISE LEPICIER ESQ.,** of Counsel. The Respondent did not appear either in person or by a representative.

Evidence was received and argument heard, and transcripts of these proceedings were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

PROCEDURAL HISTORY

Notice of Hearing & Statement Charges	December 4, 2006
Answer Filed*	None
Pre Hearing Conference*	January 24, 2007
Hearing Date*	January 30, 2007
Deliberation Date*	January 30, 2007
Witnesses for Petitioner*	None
Witnesses for Respondent*	None
Hearing Transcript Received	February 12, 2007

* The Respondent did not file an answer or appear at the prehearing conference or the hearing. A default hearing was held and the Petitioner presented a case consisting only of documentary evidence. The Hearing Committee deliberated immediately following the hearing.

STATEMENT OF CASE

The State Board for Professional Medical Conduct is a duly authorized professional disciplinary agency of the State of New York (§230 et seq of the Public Health Law of the State of New York [hereinafter P.H.L.]).

This case was brought by the New York State Department of Health, Office of Professional Medical Conduct (hereinafter "Petitioner" or "Department") pursuant to §230 of the Public Health Law. GEORGES LEVEQUE JR., M.D. ("Respondent") is charged with one specification of professional misconduct, as defined in §6530(15) of the

GEORGES LEVEQUE JR. M.D

Education Law of the State of New York ("Education Law"). Specifically, Respondent is charged with failing to comply with an Order to submit to a medical or psychiatric examination ("Examination Order") issued by a Committee on Professional Medical Conduct of the State Board for Professional Medical Conduct pursuant to P.H.L. § 230 (7). The charges are more specifically set forth in the Statement of Charges, a copy of which is attached to this Determination and order as Appendix I.

FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Unless otherwise noted, all findings and conclusions set forth below are the unanimous determinations of the Hearing Committee. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. Numbers below in parentheses refer to exhibits (denoted by the prefix "Ex.") or transcript page numbers ("Tr."). These citations refer to evidence found persuasive by the Hearing Committee in arriving at a particular finding.

Having heard argument and considered the documentary evidence presented, the Hearing Committee hereby makes the following findings of fact:

1. Georges Leveque Jr. M.D., the Respondent, was authorized to practice medicine in New York State on October 5, 1979, by the issuance of license number 140019 by the New York State Education Department (Department's Ex. 2).

2. The Respondent is required by Education Law §6502(3) to renew his medical license registration with the New York State Education Department ("Education Department"), list his current address and pay the required registration fee. On or about August 15, 2006, the Respondent renewed his registration for the period 9/1/06 - 8/31/08 and provided the following address 180 Ketay Drive South, East Northport, New York, 11731, and paid a Six-Hundred Dollar (\$600.00) registration fee (Department's Ex.

2). The New York State Education Department received the registration renewal on or about August 17, 2006 (See Department's Ex. 2 p.15).

3. On August 17, 2006, a letter notifying Respondent that there would be a proceeding pursuant to P.H.L. §230(7) was delivered to Respondent at his last known address, 180 Ketay Drive South, East Northport, New York, 11731 ("last known address") (Department's Ex. 3). The letter informs the Respondent that: a Committee will meet to review information received by the office of Professional Medical Conduct and determine whether the information (summarized in the letter) indicates that the Respondent may be impaired by alcohol, drugs, physical disability or mental disability; he may attend and may be accompanied by an attorney and will be given an opportunity to be heard; he may make a written submission to the Committee prior to the proceeding; the Committee will proceed even if the Respondent does not appear; at the conclusion of the proceeding the Committee will determine whether to direct Respondent to a physical and/or psychological evaluation; and should he be directed to an examination the results will be directed to the Respondent and the Committee and

he can obtain an independent evaluation and submit the results for review and consideration (Department's Ex. 3).

4. On or about September 8, 2006 the Respondent was given notice that a Committee of the Board for Professional Medical Conduct issued an Order pursuant to P.H.L. §230(7) ("Examination Order") (Department's Ex. 4). The Examination Order directs Respondent to schedule and submit to a medical and/ or psychiatric evaluation with examining physician, Arnold E. Merriam M.D., no later than October 7, 2006 (Department's Ex. 4).

5. The Respondent did not contact or present himself to examining physician Arnold E. Merriam, M.D., by October 7, 2006 (Department's Ex. 6).

6. The Respondent did not comply with the Examination Order, dated September 7, 2006 (Department's Ex. 4, Department's Ex. 6).

CONCLUSIONS OF LAW

The Administrative Officer found that the Petitioner exercised due diligence in attempting to personally serve the Respondent with the Notice of Hearing and Statement of Charges and by certified mail pursuant to P.H.L. §230 (10) (d) (Department's Ex. 1). The Petitioner followed the statutory requirements for service of documents related to this proceeding, and in addition sent to the Respondent's last known address, by priority mail with delivery confirmation, copies of the following documents: Notice of Hearing and Statement of Charges, Notice of a P.H.L. §230 (7) Proceeding, Examination Order,

and Letter of Investigation (Tr. pp. 8-9, Department's Ex. 1, 3, 4, 5 & 7). The Respondent was afforded due process having been apprised of these proceedings and provided with an opportunity to be heard and present objections. The Respondent failed to submit an answer to the single specification set forth in the Statement of Charges and it was deemed admitted pursuant to P.H.L. §230 (10) (c).

DISCUSSION

The hearing proceeded in the absence of the Respondent. At the request of the Petitioner, the Hearing Committee agreed to deliberate and make factual findings so that a full record would be available to the Court in the event the Respondent sought to appeal the decision of the Hearing Committee (Tr. pp. 18 - 19). The Respondent did not appear and/or provide any mitigating evidence. Since the Petitioner's case consisted solely of documentary evidence, the Hearing Committee carefully reviewed and considered the documentary evidence.

The Respondent clearly established his intention to practice medicine in New York when on or about August 15, 2006, he renewed his license registration to practice medicine for the period 9/1/06 - 8/31/08, which included a \$600.00 registration fee (Department's Ex. 2). The initial Notice of a Public Health Law §230 (7) proceeding was delivered on August 17, 2006, to Respondent's "last known address" which had been confirmed by Respondent two days earlier on August 15, 2006. (See Findings 2& 3, Tr. pp. 5-9, Department's Ex. 2 pp.14-15). Throughout this process documents were sent to Respondent's last known address, by priority mail with delivery confirmation (Tr. pp.

8-9, Department's Ex. 1, 3, 4, 5 & 7). Unfortunately, the Respondent has not participated in the process and has not submitted to an examination or offered evidence of mitigating circumstances or rehabilitation. The Hearing Committee has determined that the Petitioner has proven by a preponderance of evidence that the Respondent failed to comply with the Examination Order, and by definition this constitutes professional misconduct.

DETERMINATION AS TO PENALTY

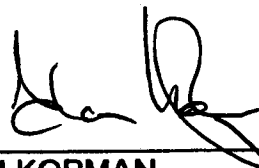
The Hearing Committee's primary responsibility is to protect the public and upon finding that the Respondent failed to comply with the Examination Order they must determine what penalty is appropriate to protect the public. The Hearing Committee is concerned that the Respondent may be impaired by a physical and/or mental illness which compromises his ability to practice medicine (Department's Ex. 3 & 4). The Respondent cannot be forced to undergo the ordered examination, and without it no determination can be made about whether the Respondent is a danger to the public. P.H.L. §230-a sets forth the penalties the Hearing Committee can impose. The statute does **not** provide for indefinite suspension of the Respondent's license until Respondent chooses to undergo the ordered examination. After due and careful consideration of the penalties available pursuant to P.H.L. §230-a, the Hearing Committee has determined that they have no other recourse than to **REVOKE** Respondent's license to practice medicine.

ORDER

Based on the foregoing, **IT IS HEREBY ORDERED THAT:**

1. The First Specification of professional misconduct, as set forth in the Statement of Charges (Appendix 1) is **SUSTAINED**; and
2. The Respondent's license to practice medicine in the State of New York is hereby **REVOKED**; and
3. This **ORDER** shall be effective upon service on the Respondent pursuant to P.H.L. §230(10)(h).

DATED: 2/27/07 , New York



ALAN KOPMAN,,
Chairperson
SHELDON GAYLIN M.D.
RAFAEL LOPEZ M.D.

To: Georges Leveque Jr. M.D.
180 Ketay Drive South
East Northport, New York, 11731

APPENDIX 1

IN THE MATTER
OF
GEORGES LEVEQUE, JR., M.D.

STATEMENT
OF
CHARGES

GEORGES LEVEQUE, JR., M.D., the Respondent, was authorized to practice medicine in New York State on or about October 5, 1979, by the issuance of license number 140019 by the New York State Education Department.

FACTUAL ALLEGATIONS

- A. On or about September 7, 2006, pursuant to Public Health Law Section 230(7), a Committee of the Board of Professional Medical Conduct ordered Respondent to undergo an examination, to begin before October 7, 2006, because it had found there was reason to believe that Respondent might be impaired by a physical or mental disability. Respondent did not comply with the order.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION

FAILING TO COMPLY WITH AN ORDER

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(15) by failing to comply with an order issued pursuant to

Public Health Law Section 230, subsection 7, as alleged in the facts of:

1. Paragraph A.

DATE: December 4, 2006
New York, New York



Roy Nemerson
Deputy Counsel
Bureau of Professional Medical Conduct