



New York State Board for Professional Medical Conduct

433 River Street, Suite 303 • Troy, New York 12180-2299 • (518) 402-0863

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Office of Professional Medical Conduct

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Vice Chair

Ansel R. Marks, M.D., J.D.
Executive Secretary

August 8, 2002

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Jules Frank Levey, M.D.
400 North Main Street
Warsaw, New York 14569

RE: License No. 172453

Dear Dr. Levey:

Enclosed please find Order #BPMC 02-244 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect August 8, 2002.

If the penalty imposed by the Order is a surrender, revocation or suspension of this license, you are required to deliver to the Board the license and registration within five (5) days of receipt of the Order.

Board for Professional Medical Conduct
New York State Department of Health
Hedley Park Place, Suite 303
433 River Street
Troy, New York 12180

If the penalty imposed by the Order is a fine, please write the check payable to the New York State Department of Health. Noting the BPMC Order number on your remittance will assist in proper crediting. Payments should be directed to the following address:

Bureau of Accounts Management
New York State Department of Health
Coming Tower, Room 1258
Empire State Plaza
Albany, New York 12237

Sincerely,

A handwritten signature in black ink, appearing to read "Ansel R. Marks". The signature is stylized and cursive.

Ansel R. Marks, M.D., J.D.
Executive Secretary
Board for Professional Medical Conduct

Enclosure

cc: Eric T. Dadd, Esq.
Dadd and Nelson
11 Exchange Street
Attica, New York 14011

**IN THE MATTER
OF
JULES FRANK LEVEY, M.D.**

**CONSENT
ORDER**

BPMC No. 02-244

Upon the application of JULES FRANK LEVEY, M.D. in the attached Consent Agreement and Order, which is made a part of this Consent Order, it is

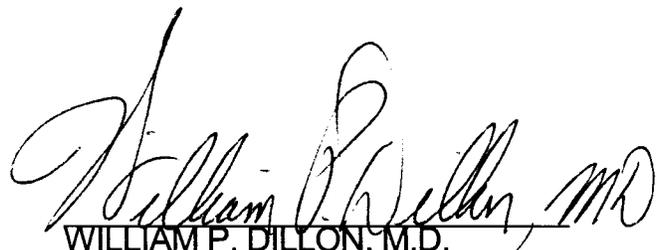
ORDERED, that the Consent Agreement, and its terms, are adopted and SO ORDERED, and it is further

ORDERED, that this Order shall be effective upon issuance by the Board, either

- by mailing of a copy of this Consent Order, either by first class mail to Respondent at the address in the attached Consent Agreement or by certified mail to Respondent's attorney, OR
- upon facsimile transmission to Respondent or Respondent's attorney, Whichever is first.

SO ORDERED.

DATED: 8/7/02



WILLIAM P. DILLON, M.D.
Chair
State Board for Professional Medical Conduct

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

**IN THE MATTER
OF
JULES FRANK LEVEY, M.D.**

**CONSENT
AGREEMENT
AND
ORDER**

JULES FRANK LEVEY, M.D., representing that all of the following statements are true, deposes and says:

That on or about September 23, 1987, I was licensed to practice as a physician in the State of New York, and issued License No. 172453 by the New York State Education Department.

My current address is 400 North Main Street, Warsaw, New York, and I will advise the Director of the Office of Professional Medical Conduct of any change of address.

I understand that the New York State Board for Professional Medical Conduct has charged me with two (2) specifications of professional misconduct.

A copy of the Statement of Charges, marked as Exhibit "A", is attached to and made a part of this Consent Agreement.

I do not contest the two (2) specifications set forth in the Statement of Charges, Exhibit A, in full satisfaction of the charges against me, and agree to the following penalty:

A Censure and Reprimand and a \$2,500 fine.

I further agree that the Consent Order shall impose the following conditions:

That Respondent shall maintain current registration of licensure with the New York State Education Department Division of Professional Licensing Services (except during periods of actual suspension), and shall pay all registration fees. This condition shall take effect thirty (30) days after the Consent Order's effective date and will continue so long as Respondent remains licensed in New York State; and

That Respondent shall cooperate fully with the Office of Professional Medical Conduct (OPMC) in its administration and enforcement of this Order and in its investigations of matters concerning Respondent. Respondent shall respond in a timely manner to all OPMC requests for written periodic verification of Respondent's compliance with this Order. Respondent shall meet with a person designated by the Director of OPMC, as directed. Respondent shall respond promptly and provide all documents and information within Respondent's control, as directed. This condition shall take effect upon the Board's issuance of the Consent Order and will continue so long as Respondent remains licensed in New York State.

I shall be subject to a fine in the amount of \$2,500, pursuant to §230-a(7) and (9) of the Public Health Law, to be paid within 30 days of the effective date of this order. Payments must be submitted to:

Bureau of Accounts Management
New York Department of Health
Room 1245 Corning Tower
Albany, New York 12237

I stipulate that my failure to comply with any conditions of this Order shall constitute misconduct as defined by New York State Education Law §6530(29).

I agree that if I am charged with professional misconduct in future, this Consent Agreement and Order **shall** be admitted into evidence in that proceeding.

I ask the Board to adopt this Consent Agreement.

I understand that if the Board does not adopt this Consent Agreement, none of its terms shall bind me or constitute an admission of any of the acts of alleged misconduct; this Consent Agreement shall not be used against me in any way and shall be kept in strict confidence; and the Board's denial shall be without prejudice to the pending disciplinary proceeding and the Board's final determination pursuant to the Public Health Law.

I agree that, if the Board adopts this Consent Agreement, the Chair of the Board shall issue a Consent Order in accordance with its terms. I agree that this Order shall take effect upon its issuance by the Board, either by mailing of a copy of the Consent Order by first class mail to me at the address in this Consent Agreement, or to my attorney by certified mail, OR upon facsimile transmission to me or my attorney, whichever is first.

I ask the Board to adopt this Consent Agreement of my own free will and not under duress, compulsion or restraint. In consideration of the value to me of the Board's adoption of this Consent Agreement, allowing me to resolve this matter without the various risks and burdens of a hearing on the merits, I knowingly waive my right to contest the Consent Order for which I apply, whether administratively or judicially, I agree to be bound by the Consent Order, and ask that the Board adopt this Consent Agreement.

DATED 7-25-2002


JULES FRANK LEVEY, M.D.
RESPONDENT

The undersigned agree to Respondent's attached Consent Agreement and to its proposed penalty, terms and conditions.

DATE:

7/25/02


ERIC T. DADD, ESQ.
Attorney for Respondent

DATE:

July 19, 2002


BARRY C. PLUNKETT
Associate Counsel
Bureau of Professional Medical Conduct

DATE:

August 5, 2002


DENNIS J. GRAZIANO
Director
Office of Professional Medical Conduct

IN THE MATTER
OF
JULES FRANK LEVEY, M.D.

STATEMENT
OF
CHARGES

JULES FRANK LEVEY, M.D., the Respondent, was authorized to practice medicine in New York State on or about September 23, 1987, by the issuance of license number 172453 by the New York State Education Department.

FACTUAL ALLEGATIONS

A. Respondent, on or about April 20, 2001, signed and submitted a "Wyoming County Community Hospital Application" for Appointment - Medical Staff to the Wyoming County Community Hospital, 400 North Main Street, Warsaw, New York 14569.

1. Question "VII-B" of the Application was as follow:

"VII-B. Has your employment, medical staff appointment, or clinical privileges ever been voluntarily or involuntarily suspended, diminished, revoked, refused, relinquished, or limited to any hospital or other health care facility?"

Respondent represented that the answer to that question was "No" by checking the line of the subject application under the column marked No. In fact, the statement was, not true, and Respondent knew it was not true, since Respondent had sustained on August 29, 2000, a summary suspension of his medical staff privileges at Noble Hospital, 115 W. Silver Street, Westfield, Massachusetts 01086-1634 (hereafter Noble Hospital).

2. Question "VII-C" of the Application was as follows:

"VII-C. Have you ever withdrawn your application for appointment, or clinical privileges or resigned from the medical staff before a decision was made by a hospital's or health care facility's governing board?"

Respondent represented that the answer to that question was "No" by checking the line of the subject application under the column marked "No". In fact, the statement was not true, and Respondent knew it was not true, since Respondent had withdrawn his pending request for appellate review and had relinquished any and all rights to all further appeals, whether judicial, administrative or otherwise, of the decision of the Hearing Committee of Noble Hospital dated December 6, 2000 sustaining the August 29, 2000 summary suspension of his medical staff privileges at Noble Hospital, pursuant to the General Release and Settlement Agreement the Respondent signed on or about January 18, 2001.

B. Respondent, on or about May 2, 2001, signed and submitted an "Application for Panel Membership - Reaffirmation of Professional Status" to Univera Health Care, 205 Park Club Lane, Buffalo, New York 14221.

1. Question "4" of the Reaffirmation was as follows:

"4. I have current hospital privileges. I have never relinquished my privileges nor had my privileges at any hospital or health care facility reduced, restricted, suspended, revoked, denied, and/or non-renewed. I am not subject to monitoring of my clinical privileges, and there has been no change in or limitation on my clinical privileges."

Respondent represented that the above statement was true by placing a mark on the line next to Question "4" of the Reaffirmation. In fact, the statement was not true, and Respondent knew it was not true, since Respondent had sustained on August 29, 2000, a summary suspension of his medical staff privileges at Noble Hospital.

2. Question "5" of the Reaffirmation was as follows:

"5. I have never discontinued affiliations with any hospital."

Respondent represented that the answer to that question was "No" by checking the line of the subject application under the column marked "No". In fact, the statement was not true, and Respondent knew it was not true, since Respondent had withdrawn his pending request for appellate review and had relinquished any and all rights to all further appeals, whether judicial, administrative or otherwise, of the decision of the Hearing Committee of Noble Hospital dated December 6, 2000 sustaining the August 29, 2000 summary suspension of his medical staff privileges at Noble Hospital, 115 W. Silver Street, Westfield, Massachusetts 01086-1654, pursuant to the General Release and Settlement Agreement the Respondent signed on or about January 18, 2001.

C. Respondent, on or about May 2, 2001, signed and submitted an Application for Panel Membership to Independent Health, 511 Farber Lakes Drive, Buffalo, New York 14221.

1. Question "23" of the Application was as follows:

"23. Has any hospital ever restricted, reduced, or suspended your privileges or invoked probation?"

Respondent represented that the answer to that question was "No" by checking the line of the subject application marked "No". In fact, the statement was, not true, and Respondent knew it was not true, since Respondent had sustained on August 29, 2000, a summary suspension of his medical staff privileges at Noble Hospital.

D. Respondent, on or about June 22, 2001, signed and submitted an Application for Panel Membership to Community Blue the HMO of Blue Cross/Blue Shield of Western New York, 1901 Main street, Buffalo, New York 14208.

1. Question - Section VIII - Confidential Provide Information was as follows:

Question: "Has any hospital, facility, HMO, or other health plan ever limited, denied, revoked or restricted your professional privileges?"

Respondent represented that the above statement was "No" by checking the line and box of the subject application under the column marked "No". In fact, the statement was not true, and Respondent knew it was not true, since Respondent had sustained on August 29, 2000, a summary suspension of his medical staff privileges at Noble Hospital.

2. Question - Section VIII Confidential Provider Information was as follows:

Question "Have you been the subject of corrective action as a member of any hospital or medical staff?"

Respondent did not answer the question. In fact, the statement was true, and Respondent knew it was true and should have checked the line and box of the subject application under the column marked "Yes", since Respondent had sustained on August 29, 2000, a summary suspension of his medical staff privileges at Noble Hospital, and he had withdrawn his pending request for appellate review and had relinquished any and all rights to all further appeals, whether judicial, administrative or otherwise of the decision of the Hearing Committee of Noble Hospital dated December 6, 2000 sustaining the August 29, 2000 summary suspension of his medical staff privileges at Noble Hospital, pursuant to the General Release and Settlement Agreement the Respondent signed on or about January 18, 2001.

E. Respondent, on or about June 22, 2001, signed and submitted a "Blue Cross/Blue Shield Managed Care Organization Credentials Application" to Community Blue, the HMO of Blue Cross & Blue Shield in Western New York, 1901 Main Street, Buffalo, New York 14208.

1. Question "2" under the section captioned "Corrective or Disciplinary Action" read as follows:

Question: "Has your employment, medical staff appointment, panel participation, affiliation or clinical privileges ever been voluntarily or involuntarily suspended, diminished, revoked, refused or limited in any

hospital, health care facility or managed care organization, including to avoid disciplinary action?"

Respondent represented that the answer to that question was "No" by checking the line of the subject application under the column marked No. In fact, the statement was, not true, and Respondent knew it was not true, since Respondent had sustained on August 29, 2000, a summary suspension of his medical staff privileges at Noble Hospital.

F. Respondent, on or about April 16, 2001, signed and submitted a "Delayed Registration Application" to the New York State Education Department for the period from on or about April 2001 through March 2003.

1. A section of Question "5" of the Delayed Registration Application read as follows:

"Since you last registered, has any hospital or licensed facility restricted or terminated your professional training, employment, or privileges or have you ever voluntarily or involuntarily resigned or withdrawn from such association to avoid imposition of such action due to professional misconduct, unprofessional conduct, incompetence or negligence."

Respondent represented that the answer to that question was "No" by checking the line marked "No" next to that section of Question "5" of the Application. In fact, the statement was not true, and Respondent knew it was not true, since Respondent had sustained on August 29, 2000, a Summary Suspension of his medical staff privileges at Noble Hospital, and that Respondent had withdrawn his pending request for Appellate review and had relinquished any

and all rights to all further appeals, whether judicial, administrative or otherwise, of the decision of the Hearing Committee of Noble Hospital dated December 6, 2000 sustaining the August 29, 2000 Summary Suspension of his medical staff privileges at Noble Hospital, pursuant to the General Release and Settlement Agreement the Respondent signed on or about January 18, 2001.

SPECIFICATION OF CHARGES

FIRST SPECIFICATION FRAUDULENT PRACTICE

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(2) by practicing the profession of medicine fraudulently as alleged in the facts of the following:

1. The facts in Paragraphs A and A.1, A and A.2, B and B.1, B and B.2, C and C.1, D and D.1, D and D.2, E and E.1 and/or F and F.1.

SECOND SPECIFICATION FALSE REPORTS

Respondent is charged with committing professional misconduct as defined in N.Y. Educ. Law §6530(21) by willfully making or filing a false report, or failing to file a report required by law or by the Department of Health or the Education Department, as alleged in the facts of the following:

2. The facts in Paragraphs A and A.1, A and A.2, B and B.1, B and B.2, C and C.1, D and D.1, D and D.2, E and E.1 and/or F and F.1.

DATED: July 19, 2002
Albany, New York


Peter D. Van Buren
Deputy Counsel
Bureau of Professional Medical Conduct