



**New York State Board for Professional Medical Conduct**

433 River Street, Suite 303 Troy, New York 12180-2299 • (518) 474-8357

Barbara A. DeBuono, M.D., M.P.H.  
Commissioner of Health

Charles J. Vacanti, M.D.  
Chair

January 8, 1997

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Jonathan Levi, M.D.  
2135 Sheffield Drive  
Kalamazoo, Michigan 49008-1754

RE: License No. 138548

Dear Dr. Levi:

Enclosed please find Order #BPMC 97-5 of the New York State Board for Professional Medical Conduct. This Order and any penalty provided therein goes into effect upon receipt of this letter or seven (7) days after the date of this letter, whichever is earlier.

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

Sincerely,

Charles Vacanti, M.D.  
Chair  
Board for Professional Medical Conduct

Enclosure

cc: Barry Gold, Esq.  
Thuillez, Ford, Gold & Conolly  
90 State Street, Suite 1522  
Albany, New York 12207

Karen Eileen Carlson, Esq.

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

-----X  
IN THE MATTER : SURRENDER  
: AGREEMENT  
OF : AND  
JONATHAN LEVI, M.D. : ORDER  
-----X BPMC # 97-5

STATE OF MICHIGAN )  
                  ) ss.:  
COUNTY OF (ALAMOGON)

Jonathan Levi, M.D., being duly sworn, deposes and says:

I was licensed to practice medicine as a physician in the State of New York having been issued license number 138548 by the New York State Education Department.

I am not currently registered with the New York State Education Department to practice as a physician in the State of New York.

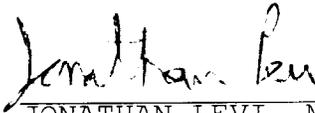
I understand that I have been charged with one specification of professional misconduct as set forth in the Statement of Charges, annexed hereto, made a part hereof, and marked as Exhibit A.

I am applying to the State Board for Professional Medical Conduct to surrender my license as a physician in the State of New York on the grounds that I cannot successfully defend against the allegation that I was disciplined in the state of Michigan.

I understand that, in the event that this application is not granted by the Board, nothing contained herein shall be binding upon me or construed to be an admission of any act of misconduct against me in any way and shall be kept in strict confidence during the pendency of the professional misconduct disciplinary proceeding; and such denial by the Board shall be made without prejudice to the continuance of any disciplinary proceeding and final determination by the Board pursuant to the provisions of the Public Health Law.

I understand that in the event the State Board for Professional Medical Conduct grants my application, an order shall be issued striking my name from the roster of physicians in the State of New York without further notice to me.

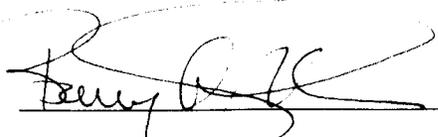
I make this application of my own free will and accord and not under duress, compulsion, or restraint of any kind or manner.

  
\_\_\_\_\_  
JONATHAN LEVI, M.D.  
Respondent

Sworn to before me this  
16<sup>th</sup> day of December, 1996  
  
\_\_\_\_\_  
NOTARY PUBLIC

AGREED TO:

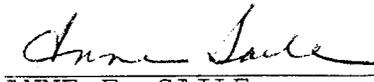
Date: Dec. 17, 1996

  
\_\_\_\_\_  
Attorney for Respondent

Date: 12/30, 1996

  
\_\_\_\_\_  
KAREN EILEEN CARLSON  
Assistant Counsel  
Bureau of Professional  
Medical Conduct

Date: Jan 2, 1996

  
\_\_\_\_\_  
ANNE F. SAILE  
Director  
Office of Professional  
Medical Conduct

ORDER

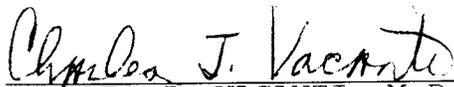
Upon the application of JONATHAN LEVI, M.D., to surrender his license as a physician in the State of New York, which is agreed to and made a part hereof, it is

ORDERED, that the agreement and the provisions thereof are adopted, and it is further

ORDERED, that the name of Respondent be stricken from the roster of physicians in the State of New York; and it is further

ORDERED, that this order shall take effect as of the date of personal service upon Respondent, upon receipt by Respondent of this order by certified mail, or seven days after mailing of this order by certified mail, whichever is earliest.

DATE: 3 January 1997

  
\_\_\_\_\_  
CHARLES J. VACANTI, M.D.  
Chairperson  
State Board for Professional  
Medical Conduct

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

-----X

IN THE MATTER : NOTICE OF  
OF : REFERRAL  
JONATHAN LEVI, M.D. : PROCEEDING

-----X

TO: JONATHAN LEVI, M.D.  
2135 Sheffield Drive  
Kalamazoo, Michigan 49008-1754

PLEASE TAKE NOTICE THAT:

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 13th day of November, 1996 at 10:00 in the forenoon of that day at the Legislative Office Building, 7th Floor - Room 711A, Empire State Plaza, Albany, New York 12248.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state

law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Corning Tower Building, 25th Floor, Empire State Plaza, Albany, New York 12237, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before October 30, 1996.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Administrative Law Judge's office, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below.

You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before October 30, 1996 and a copy of all papers must be served on the same date on the Department of Health attorney indicated

below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A DETERMINATION THAT SUSPENDS OR REVOKES YOUR LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED, YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT YOU IN THIS MATTER.

DATED: Albany, New York  
*September 26, 1996*

*Peter D. Van Buren*

PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Karen Eileen Carlson  
Assistant Counsel  
NYS Department of Health  
Division of Legal Affairs  
Corning Tower Building  
Room 2429  
Empire State Plaza  
Albany, New York 12237  
(518) 473-4282

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

-----X

IN THE MATTER : STATEMENT  
OF : OF  
JONATHAN LEVI, M.D. : CHARGES

-----X

Jonathan Levi, M.D., the Respondent, was authorized to practice medicine in New York State on July 2, 1979 by the issuance of license number 138548 by the New York State Education Department. The Respondent is not currently registered with the New York State Education Department to practice medicine.

**FACTUAL ALLEGATIONS**

1. Respondent, on or about May 15, 1996, was disciplined by the State of Michigan, Department of Commerce, Bureau of Occupational and Professional Regulation, Board of Medicine [hereafter the "Board"] for violating §16221(a) of the Public Health Code of the laws of Michigan.
2. More specifically Respondent was disciplined for inappropriate sexual harassment and sexual contact involving three of Respondent's patients and two of Respondent's employees.

Respondent was disciplined in a Consent Order and stipulation entered into between Respondent and the

Board, wherein Respondent did not contest the factual allegations contained in the Superseding Administrative Complaint. Respondent agreed to a three year term of probation, including six months of monitoring of Respondent's practice, the presence of a chaperone in all patient examinations for six months, and continued treatment of Respondent with a fully licensed psychologist.

4. The conduct resulting in the discipline imposed on Respondent would, if committed in New York state, constitute professional misconduct under the laws of New York State, specifically N.Y. Educ. law §6530(3) (McKinney Supp. 1996) [negligence on more than one occasion].

#### SPECIFICATION

#### DISCIPLINE IN ANOTHER STATE

Respondent is charged with professional misconduct within the meaning of N.Y. Educ. law §6530(9)(d) (McKinney Supp. 1996) by reason of his having disciplinary action taken by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state in that Petitioner charges:

1. The facts in Paragraphs 1, 2, 3, and/or 4.

DATED: *September 26*, 1996  
Albany, New York

*Peter D. Van Buren*

PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct