

BEFORE THE
NORTH CAROLINA MEDICAL BOARD

In re:)
)
Melvin David Levine, M.D.,) CONSENT ORDER
)
Respondent.)

This matter is before the North Carolina Medical Board ("Board") on information regarding Melvin David Levine, M.D. ("Dr. Levine"). Dr. Levine admits and the Board finds and concludes that:

Whereas, the Board is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Article 1 of Chapter 90 of the North Carolina General Statutes and the rules and regulations promulgated thereto; and

Whereas Dr. Levine is a physician licensed by the Board to practice medicine and surgery on or about June 12, 1985, license number 29321; and

Whereas, during the times relevant herein, Dr. Levine practiced pediatrics in Chapel Hill, North Carolina; and

Whereas Dr. Levine treated Patients A through E between 1987 and 2006 for a variety of conditions including learning and developmental difficulties; and

Whereas Patients A through E were all pediatric patients at the time they were treated by Dr. Levine; and

Whereas Patients A through E were all treated by Dr. Levine in North Carolina; and

Whereas, during his treatment of Patients A through E, Dr. Levine conducted genital examinations of Patients A through E outside the presence of a chaperone, parent, or guardian; and

Whereas the Board represents that, if a hearing were held in this matter, it is prepared to present testimony that the genital examinations performed by Dr. Levine on Patients A through E were not medically indicated and were either not documented in the medical record or, if documented, the documentation failed to conform to the standards of acceptable and prevailing medical practice in North Carolina; and

Whereas, if the Board were able to prove that the genital examinations performed by Dr. Levine on Patients A through E were either not medically indicated, not documented in the medical record, or, if documented, failed to conform to the standards of acceptable and prevailing medical practice, such conduct would constitute unprofessional conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6), which would be grounds for the Board to annul, suspend, revoke, condition, or limit Dr. Levine's license to practice medicine and surgery or to deny his application for a license; and

Whereas Dr. Levine represents that, if a hearing were held in this matter, he is prepared to present testimony that all physical and neurological examinations of Patients A through E, which included genital examinations, were medically indicated and were conducted consistent with standard medical practice in identifying physical abnormalities that might cause, contribute to, or complicate the patient's developmental difficulties; and

Whereas Dr. Levine asserts that such examinations can yield important information about underlying genetic disorders and other syndromes, physical maturation, delays or precocity, endocrine problems, hernias, or conditions relating to the testicles and other highly significant medical and psychological issues; and

Whereas the Board has received numerous letters in support of Dr. Levine from physicians, educators, former patients and their parents, indicating that Dr. Levine has been instrumental in turning around the lives of those who struggle in school and has been a major force in the fields of education and pediatrics, helping teachers and clinicians understand the differences in learning and better manage students whose problems were misunderstood and poorly managed in the past; and

Whereas, in full cooperation with the Board, Dr. Levine voluntarily transferred his license to practice medicine to inactive status on April 4, 2008; and

Whereas Dr. Levine acknowledges and agrees that the Board has jurisdiction over him and over the subject matter of this case; and

Whereas Dr. Levine knowingly waives his right to any hearing and to any judicial review or appeal in this case; and

Whereas Dr. Levine acknowledges that he has read and understands this Consent Order and enters into it voluntarily; and

Whereas Dr. Levine acknowledges that he has had the advice of counsel in connection with this matter; and

Whereas Dr. Levine desires to resolve this matter without the need for more formal proceedings;

Now, therefore, with Dr. Levine's consent, it is ORDERED that:

1. Dr. Levine's license to practice medicine and surgery shall remain on INACTIVE status PERMANENTLY.

2. Dr. Levine agrees to never apply, request, or petition the Board for reinstatement of his North Carolina medical license. In the event Dr. Levine does apply, request, or petition for reinstatement of his license, then Dr. Levine agrees in advance that this Consent Order may constitute the basis for denial of such application, request or petition.

3. Dr. Levine further agrees that he will not practice medicine in other jurisdictions outside the State of North Carolina.

4. If Dr. Levine fails to comply with any of the terms of this Consent Order, that failure shall constitute unprofessional

conduct within the meaning of N.C. Gen. Stat. § 90-14(a)(6) and shall be grounds, after any required notice and hearing, for the Board to annul, suspend, or revoke his license, or to deny any application he might make in the future or then have pending for a license.

5. This Consent Order shall take effect immediately upon its execution by both Dr. Levine and the Board and it shall continue in effect until specifically ordered otherwise by the Board.

6. Dr. Levine hereby waives any requirement under any law or rule that this Consent Order be served on him.

7. No provision of this consent order shall constitute an admission for any purpose other than for this and any other proceeding before the North Carolina Medical Board.

8. Upon execution by Dr. Levine and the Board, this Consent Order shall become a public record within the meaning of Chapter 132 of the North Carolina General Statutes and shall be subject to public inspection and dissemination pursuant to the provisions thereof. Additionally, it will be reported to persons, entities, agencies, and clearinghouses as required by and permitted by law including, but not limited to, the Federation of State Medical Boards, the National Practitioner's Data Bank, and the Healthcare Integrity and Protection Data Bank.

This the 20th day of March, 2009.

NORTH CAROLINA MEDICAL BOARD

By:



George L. Saunders, III, M.D.
President

Consented to this the 19 day of March, 2009.

Melvin David Levine
Melvin David Levine, M.D.

State of North Carolina

County of Wake

I, A. Lindsey Parker, a Notary Public for the above named County and State, do hereby certify that Melvin David Levine, M.D. personally appeared before me this day and acknowledged the due execution of the foregoing instrument.

Witness my hand and official seal
This the 19th day of March, 2009.

A. Lindsey Parker
Notary Public A. Lindsey Parker

(SEAL)

My Commission expires: 8-18-2009

