

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MITCHELL W. LEVENTHAL, M.D., )  
LICENSE NO. 9900, )  
 )  
Defendant. )

**FILED**

SEP 27 2001

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 01-04-2330

VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Mitchell W. Leventhal, M.D., Oklahoma license no. 9900, who appears not but has had the assistance of counsel, Isaac Schulz, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

***AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT***

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on April 26, 2001 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Mitchell W. Leventhal, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him by his legal counsel.

***PARTIES' AGREEMENT AND STIPULATIONS***

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

***Findings of Fact***

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, Mitchell W. Leventhal, M.D., holds Oklahoma license no. 9900.

3. On April 4, 1996, in Independence, Ohio, Defendant was found guilty of reckless operation of a motor vehicle with a blood alcohol level of .142 percent. On May 27, 1998, in Beachwood, Ohio, Defendant was found guilty of reckless operation of a motor vehicle with a blood alcohol level of .10 percent. Defendant subsequently submitted himself to evaluation and treatment for substance abuse at various treatment centers in Ohio approved by the State Medical Board of Ohio. On or about March 14, 2001, Defendant was disciplined by the State Medical Board of Ohio based upon a finding of impairment, and was placed on a three (3) year term of probation. A certified copy of the Consent Agreement entered into between Defendant and the State Medical Board of Ohio is attached hereto as Exhibit "A".

4. Defendant is guilty of unprofessional conduct in that he:

- A. Was subject to disciplinary action of another state or jurisdiction based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action in Oklahoma pursuant to OAC 435:10-7-4(31).

***Conclusions of Law***

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Mitchell W. Leventhal, M.D., Oklahoma medical license 9900, is guilty of unprofessional conduct set forth below in that he:

- A. Was subject to disciplinary action of another state or

jurisdiction based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action in Oklahoma in violation of OAC 435:10-7-4(31).

*Order*

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. The Defendant, Mitchell W. Leventhal, M.D., Oklahoma license no. 9900, should be and is hereby placed on **PROBATION** for a period to run coterminous with his probation in the state of Ohio under the following terms and conditions:

- A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.
- B. Upon request of the Board Secretary, Defendant will request all hospitals, clinics and other facilities in which he practices or anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital, clinic or other facility.
- C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating requirements imposed by the Oklahoma State Board of Medical Licensure and Supervision.
- D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician while practicing in the State of Oklahoma.

E. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

F. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

G. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

H. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances, specifically including but not limited to alcohol.

I. Defendant will authorize in writing the release of any and all records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss his case and treatment with the individuals providing Defendant's treatment.

J. Defendant shall comply with all terms of the Consent Agreement entered into with the State Medical Board of Ohio attached hereto as Exhibit "A".

K. Defendant will attend two (2) meetings per week of a 12-step program.

L. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

M. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

N. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

O. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

P. Until such time as all indebtedness to the Oklahoma State Board of Medial Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

Q. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

R. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.

S. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

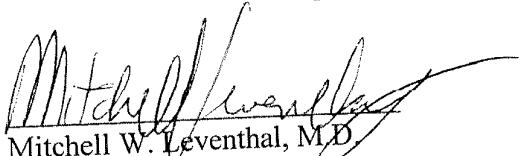
3. Defendant agrees to pay the costs, including attorney's fees, for the investigation and prosecution of this action.


Dated this 27 day of Sept, 2001.

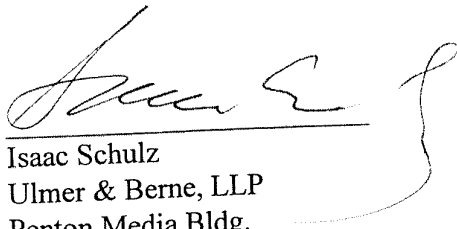



John Alexander, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

**AGREED AND APPROVED**

  
Mitchell W. Leventhal, M.D.  
License No. 9900

  
Gerald C. Zumwalt, M.D.  
Secretary & Medical Advisor  
Oklahoma State Board of  
Licensure and Supervision

  
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Attorney for the Defendant

Attorney for the Oklahoma  
State Board of Medical  
Licensure and Supervision

**CERTIFICATE OF MAILING**

I certify that on the 28 day of September 2001, I mailed, via first class mail, postage prepaid, a true and correct copy of this Voluntary Submittal Jurisdiction to Isaac Schultz, Penton Media Bldg 1300 E. Ninth Street, Suite 900, Cleveland, Oh 44114 and to Mitchell Leventhal, MD, 3265 Havel Drive Beachwood, OH 44122.

  
Janet Owens, Secretary