

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

Michael Lee Levy, M.D.

**Physician's & Surgeon's
Certificate No. G 62556**

Respondent

Case No. 800-2018-046425

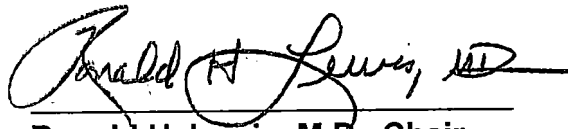
DECISION

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on July 14, 2021.

IT IS SO ORDERED June 14, 2021

MEDICAL BOARD OF CALIFORNIA



**Ronald H. Lewis, M.D., Chair
Panel A**

MATTHEW RODRIQUEZ
Acting Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General
LEANNA E. SHIELDS
Deputy Attorney General
State Bar No. 239872
600 West Broadway, Suite 1800
San Diego, CA 92101
P.O. Box 85266
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Attorneys for Complainant

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

Case No. 800-2018-046425

MICHAEL LEE LEVY, M.D.

OAH No. 2020100006

7910 Frost Street, Suite 120
San Diego, CA 92123-2776

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

Physician's and Surgeon's Certificate No. G
62556,

Respondent.

IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-entitled proceedings that the following matters are true:

PARTIES

1. William Prasifka (Complainant) is the Executive Director of the Medical Board of California (Board). He brought this action solely in his official capacity and is represented in this matter by Matthew Rodriquez, Acting Attorney General of the State of California, by LeAnna E. Shields, Deputy Attorney General.

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1 2. Respondent Michael Lee Levy, M.D. (Respondent) is represented in this proceeding
2 by attorney Thomas E. Lotz, Esq., with Lotz, Doggett, Rawers, LLP, whose address is 101 W.
3 Broadway, Suite 1110, San Diego, CA 92101.

4 3. On or about March 28, 1988, the Board issued Physician's and Surgeon's Certificate
5 No. G 62556 to Respondent. The Physician's and Surgeon's Certificate was in full force and
6 effect at all times relevant to the charges brought in Accusation No. 800-2018-046425, and will
7 expire on September 30, 2021, unless renewed.

8 **JURISDICTION**

9 4. On July 10, 2020, Accusation No. 800-2018-046425 was filed before the Board, and
10 is currently pending against Respondent. On July 10, 2020, a true and correct copy of Accusation
11 No. 800-2018-046425 and all other statutorily required documents were properly served on
12 Respondent. Respondent timely filed his Notice of Defense contesting the Accusation.

13 5. A true and correct copy of Accusation No. 800-2018-046425 is attached as Exhibit A
14 and incorporated herein by reference.

15 **ADVISEMENT AND WAIVERS**

16 6. Respondent has carefully read, fully discussed with counsel, and fully understands the
17 charges and allegations in Accusation No. 800-2018-046425. Respondent has also carefully read,
18 fully discussed with his counsel, and fully understands the effects of this Stipulated Settlement
19 and Disciplinary Order.

20 7. Respondent is fully aware of his legal rights in this matter, including the right to a
21 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine
22 the witnesses against him; the right to present evidence and to testify on his own behalf; the right
23 to the issuance of subpoenas to compel the attendance of witnesses and the production of
24 documents; the right to reconsideration and court review of an adverse decision; and all other
25 rights accorded by the California Administrative Procedure Act and other applicable laws.

26 8. Having the benefit of counsel, Respondent voluntarily, knowingly, and intelligently
27 waives and gives up each and every right set forth above.

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1 **CULPABILITY**

2 9. Respondent does not contest that, at an administrative hearing, Complainant could
3 establish a *prima facie* case with respect to the charges and allegations contained in Accusation
4 No. 800-2018-046425 and agrees that he has thereby subjected his Physician's and Surgeon's
5 Certificate No. G 62556 to disciplinary action.

6 10. Respondent further agrees that if an accusation is ever filed against him before the
7 Medical Board of California, all of the charges and allegations contained in Accusation No. 800-
8 2018-046425 shall be deemed true, correct and fully admitted by Respondent for purposes of any
9 such proceeding or any other licensing proceeding involving Respondent in the State of
10 California.

11 11. Respondent agrees that his Physician's and Surgeon's Certificate No. G 62556 is
12 subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth
13 in the Disciplinary Order below.

14 **CONTINGENCY**

15 12. This Stipulated Settlement and Disciplinary Order shall be subject to approval of the
16 Board. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
17 submitted to the Board for its consideration in the above-entitled matter and, further, that the
18 Board shall have a reasonable period of time in which to consider and act on this Stipulated
19 Settlement and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
20 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
21 prior to the time the Board considers and acts upon it.

22 13. The parties agree that this Stipulated Settlement and Disciplinary Order shall be
23 null and void and not binding upon the parties unless approved and adopted by the Board, except
24 for this paragraph, which shall remain in full force and effect. Respondent fully understands and
25 agrees that in deciding whether or not to approve and adopt this Stipulated Settlement and
26 Disciplinary Order, the Board may receive oral and written communications from its staff and/or
27 the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify
28 the Board, any member thereof, and/or any other person from future participation in this or any

1 other matter affecting or involving Respondent. In the event that the Board does not, in its
2 discretion, approve and adopt this Stipulated Settlement and Disciplinary Order, with the
3 exception of this paragraph, it shall not become effective, shall be of no evidentiary value
4 whatsoever, and shall not be relied upon or introduced in any disciplinary action by either party
5 hereto. Respondent further agrees that should this Stipulated Settlement and Disciplinary Order
6 be rejected for any reason by the Board, Respondent will assert no claim that the Board, or any
7 member thereof, was prejudiced by its/his/her review, discussion and/or consideration of this
8 Stipulated Settlement and Disciplinary Order or of any matter or matters related hereto.

9 **ADDITIONAL PROVISIONS**

10 14. This Stipulated Settlement and Disciplinary Order is intended by the parties herein to
11 be an integrated writing representing the complete, final and exclusive embodiment of the
12 agreements of the parties in the above-entitled matter.

13 15. The parties agree that copies of this Stipulated Settlement and Disciplinary Order,
14 including copies of the signatures of the parties, may be used in lieu of original documents and
15 signatures and, further, that such copies shall have the same force and effect as originals.

16 16. In consideration of the foregoing admissions and stipulations, the parties agree that
17 the Board may, without further notice or opportunity to be heard by Respondent, issue and enter
18 the following Disciplinary Order:

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G 62556 issued
21 to Respondent Michael Lee Levy, M.D. shall be and is hereby publicly reprimanded pursuant to
22 California Business and Professions Code section 2227, subdivision (a)(4). This Public
23 Reprimand, which is issued in connection with Accusation No. 800-2018-046425, is as follows:

24 In or around December 2011, Respondent committed negligence in his care and treatment
25 of Patient A, as more fully described in Accusation No. 800-2018-046425.

26 1. **EDUCATION COURSE.** Within one (1) year of the effective date of this Decision,
27 Respondent shall complete not less than forty (40) hours of Continuing Medical Education
28 (CME). The CME courses shall be aimed at correcting any areas of deficient practice or

1 knowledge in pediatric neurosurgery. The forty (40) hours of CME shall be at Respondent's
2 expense and shall be in addition to the CME requirements for renewal of licensure. Respondent
3 shall submit proof of completion to the Board or its designee.

4 2. MEDICAL RECORD KEEPING COURSE. Within 60 calendar days of the effective
5 date of this Decision, Respondent shall enroll in a course in medical record keeping approved in
6 advance by the Board or its designee. Respondent shall provide the approved course provider
7 with any information and documents that the approved course provider may deem pertinent.
8 Respondent shall participate in and successfully complete the classroom component of the course
9 not later than six (6) months after Respondent's initial enrollment. Respondent shall successfully
10 complete any other component of the course within one (1) year of enrollment. The medical
11 record keeping course shall be at Respondent's expense and shall be in addition to the Continuing
12 Medical Education (CME) requirements for renewal of licensure.

13 A medical record keeping course taken after the acts that gave rise to the charges in the
14 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the Board
15 or its designee, be accepted towards the fulfillment of this condition if the course would have
16 been approved by the Board or its designee had the course been taken after the effective date of
17 this Decision.

18 Respondent shall submit a certification of successful completion to the Board or its
19 designee not later than 15 calendar days after successfully completing the course, or not later than
20 15 calendar days after the effective date of the Decision, whichever is later.

21 ACCEPTANCE

22 I have carefully read the above Stipulated Settlement and Disciplinary Order and, having
23 the benefit of counsel, I enter into it freely, voluntarily, intelligently, and with full knowledge of
24 its force and effect on my Physician's and Surgeon's Certificate No. G 62556. I fully understand
25 that, after signing this stipulation, I may not withdraw from it, that it shall be submitted to the
26 Medical Board of California for its consideration, and that the Board shall have a reasonable
27 period of time to consider and act on this stipulation after receiving it. By entering into this
28 stipulation, I fully understand that, upon formal acceptance by the Board, I shall be publicly

1 reprimanded by the Board and shall be required to comply with all of the terms and conditions of
2 the Disciplinary Order set forth above. I also fully understand that any failure to comply with the
3 terms and conditions of the Disciplinary Order set forth above shall constitute unprofessional
4 conduct and will subject my Physician's and Surgeon's Certificate No. G 62556 to further
5 disciplinary action. I enter into this Stipulated Settlement and Disciplinary Order voluntarily,
6 knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical
7 Board of California.

8 DATED: April 5, 2021


MICHAEL LEE LEVY, M.D., PH.D.
Respondent

10 I have read and fully discussed with Respondent Michael Lee Levy, M.D. the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: April 14, 2021


THOMAS E. LOTZ, ESQ.
Attorney for Respondent

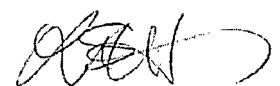
16 **ENDORSEMENT**

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Medical Board of California.

19 DATED: April 14, 2021

20 Respectfully submitted,

21 MATTHEW RODRIQUEZ
22 Acting Attorney General of California
23 MATTHEW M. DAVIS
24 Supervising Deputy Attorney General


25 LEANNA E. SHIELDS
26 Deputy Attorney General
27 Attorneys for Complainant

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Exhibit A

Accusation No. 800-2018-046425

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 LEANNA E. SHIELDS
Deputy Attorney General
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7 Facsimile: (619) 645-2061

8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

13 In the Matter of the Accusation Against:

Case No. 800-2018-046425

14 **MICHAEL LEE LEVY, M.D.**
7910 Frost Street, Suite 120
15 San Diego, CA 92123-2776

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. G 62556,**

Respondent.

18
19
20 Complainant alleges:

21 **PARTIES**

22 1. William Prasifka (Complainant) brings this Accusation solely in his official capacity
23 as the Executive Director of the Medical Board of California, Department of Consumer Affairs
24 (Board).

25 2. On or about March 28, 1988, the Medical Board issued Physician's and Surgeon's
26 Certificate No. G 62556 to Michael Lee Levy, M.D. (Respondent). The Physician's and
27 Surgeon's Certificate was in full force and effect at all times relevant to the charges brought
28 herein and will expire on September 30, 2021, unless renewed.

1 JURISDICTION

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 2227 of the Code states:

6 (a) A licensee whose matter has been heard by an administrative law judge of
7 the Medical Quality Hearing Panel as designated in Section 11371 of the Government
8 Code, or whose default has been entered, and who is found guilty, or who has entered
into a stipulation for disciplinary action with the board, may, in accordance with the
provisions of this chapter:

9 (1) Have his or her license revoked upon order of the board.

10 (2) Have his or her right to practice suspended for a period not to exceed one
11 year upon order of the board.

12 (3) Be placed on probation and be required to pay the costs of probation
monitoring upon order of the board.

13 (4) Be publicly reprimanded by the board. The public reprimand may include a
14 requirement that the licensee complete relevant educational courses approved by the
board.

15 (5) Have any other action taken in relation to discipline as part of an order of
16 probation, as the board or an administrative law judge may deem proper.

17 (b) Any matter heard pursuant to subdivision (a), except for warning letters,
18 medical review or advisory conferences, professional competency examinations,
19 continuing education activities, and cost reimbursement associated therewith that are
agreed to with the board and successfully completed by the licensee, or other matters
made confidential or privileged by existing law, is deemed public, and shall be made
available to the public by the board pursuant to Section 803.1.

20 5. Section 2234 of the Code, states, in pertinent part:

21 The board shall take action against any licensee who is charged with
22 unprofessional conduct. In addition to other provisions of this article, unprofessional
conduct includes, but is not limited to, the following:

23 (a) Violating or attempting to violate, directly or indirectly, assisting in or
24 abetting the violation of, or conspiring to violate any provision of this chapter.

25 (b) Gross negligence.

26 ...

27 ///

28 ///

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Gross Negligence)**

3 6. Respondent has subjected his Physician's and Surgeon's Certificate No. G 62556 to
4 disciplinary action under sections 2227 and 2234, as defined by section 2234, subdivision (b), of
5 the Code, in that he committed gross negligence in his care and treatment of Patient A¹ as more
6 particularly alleged hereinafter.

7 7. On or about December 20, 2011, Patient A, a then 16-year-old female, presented for a
8 pediatric neurosurgical consultation due to complaints of progressively worsening headaches.
9 Patient A's medical history was significant for hydrocephalus, arachnoid cyst, and pituitary
10 macroadenoma.

11 8. When Patient A was approximately two (2) years old, she suffered a fall and was
12 diagnosed with arachnoid cysts and had two shunts inserted, a ventriculoperitoneal (VP) shunt
13 and cystoperitoneal (CP) shunt. When Patient A was approximately four (4) years old, Patient
14 A's VP shunt became disconnected and was revised. When Patient A was approximately eleven
15 (11) years old, Patient A began experiencing headaches. In or around 2008, Patient A reported
16 experiencing headaches on a daily basis. In or around 2011, Patient A's headaches progressively
17 worsened such that her headaches were often accompanied with nausea, vomiting, and poor
18 coordination.

19 9. In or around 2011, Patient A presented repeatedly to the emergency department with
20 complaints of headache on a near monthly basis. In or around December 2011, a series of
21 magnetic resonance imaging (MRI) scans and X-ray studies were performed revealing no
22 evidence of shunt malfunction and slight growth of the pituitary macroadenoma.

23 10. On or about December 20, 2011, Patient A met with Respondent to discuss surgical
24 options including resection of the pituitary macroadenoma and potential removal of her VP shunt
25 and CP shunt. During this consultation, Respondent documented a preoperational diagnosis of
26 VP shunt failure.

27
28 ¹ Patient identity has been withheld for patient privacy purposes. Respondent is aware of
the identity of the patient referred to herein.

1 11. On or about December 29, 2011, Patient A underwent surgery to remove the pituitary
2 macroadenoma and evaluation of the shunts. According to Respondent's operative note, the
3 pituitary mass was resected and the VP and CP shunts were removed.

4 12. After surgery, Patient A complained of worsening headaches with vomiting and
5 vision changes. On or about January 14, 2012, a lumbar puncture revealed elevated intracranial
6 pressure. Patient A was diagnosed with hydrocephalus and underwent surgery to have a
7 ventriculoperitoneal shunt reinserted.

8 13. Respondent committed gross negligence in his care and treatment of Patient A, which
9 included, but is not limited to:

10 A. Paragraphs 7 through 12, above, are hereby incorporated by reference and
11 realleged as if fully set forth herein; and

12 B. Respondent failed to perform a comprehensive workup to ensure the lack of
13 necessity of ongoing cerebral spinal fluid diversion and failed to provide protection
14 for possible elevation in intracranial pressure following shunt explant, including but
15 not limited to, failing to perform a shunt tap prior to the shunt explant and/or failing
16 to insert an externalized drain after the shunt explant.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Violation or Violations of Provisions of the Medical Practice Act)**

19 14. Respondent has further subjected his Physician's and Surgeon's Certificate No.
20 G 62556 to disciplinary action under sections 2227 and 2234, as defined by 2234, subdivision (a),
21 of the Code, in that he has violated a provision and/or provisions of the Medical Practice Act, as
22 more particularly alleged in paragraphs 6 through 13, above, which are hereby incorporated by
23 reference and realleged as if fully set forth herein.

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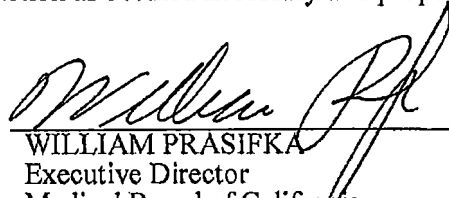
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PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate No. G 62556, issued to Respondent Michael Lee Levy, M.D.;
2. Revoking, suspending or denying approval of Respondent Michael Lee Levy, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Respondent Michael Lee Levy, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: JUL 10 2020



WILLIAM PRASIFKA
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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