

COMMONWEALTH OF MASSACHUSETTS

MIDDLESEX, SS.

BOARD OF REGISTRATION
IN MEDICINE

Adjudicatory Case No. 2015-013
(Docket No. RM-15-137)

In the Matter of)
)

EDWARD LEVITAN, M.D.)
_____))

FINAL DECISION AND ORDER

This matter came before the Board for final disposition on the basis of the Administrative Magistrate's Recommended Decision, dated April 28, 2016, which attaches and incorporates by reference the April 5, 2016 Stipulation of the Parties. In his Recommended Decision, the Administrative Magistrate adopted the Stipulation of the parties insofar as it made Findings of Fact and Conclusions of Law. There were no Objections to the Recommended Decision. After full consideration of the Recommended Decision and the Parties' Stipulation, which are attached hereto and incorporated by reference, as well as the Parties' Joint Memorandum on Sanction, the Board ADOPTS the Recommended Decision in its entirety, with one amendment to the Stipulation, replacing "NIH" in Paragraph 22 of the Stipulation with "Federal Food and Drug Administration." The Parties have accepted this amendment. In issuing this Final Decision and Order, the Board imposes the following sanction:

Sanction

The record indicates that Edward Levitan, M.D. ("the Respondent") failed to fully disclose in a patient consent form the lack of efficacy or potential adverse interactions of chelation therapy when used for the treatment of coronary artery disease. The consent form also

contained language styled as a release of legal liability for the Respondent's administration of chelation therapy to Patient A.

The Magistrate concluded that, through his actions, the Respondent engaged in conduct that undermines the public confidence in the integrity of the medical profession. See Levy v. Board of Registration in Medicine, 378 Mass. 519 (1979); Raymond v. Board of Registration in Medicine, 387 Mass. 708 (1982).

The Board has the statutory authority to discipline physicians in order to protect the public health, welfare, and safety, See Levy, supra, and has stated its "strong concern for adherence to proper protocols in medical research." See In the Matter of Harry S. Goldsmith, M.D., Board of Registration in Medicine, Adjudicatory Case No. 01-13-DALA (RM-01-522) (Final Decision and Order, April 10, 2002). In the past, the Board has imposed a wide range of sanctions on physicians who have engaged in experimental treatment protocols without complying with requirements for such treatments. See In the Matter of Sara Stalman, M.D., Board of Registration in Medicine, Adjudicatory Case No. 02-45-DALA (RM-02-1310)(Final Decision and Order, June 16, 2004)(indefinite suspension for rendering substandard care to multiple patients, engaging in experimental treatment protocols outside of the context of institutional review and without obtaining the informed consent of her patients, and for discipline based upon this conduct imposed by the Maine Board of Licensure in Medicine); and In the Matter of Wolfgang Bauermeister, M.D., Board of Registration in Medicine, Adjudicatory Case No. 85-23-LI (Final Decision and Order, December 9, 1987)(censure, \$2,500 fine, and 25 additional hours of CME for treating a patient with laser acupuncture therapy, without informing the patient that the treatment was experimental, and without obtaining patient's informed consent to participate in an experimental modality of treatment).

Given the findings of fact and conclusions of law set forth by the Recommended Decision, the Board hereby REPRIMANDS the Respondent's license to practice medicine.

The Respondent shall provide a complete copy of this Final Decision and Order, with all exhibits and attachments, within ten (10) days by certified mail, return receipt requested, or by hand delivery to the following designated entities: any in- or out-of-state hospital, nursing home, clinic, other licensed facility, or municipal, state, or federal facility at which he practices medicine; any in- or out-of-state health maintenance organization with which he has privileges or any other kind of association; any state agency, in- or out-of-state, with which he has a provider contract; any in- or out-of-state medical employer, whether or not he practices medicine there; the state licensing boards of all states with which he has any kind of license to practice medicine; the Drug Enforcement Administration – Boston Diversion Group; and the Massachusetts Department of Public Health Drug Control Program. The Respondent shall also provide this notification to any such designated entities with which he becomes associated for one year following the imposition of this reprimand. The Respondent is further directed to certify to the Board within ten (10) days that he has complied with this directive. The Board expressly reserves the authority to independently notify, at any time, any of the entities designated above, or any other affected entity, of any action taken.

The Respondent has the right to appeal this Final Decision and Order within thirty (30) days, pursuant to G.L. c. 30A §§14 and 15, and G.L. c. 112, § 64.

DATE: August 4, 2016

Kathleen Sullivan Meyer, J.D.
Acting Chair
Board of Registration in Medicine