BEFORE THE ARIZONA MEDICAL BOARD

In the Matter of **KEITH N. LEVITT, M.D.** Holder of License No. 26382 For the Practice of Medicine In the State of Arizona.	Case No. MD-07-0436A **CONSENT AGREEMENT FOR SURRENDER OF LICENSE**

CONSENT AGREEMENT

By mutual agreement and understanding, between the Arizona Medical Board ("Board") and Keith N. Levitt, M.D. ("Respondent'), the parties agreed to the following disposition of this matter.

1. Respondent has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order ("Consent Agreement"). Respondent acknowledges that he has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. By entering into this Consent Agreement, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Consent Agreement.

3. This Consent Agreement is not effective until approved by the Board and signed by its Executive Director.

4. The Board may adopt this Consent Agreement of any part thereof. This Consent Agreement, or any part thereof, may be considered in any future disciplinary action against Respondent.

5. This Consent Agreement does not constitute a dismissal or resolution of other matters currently pending before the Board, if any, and does not constitute any waiver, express or implied, of the Board's statutory authority or jurisdiction regarding any other pending or future investigation, action or proceeding. The acceptance of this Consent Agreement does not preclude any other agency, subdivision or officer of this State from instituting other civil or criminal proceedings with respect to the conduct that is the subject of this Consent Agreement.

6. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving the Board and Respondent. Therefore, said admissions by Respondent are not intended or made for any other use, such as in the context of another state or federal government regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona or any other state or federal court.

7. Upon signing this agreement, and returning this document (or a copy thereof) to the Board's Executive Director, Respondent may not revoke the acceptance of the Consent Agreement. Respondent may not make any modifications to the document. Any modifications to this original document are ineffective and void unless mutually approved by the parties.

8. If the Board does not adopt this Consent Agreement, Respondent will not assert as a defense that the Board's consideration of this Consent Agreement constitutes bias, prejudice, prejudgment or other similar defense.

10. If any part of the Consent Agreement is later declared void or otherwise unenforceable, the remainder of the Consent Agreement in its entirety shall remain in force and effect.

11. Any violation of this Consent Agreement constitutes unprofessional conduct and may result in disciplinary action. A.R.S. § § 32-1401(27)(r) (" [v]iolating a formal order, probation, consent agreement or stipulation issued or entered into by the board or its executive director under this chapter") and 32-1451.

KEITH N. LEVITT, M.D.

Dated: 10/26/07

FINDINGS OF FACT

1. The Board is the duly constituted authority for the regulation and control of the practice of allopathic medicine in the State of Arizona.

2. Respondent is the holder of license number 26382 for the practice of allopathic medicine in the State of Arizona.

3. Respondent previously participated in the Board's Monitored Aftercare Program ("MAP") under a Stipulated Rehabilitation Agreement from March 28, 1998 through April 28, 2000.

4. In 2001, Respondent relapsed. He subsequently entered into a Consent Agreement with the Board for a Letter of Reprimand, and Five Year MAP Probation on February 7, 2002. During his probationary period, Respondent practiced in the State of Washington. Based on reports from Washington Physicians' Health Program ("WPHP"), the Board determined that Respondent completed the terms of his MAP Probation. Thus, Respondent was successfully terminated from the Board's MAP Probation on February 21, 2007.

5. The Board initiated case number MD-07-0436A after receiving notification on May 22, 2007 from WPHP, that it had terminated Respondent from its program based upon non-compliance and another relapse. WPHP also provided documentation that Respondent had relapsed and failed to follow their recommendation for immediate treatment following an evaluation which confirmed positive tests results for opioids. WPHP also received what it considered to be a credible report that Respondent continued to practice and had not complied with their request to discontinue practicing until he was adequately treated. The Board then initiated this investigation against Respondent for substance abuse relapse.

6. On May 29, 2007, Respondent signed an Interim Consent Agreement for Practice Restriction.

7. On June 19, 2007, in response to the Board's investigation, Respondent, through his attorney, informed the Board that he had a "setback in his recovery".

8. Based thereon and on documents obtained from WPHP, it is clear to the Board that Respondent has had a substance abuse relapse. According to the Board's three strike policy, this is Respondent's third strike and therefore he is not eligible to enter the Board's MAP program.

9. Respondent admits to the acts described above and that they constitute unprofessional conduct pursuant to A.R.S. §32-1401(27)(f) ("[h]abitual intemperance in the use of alcohol or habitual substance abuse.").

CONCLUSIONS OF LAW

1. The Board possesses jurisdiction over the subject matter hereof and over Respondent.

2. The Board possesses statutory authority to enter into a consent agreement with a physician and accept the surrender of an active license from a physician who pursuant to A.R.S. § 32-1451 (T) (2).

ORDER

IT IS HEREBY ORDERED THAT License Number 26382, issued to Keith N. Levitt, M.D. for the practice of allopathic medicine in the State of Arizona, is surrendered and that Keith N. Levitt, M.D. immediately return his wallet card and certificate of licensure to the Board.

DATED and effective this 4th day of December 2007.

(SEAL)

ARIZONA MEDICAL BOARD

By: _____
AMANDA DIEHL, M.P.A., C.P.M.
Deputy Executive Director

ORIGINAL of the foregoing filed
this 14th day of December, 2007 with:

Arizona Medical Board
9545 E. Doubletree Ranch Road
Scottsdale, AZ 85258

EXECUTED COPY of the foregoing mailed
this 14th day of December 2007 to:

Lawrence Rosenfeld
Greenberg Traurig, L.L.P.
2375 E. Camelback Road, Ste 700
Phoenix, AZ 85016-9000

EXECUTED COPY of the foregoing mailed
this 14th day of December 2007 to:

Keith N. Levitt, M.D.
Address of Record

_____
Investigational Review