BEFORE THE NEVADA STATE BOARD OF OSTEOPATHIC MEDICINE
JUN 12 2014

IN THE MATTER OF: )
JACQUELINE LEVENTHAL, D.O., ) Case No. AD1404001
License No. 1020, ) COMPLAINT FOR DISCIPLINARY ACTION
Respondent. )

The Nevada State Board of Osteopathic Medicine, by and through its investigating board member
Samir Pancholi, D.O., hereby makes the following complaint for disciplinary action against Dr.
Jacqueline Leventhal, D.O. (License No. 1020) pursuant to NRS 633.541(3) and 622A.300(1). This
complaint is made and based upon the following facts and causes of action.

I.
Jacqueline Leventhal, D.O. is licensed by the Board to practice osteopathic medicine in Nevada
(License No. 1020).

II.
On April 1, 2014, the Board received a letter from Miguel Gonzalez, M.D., managing physician at
Platinum Hospitalists, a service that provides physicians to emergency rooms in the Las Vegas
metropolitan area. Dr. Leventhal had been employed by Platinum Hospitalists to work in the emergency
room at Summerlin Hospital’s emergency room. The letter provided a detailed account of erratic
behavior and patient abandonment by Dr. Leventhal in March 2014 for which Dr. Leventhal was
terminated by Platinum Hospitalists. The Board’s staff treated Dr. Gonzalez’ letter as a complaint and
opened an investigation regarding Dr. Leventhal.

III.
The Board’s investigation confirmed the allegations made by Dr. Gonzalez regarding Dr.
Leventhal’s erratic behavior and patient abandonment commencing March 11, 2014 when she was
scheduled for a 24-hour shift and then became unreachable by all available means, thus forcing another
physician to cover her shift and leaving some of Dr. Leventhal’s patients unseen for as long as 24 hours.
The Board’s investigation also found that Dr. Leventhal’s behavior from March 11, 2014 through the
eventual termination of her relationship with Platinum Hospitalists on March 17, 2014 was erratic and
indicative of potential mental health issues (depression) and potential substance abuse (alcohol and benzodiazepines).

IV.

The Board's investigation found additional indicia that Dr. Leventhal might have mental health and substance abuse issues. For example, Dr. Leventhal's medical records show a history of depression and anxiety. Dr. Leventhal's personal prescription history from April 2013 through April 2014 showed that she received prescriptions for various benzodiazepines from multiple providers without informing them that she had obtained the same or similar prescriptions from preceding providers and that she filled at many different pharmacies, all behavior indicative of "doctor shopping."

V.

Additionally, the Board's investigation revealed that Dr. Leventhal had been subject of an involuntary hospitalization, known as a "Legal 2000," at Spring Valley Hospital Medical Center on March 12-13, 2014. The basis for the involuntary hospitalization was that Dr. Leventhal's husband had found her at their home unconscious surrounded by several empty prescription vials. After diagnosing Dr. Leventhal with depression and alcohol intoxication and after determining that she presented no risk of harm to herself or others, Dr. Leventhal was discharged on March 13, 2014.

VI.

Additionally, the Board's investigation determined that Dr. Leventhal had been arrested on July 25, 2013 as a result of a single-car accident in which she was the driver. Subsequently, on October 10, 2013, Dr. Leventhal was charged with one count of Child Endangerment because her six-year-old son was in the car with her when she had the accident, one count of Driving Under the Influence of Alcohol, and one count of Leaving the Scene of an Accident. Pursuant to a plea agreement, on February 3, 2014, Dr. Leventhal was convicted on Driving Under the Influence and the other two counts were dismissed. Dr. Leventhal received the standard sentencing for a first-time Driving Under the Influence conviction.

VII.

A check of the Board's records found that Dr. Leventhal did not report her July 25, 2013 arrest to the Board, did not report her February 3, 2014 conviction to the Board, and did not report either on her 2014 renewal application.
VIII.

As a result of the above related investigation and information, the IBM and Executive Director for the Nevada Board of Osteopathic Medicine were concerned with Dr. Leventhal’s fitness to serve patients in Nevada, so on April 16, 2014 the IBM signed an order requiring Dr. Leventhal to participate in a psychiatric examination pursuant to NRS 633.561. The order was served on April 18, 2014. The order required Dr. Leventhal to undergo a psychiatric examination to be conducted by Dr. Melissa Piasecki on April 24, 2014, which date was subsequently changed to May 9, 2014. The order also required Dr. Leventhal to pay $3,300.00 as and for Dr. Piasecki’s fee.

IX.

Though Dr. Leventhal has acknowledged to the Board’s Executive Director that she understood that the April 16, 2014 Order required her to pay Dr. Piasecki’s fee of $3,300.00, thought Dr. Leventhal agreed with the Board’s Executive Director to pay the $3,300.00 for Dr. Piasecki’s fee, and though the Board’s Executive Director has made several attempts to obtain compliance from Dr. Leventhal, as of the date of this Complaint for Disciplinary Action Dr. Leventhal has not paid any of the Dr. Piasecki’s fee.

X.

On May 9, 2014, Dr. Leventhal was examined by Dr. Piasecki. On May 31, 2014, Dr. Piasecki issued her report regarding Dr. Leventhal. Dr. Piasecki made four findings and one recommendation as follows:

1. Dr. Leventhal’s history is consistent with a recurrent alcohol use disorder. She was diagnosed with alcohol dependence and benzodiazepine abuse in 2003 and appears to have relapsed with ongoing problematic substance use 2013 and 2014. Although she denies problem drinking, the documented DUI and Legal 2000 while intoxicated indicate that her alcohol use was not controlled. Her noncompliance with Soberlink suggests active drinking behavior in March, April and May.

Dr. Leventhal did not disclose her previous diagnosis and treatment at Betty Ford during my assessment. She appeared to minimize her alcohol use, lapses in monitoring and the recent problems meeting patient care duties that are described in a complaint.

2. Dr. Leventhal’s Prescription Monitoring Report is suggestive of benzodiazepine misuse or abuse in 2013 and 2014. She was running out of prescriptions early, going to multiple providers, obtaining controlled substances from a colleague (Dr. Pulido) and not notifying her regular providers on these efforts to obtain benzodiazepines and opioids. Her benzodiazepine use may represent an attempt to manage alcohol use.

3. Dr. Leventhal’s use of alcohol and benzodiazepines impacted her ability to practice medicine following her relapse in March. The complaints to the NSBOM indicating problems with her
ability to provide safe and effective patient care, a DUI and a Legal 2000 admission for suicidal statements while intoxicated are convergent evidence of significant impairment.

4. Dr. Leventhal’s history is notable for depression and anxiety as well as significant relationship stress. These problems are likely linked to her substance use problems and may also impact on her ability to practice.

5. I recommend that Dr. Leventhal be required by the NSBOM to complete a residential assessment and treatment program, such as the Center for Professional Renewal, prior to resuming any duties related to patient care. She is in need of a comprehensive assessment of her substance use and mental health treatment needs. After completion of a residential assessment and treatment program, I recommend that Dr. Leventhal be required to follow up long term (length of time to be determined by the residential program and NSBOM) with aftercare treatment.

XI.

Based upon all of the above, on June 10, 2014, the Investigating Board Member and the Board’s Executive Director issued an Order of Summary Suspension of License to Practice Osteopathic Medicine, summarily suspending Dr. Leventhal’s license to practice osteopathic medicine in Nevada and informing Dr. Leventhal of her rights thereunder, including the right to a hearing within 45 days pursuant to this Complaint for Disciplinary Action.

FIRST CAUSE OF ACTION

XII.

Dr. Piasecki’s examination and findings that Dr. Leventhal’s depression, anxiety, alcohol use, and benzodiazepine use combine to compel Dr. Leventhal to require “a residential assessment and treatment program . . . prior to resuming any duties related to patient care,” gives rise to a rebuttable presumption as a matter of law that Dr. Leventhal is incompetent to practice osteopathic medicine with reasonable skill and safety to patients, constituting violations of Nevada Revised Statutes (NRS) 633.511(1) and/or NRS 633.511(5) and/or NRS 633.511(18) and/or Nevada Administrative Code (NAC) 633.370.

SECOND CAUSE OF ACTION

XIII.

In abandoning patients for which she was responsible at Summerlin Hospital on March 11, 2014 without making arrangements for the continuation of care for those patients, Dr.
Leventhal violated NRS 633.131(1)(h)(2) and/or NRS 633.511(1) and/or NRS 633.511(14) and/or NAC 633.350(1)(b).

THIRD CAUSE OF ACTION

XIV.

In obtaining various benzodiazepines – controlled substances in schedules III or IV – from numerous practitioners without first informing them that she had obtained the same or similar controlled substances from preceding practitioners and then taking those prescriptions to numerous pharmacies to have them filled, Dr. Leventhal violated NRS 633.131(1)(k) and/or NRS 633.511(1) and/or NRS 453.391(2).

FOURTH CAUSE OF ACTION

XV.

In failing to inform the Board’s office in writing within 30 days of any and all of the following: (1) that she had been arrested July 25, 2013, (2) that she had been charged with three crimes on October 10, 2013 resultant from the arrest, or (3) that she had been convicted of a crime on February 3, 2014 resultant from the arrest, Dr. Leventhal violated NRS 633.511(17).

FIFTH CAUSE OF ACTION

XVI.

In failing to inform the Board of her July 25, 2013 arrest or that she had been charged with three crimes on October 10, 2013 on her renewal application that she submitted on November 24, 2013 even though the renewal application specifically asked for such information, Dr. Leventhal violated NRS 633.131(1)(a) and/or NRS 633.511(1).

SIXTH CAUSE OF ACTION

XVII.

In failing to comply with the April 14, 2014 Order by failing to pay Dr. Piasecki’s fee of $3,300.00, Dr. Leventhal violated NRS 633.131(1)(k) and/or NRS 633.131(1)(l) and/or NRS 633.511(1) and/or NAC 633.350(1)(h).

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Wherefore, it is hereby requested that appropriate discipline be entered against Dr. Leventhal based upon this Complaint pursuant to NRS 633.651.

Signed this 12th day of June, 2014.

By
Samir Pancholi, D.O.
Investigating Board Member

NOTICE OF HEARING AND STATEMENT OF RESPONDENT'S RIGHTS

As the Respondent in this action, you have the following rights:

1. A hearing regarding this matter will be held before Hearing Officer Jill Greiner at the following date and place:

July 10 and 11, 2014 at 10:00 a.m. or as soon thereafter as possible

Board Conference Room
901 American Pacific Drive, Unit 180
Henderson, Nevada 89014

The intent of the hearing of this matter is to determine whether the allegations made against you in the above Complaint have been proven by a preponderance of the evidence, and if so, what discipline is appropriate. All documents you wish to file in this matter must be filed with the Board's office located at 901 American Pacific Drive, Unit 180, Henderson, Nevada 89014.

2. You may appear at the hearing of this matter. You may be represented by your counsel of choice. The hearing shall be conducted at an open and public hearing of the Board and shall be conducted in conformance with NRS chapters 233B, 622A, and 633 and NAC chapter 633, including your right to present testimony and evidence in support of your case and your right to cross-examine witnesses presented by the Board's staff.

3. Pursuant to NRS 622A.320(1), you may file an Answer to the above Complaint in this matter. To do so, you must file your Answer in writing with the Board's office within 20 days of your receipt of the above Complaint. Your failure to timely file an Answer to the Complaint may be deemed by the Hearing Officer or the Board to be an admission to the contents of the Complaint.

4. You may request that the Board issue subpoenas to compel the attendance of witnesses or the production of evidence at the hearing of the matter pursuant to NRS 633.281.

5. Should you choose not to appear at the hearing of the matter, the Board may enter a default against you and still proceed with the hearing of the matter in your absence pursuant to NRS 622A.350.

6. You may seek to negotiate a settlement regarding this matter. If you desire to discuss a potential settlement of the matter, you may contact Louis Ling, Board Counsel, at (775) 233-9099 or at louisling@me.com.
AFFIDAVIT OF SERVICE

STATE OF NEVADA  
COUNTY OF CLARK  

ss:

Steven A. Ray, being duly sworn says: That at all times herein affiant was over 18 years of age, not a party to nor interested in the proceeding in which the affidavit was made. That affiant received the ORDER OF SUMMARY SUSPENSION OF LICENSE TO PRACTICE OSTEOPATHIC MEDICINE and FORMAL COMPLAINT FOR DISCIPLINARY ACTION on the 12th day of June, 2014, and served the same on the 12th day of June, 2014 at 12:45 p.m. by delivering a copy to: Jacqueline Leventhal, D.O., at the leasing office of Madera Apartments, 2600 Town Center Drive, Las Vegas, NV 89135.

I declare under penalty of perjury under the law of the State of Nevada that the foregoing is true and correct.

EXECUTED this 12th day of June, 2014.

Signature of person making service

SUBSCRIBED AND SWORN TO before me

by Tammy L. Sine

on the 12th day of June, 2014.

Tammy L. Sine
NOTARY PUBLIC