



DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF INSPECTOR GENERAL

WASHINGTON, DC 20201



OFFICE OF INVESTIGATIONS
330 INDEPENDENCE AVENUE, SW
WASHINGTON, DC 20201

January 15, 2013

Keith Levitt, M.D.
2621 N. Kentucky Ave
Roswell, NM 88201

Dear Dr. Levitt:

Re: OI File No. 9-09-40095-9

By letter dated November 19, 2012, Brad McGarth, Interim Secretary of Health, Department of Health, State of New Mexico, requested a waiver of your exclusion from all Federal health care programs pursuant to section 1128(c)(3)(B) of the Social Security Act. The basis for this request is that you are the sole community physician and the sole source of essential specialized services for eight counties in Southeast New Mexico. These counties are Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Roosevelt, and Quay, herein identified as "the Southeast Region." We have approved the State's waiver request, effective with the date of this letter. This waiver is granted for the Southeast Region of New Mexico only as the services relate to your position as the Regional Health Officer.

Approval of the waiver request means that you may submit claims for payment of covered items and services furnished by you after this date under all Federal health care programs. You should be aware of the fact that this decision does not affect your exclusion from participation in these programs outside your duties as the Regional Health Officer for the Southeast Region of New Mexico as well as any other State.

If at any time, you no longer service the Southeast Region of New Mexico as the Regional Health Officer, your exclusion from the Federal health care programs will be fully reinstated.

Sincerely,

Thomas Sowinski
Reviewing Official / Special Agent in Charge
Health Care Program Exclusions

November 19, 2012

Thomas Sowinski
Reviewing Official, Office of Inspector General
Department of Health and Human Services
7175 Security Blvd, Suite 210
Baltimore, Maryland 21244

Dear Mr. Sowinski,

The New Mexico Department of Health, Public Health Division is requesting a waiver of exclusion for Keith Levitt, MD by the Office of the Inspector General in the Department of Health and Human Services.

On August 31st of 2009 Dr. Levitt received a notification from the Department of Health and Human Services, Office of the Inspector General that he was being excluded from participation in any capacity in Medicare, Medicaid, and all Federal health care programs as defined in 1128B(f) of the Social Security Act for a minimum of 5 years. The exclusion was due to a conviction in October of 2008 for acquiring a controlled substance illegally in the Western District of Washington United States District Court. Dr. Levitt was placed on probation for 3 years and released from probation in 1.5 years.

Dr. Levitt was issued a license to practice medicine in New Mexico on August 9th, 2012 after demonstrating to the Medical Board that he was in good recovery and supported by the New Mexico Monitored Treatment Program (a specific monitoring program for Healthcare professionals), and successfully completed the Drexel University program in Internal Medicine located in Philadelphia demonstrating current knowledge and the ability to competently practice medicine.

On October 22nd of 2012 Dr. Levitt was hired by the New Mexico Department of Health, Public Health Division to work as the Regional Health Officer (RHO) in Southeastern New Mexico. The RHO position is focused on providing direct clinical services, consultation, and medical oversight for Public Health services delivered in the Southeast Region of New Mexico. The Southeast Region consists of 8 rural counties which are the following: Chaves, Curry, DeBaca, Eddy, Lea, Lincoln, Roosevelt and Quay Counties.

The New Mexico Department of Health, Public Health Division is requesting a waiver of exclusion based on "this would be a hardship that negatively affects Medicare, Medicaid, and federally funded beneficiaries from the imposition of an exclusion, because Dr. Levitt would be the sole community physician and sole source of medical oversight of essential Public Health services in the community".

The evidence for this is that in the 8 counties of the Southeast Region, Dr. Levitt is the only public health physician in the region. It has been extremely difficult for the New Mexico Department of Health to recruit and retain a physician in this area of the state. Clinical services provided by Public Health include Family Planning, sexually transmitted disease screening and treatment, Breast and Cervical Cancer screenings, immunizations, low-risk prenatal care, hepatitis screening, and follow up of other reportable infectious diseases. These services are essential public health services and provide a safety net for the population. Nearly all clients who receive clinical services in public health offices are low income; approximately 70% are uninsured and 20% have Medicaid. Public Health clinics and the school health system rely on the oversight, guidance, and medical direction of a physician in this region. Resources to support this work come not only from the state general fund but also from federal programs and grants including Title V, Title X, USDA, HRSA and CDC as well as through billing Medicaid and Medicare for clinical services provided. These resources permit Public Health to serve many clients in need.

The clinical oversight of Public Health clinic operations is just part of the duties of a RHO. The RHO provides medical oversight in the region for disease prevention, immunizations, school health, the Title V Programs including Children's Medical Services (the Children with Special Health Care Needs Program), Supplemental Food for Women, Infants, and Children program (WIC), Families FIRST perinatal case management, health promotion, infectious disease epidemiology and emergency preparedness in the event of a disaster. These programs rely heavily on federal funding.

The RHO position requires travel throughout the region to work in clinics, supervise and direct care, supervise healthcare workers, nurses, and managers to provide and initiate programs. Of the five regions in New Mexico only two others have RHOs at this time. The need for Dr. Levitt to cover other regions in New Mexico and to provide safety net services may exist as well in the other regions throughout the state.

This waiver request is based on Dr. Levitt being the sole community physician and the sole source of specialized services in the community. The waiver of the exclusion would be in the public's best interest. Thank you for your time and consideration of this request. If you need any further information about this request, please do not hesitate to contact Dr. Maggi Gallaher, Medical Director of the Public Health Division at (505) 827-0975 or via email at maggi.gallaher@state.nm.us.

Sincerely,



Brad McGrath
Interim Secretary of Health



OFFICE OF THE SECRETARY

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