

GEORGIA COMPOSITE MEDICAL BOARD

February 2024 Public Board Actions List

The Board issued **one** public order in **February 2024**. To view each Board order, click on the licensee's name below.

1. **Harvey Leslie, MD**

27597

Physician

Final Decision

**BEFORE THE GEORGIA COMPOSITE MEDICAL BOARD
STATE OF GEORGIA**

GEORGIA COMPOSITE MEDICAL BOARD,)

Petitioner,)

v.)

HARVEY LESLIE, MD,)

Respondent.)

**OSAH Docket No. 2328834
2328834-OSAH-GCMB-PHY-31-
Howells**

**Agency Reference No.: 27597
GEORGIA COMPOSITE
MEDICAL BOARD**

FEB 09 2024

**DOCKET NUMBER:
10240045**

FINAL DECISION

An Initial Decision was issued by the Office of State Administrative Hearings in the above matter on November 13, 2023. The Respondent requested a review of the Initial Decision, and a review hearing was held before the Georgia Composite Medical Board (“Board”) on February 1, 2024. Kimberly Emm was the appointed hearing officer. At the review hearing, the Board was represented by Sandra Bailey, Esq., Assistant Attorney General, and the Respondent, Harvey Leslie, M.D., was present and represented by Colette Resnik Steel, Esq. After hearing argument and testimony of the Respondent, the Board, after deliberation, finds as follows and enters this Order in the above-styled case.

FINDINGS OF FACT

The Findings of Fact entered by the Administrative Law Judge in the Initial Decision are adopted and incorporated by reference herein.

CONCLUSIONS OF LAW

The Conclusions of Law entered by the Administrative Law Judge in the Initial Decision are adopted and incorporated by reference herein.

DECISION AND ORDER

The recommendation of the Administrative Law Judge that Respondent's license to practice medicine in the State of Georgia be **REVOKED**, is adopted, and incorporated by reference herein and is hereby made the Final Decision of the Board.

SO ORDERED, this 9th day of February, 2024.



GEORGIA COMPOSITE MEDICAL BOARD

William K. Bostock DO

WILLIAM K. BOSTOCK, DO
Chairperson

Kimberly A. Emm

Kimberly A. Emm
Interim Executive Director

**BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS
STATE OF GEORGIA**

**GEORGIA COMPOSITE MEDICAL
BOARD,**

Petitioner,

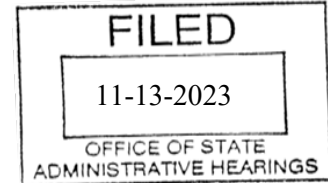
v.

**HARVEY LESLIE, MD,
Respondent.**

Docket No.: 2328834

2328834-OSAH-GCMB-PHY-31-Howells

Agency Reference No.: 27597



INITIAL DECISION

The Georgia Composite Medical Board (“Petitioner” or “Board”) initiated this matter for the purpose of sanctioning Respondent’s medical license. Specifically, the Board seeks the revocation of Respondent’s medical license. The hearing was conducted on October 16, 2023. The Board was represented by Senior Assistant Attorney Sandra Bailey. Respondent Harvey B. Leslie, M.D. (“Respondent”) was represented by Colette Resnik Steel, Esq. For the reasons stated below, this administrative court finds that Respondent’s medical license should be **REVOKED**.

Findings of Fact

1.

Respondent was issued a license to practice medicine in the State of Georgia on or about June 11, 1985, and was so licensed at all times relevant to the matters asserted. (Ex. P-1.) Respondent has never been issued a Pain Management Clinic license. (Ex. P-3; Testimony of Daniel Dorsey.)

2.

Respondent began his private practice in 1986. During the period relevant to these matters, Respondent was operating his medical practice under the name “Total Health Medical Center.”¹ (Testimony of Respondent; Ex. P-3.)

3.

The original location of Total Health Medical Center was 3009 Rainbow Drive. Respondent remained at that location for approximately twenty-five years. (Testimony of Respondent.) Respondent subsequently moved his office to 590 Cascade Road for a period of time. Thereafter, in 2014, Respondent moved his office to 4153 Flat Shoals Parkway, Building A, Suite 104, Decatur, GA. At that time, Respondent continued to operate his business under the name Total Health Medical Center. (Testimony of Respondent; Exs. P-3, R-2.)

4.

Respondent created or authorized the creation of a website for his practice approximately fifteen to eighteen years ago.² (Testimony of Respondent.) The website’s address is www.totalhealthmedicalcenter.com.³ (Ex. P-6a.) The name of the business described by the website is “Total Health Medical Center.” The name “Harvey B. Leslie, M.D.” appears beneath the name of the business. (Id.) A photograph of Respondent appears when certain links on the website are accessed. (Exs. P-6a, P-6c, P-6d.) The website lists “Pain Relief” under its “Featured

¹ Respondent created “Total Health Medical Center” in 1987. (Testimony of Respondent.)

² Respondent asserts that he has not made any changes or instructed anyone to make any changes to the website since it was created. (Testimony of Respondent.) The undersigned does not find this testimony to be credible. The website shows the current 4153 Flat Shoals address of Respondent’s medical practice. (Ex. P-6a.) If the website was created fifteen to eighteen years ago (i.e., 2005 to 2008), then it could not have had his Flat Shoals address, as according to Respondent, he moved to the Flat Shoals location in 2014.

³ On direct examination, Respondent denied that he intended the website to be for the purpose of advertisement. However, on cross examination, Respondent acknowledged that the website is a form of advertisement. (Testimony of Respondent.)

Services.”⁴ Under the heading of “Dr. Leslie[‘s] Care Philosophy,” the website explains that “‘Pain Management’ is relieving pain in patients with acute and chronic pain in the back, neck, knees, shoulders, wrists, carpal tunnel, hands, feet, fibromyalgia, diabetic neuropathy, back and neck surgery, knee replacement, hip replacement, shoulder replacement, degenerative, and osteoarthritis.” (Id.) The website further states that pain management “is about learning how medications, exercise . . . , stretching, cortisone[,], and nerve block injections improve your quality of life.” (Id.)

5.

Under the heading of “Conditions Dr. Leslie Treats,” the website lists, among others, Back Pain, Chronic Neck Pain, Chronic Pelvic Pain, Chronic Postoperative Pain, Foot Pain, Hand Pain, Hip Pain, Knee Pain, Elbow Pain, Leg Pain, Low Back Pain, Neck Pain, Neuropathic Pain, Patellofemoral Pain Syndrome or Knee Pain, Phantom Limb Pain, Shoulder Pain, and Wrist Pain. (Ex. P-6a.) The website further states that “Dr. Leslie specializes in Pain Management, auto accident and big truck injuries, slip and fall injuries[,], and workers compensation injuries.” (Ex. P-6c.)

6.

Respondent had a Facebook page located at www.facebook.com/HarveyLeslieMD. (Exs. P-8a, P-8b.) The page contains the name “Harvey B. Leslie, M.D.,” and Respondent’s photograph. The page states, in pertinent part, “No One Should Live with Pain. Get Pain Relief through Pain Management. Call our office Today and Lead a Pain Free Life!” (Id.) The page contains the 4153 Flat Shoals Pkwy. address and the Total Health Medical Center website address. (Ex. P-8a.) It also has a description of the areas in which Respondent specializes, similar to the statement on the

⁴ (Ex. P-6a.) As of October 12, 2023, this information appeared on Respondent’s website. (Id.)

Total Health Medical Center website.⁵ (Ex. P-8b.)

7.

In early 2015, Respondent submitted an application for a pain management clinic license under the practice name of Total Health Medical Center. The Board's records, show that the application was deleted, which indicates that Respondent withdrew the application. (Ex. P-3; Testimony of Daniel Dorsey.)

8.

On March 8, 2016, during an earlier administrative hearing, Respondent testified that he was a solo practitioner in Decatur, Georgia and that he treated more than 50% of his patients for pain management. (Ex. P-5.) As a result of a patient complaint, Respondent underwent an interview with a subcommittee of the GCMB on February 4, 2021. During the interview, board member Bill Bostoc, M.D. asked Respondent following question: "What percentage of your patients, um, would you say that you treat for chronic pain?" (Ex. P-7.) In response, Respondent stated, "We treat more than fifty percent." (Id.) Dr. Bostoc then asked Respondent, "Do you have a pain center license with the State of Georgia?" (Id.) Respondent stated, "yes." (Id.) Dr. Bostoc asked Respondent if the license was for his location in Decatur. (Id.) Respondent stated that it was. Agent Edva Smith asked Respondent if the license was in his name or the name of his facility. Respondent said that it was in the facility's name. (Id.) Dr. Bostoc then asked Respondent if the license was for "Complete Medical Healthcare."⁶ (Ex. P-7.) Respondent stated that it was.⁷ (Id.)

⁵ At the hearing, Respondent denied knowing that he had a Facebook page. However, he then stated he hired a chiropractor company to create it and he paid them \$200.00 per month to keep it up. It is unclear whether Respondent was referring to the Total Health Medical Center website, the Facebook page, or both. The information on the Facebook page was accessed as of October 15, 2023.

⁶ It appears that Complete Medical Healthcare was located at 4153 Flat Shoals Pkwy., Building A, Suite 102. (Ex. R-2.)

⁷ During the hearing for the instant matter, Respondent acknowledged that he was not affiliated with his son's pain clinic license for Complete Medical Healthcare. Though, he asserted that he thought was associated with that license. (Testimony of Respondent.)

Dr. Bostoc asked Respondent if he was in partnership with Dr. Thomas Carswell. Respondent stated that he was.⁸ (Id.)

9.

On October 21, 2021, Respondent submitted an application for a pain management clinic license under the practice name of Premier Healthcare Center, Corp. (Ex. P-3; Testimony of Daniel Dorsey.) He listed himself as the Owner and a Practicing Physician. (Id.) That application was denied on November 12, 2021. (Id.)

The Board's Past Discipline of Respondent

10.

In 2010, Respondent was sanctioned for using unlicensed individuals to provide physical therapy to his patients. (Ex. P-4.) He used unlicensed individuals to provide physical therapy to his patients prior to the Board's investigation and after a January 10, 2008 interview with a subcommittee of the Board, when they repeatedly told him that he could not use unlicensed individual to provide physical therapy. (Id.) Additionally, after the Department of Insurance conducted a search of his office, pursuant to a search warrant on October 23, 2008, Respondent told his staff that the manner in which his office was providing physical therapy was appropriate and that they could continue to provide physical therapy using the unlicensed staff. (Id.)

11.

In July 2016, Respondent was sanctioned by the Board following an evidentiary hearing in

⁸ During the interview, Respondent did not say anything about being in partnership or working with his son, Dr. Victor Leslie. However, at the hearing, Respondent testified that he shared office space with his son, Dr. Victor Leslie, in 2021, and that he did work for his son's practice Complete Medical Healthcare. (Testimony of Respondent.) Respondent also testified that when he answered the question about the percentage of patients treated for chronic pain, he was including his son's practice, which was entirely comprised of chronic pain patients. (Id.) He asserted that only about 30 -40% of Total Health Medical Center's patients were treated for chronic pain. (Id.) In addition to other treatment modalities, Petitioner prescribes Schedule II and Schedule III controlled substances. (Testimony of Respondent.)

which the administrative law judge found that Respondent's recordkeeping failed to meet the minimum standards of care for two patients he treated for pain with the use of opioids. (Ex. P-5.) The administrative law judge also found that Respondent's treatment of one of the two patients failed to meet the minimum standards of care. (Id.) As a result, Respondent's license was limited indefinitely, in that he was not allowed to prescribe controlled substances until he took and passed the Mercer Prescription Course. (Id.) Respondent completed and passed the Mercer Prescription Course and the restriction on his ability to prescribe controlled substances was lifted on January 5, 2017. (Ex. P-5; Testimony of Respondent.)

Conclusions of Law

1.

The Board seeks the revocation of Respondent's medical license. Accordingly, the Board bears the burden of proof. Ga. Comp. R. & Regs. 616-1-2-.07. The standard of proof is a preponderance of the evidence. Ga. Comp. R. & Regs. 616-1-2-.21.

2.

The trier of fact determines the credibility of witnesses and the weight to be given their testimony, and is not obligated to accept a witness's testimony, even if it is uncontradicted, and may accept or reject all or part of the testimony. O.C.G.A. § 24-6-620; Tate v. State, 264 Ga. 53, 56 (1994); State v. Betsill, 144 Ga. App. 267 (1977). In non-jury cases that determination lies with the judge. See Mustang Transp., Inc. v. W.W. Lowe & Sons, Inc., 123 Ga. App. 350, 352 (1971).

3.

To resolve the direct conflict in the sworn testimonies of the witnesses, the undersigned considered all the facts and circumstances of record in this matter. The undersigned considered

the witnesses' manner of testifying, their intelligence, their means and opportunity of knowing the facts to which they have testified, the nature of the facts to which they have testified, the probability or improbability of their testimony, their interest or want of interest and their personal credibility.

See O.C.G.A. § 24-14-4.

Violations

4.

Georgia Code section 43-34-8(a), which is the specific licensing and disciplinary statute for the medical profession, states, in pertinent part, that the Board has the authority to discipline a licensee, upon a finding that the licensee has:

* * *

(7) Engaged in any unprofessional, unethical, deceptive, or deleterious conduct or practice harmful to the public, which need not have resulted in actual injury to any person. As used in this paragraph, the term 'unprofessional conduct' shall include any departure from, or failure to conform to, the minimum standards of acceptable and prevailing medical practice and shall also include, but not be limited to, the prescribing or use of drugs, treatment, or diagnostic procedures which are detrimental to the patient as determined by the minimum standards of acceptable and prevailing medical practice or by rule of the board ;

* * *

(10) Violated or attempted to violate a law, rule, or regulation of this state, any other state, the board, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, when such law, rule, or regulation relates to or in part regulates the practice of medicine, when the licensee or applicant knows or should know that such action violates such law, rule, or regulation; or violated a lawful order of the board previously entered by the board in a disciplinary hearing;

* * *

(11) Committed any act or omission which is indicative of bad moral character or untrustworthiness;

O.C.G.A. § 43-34-8(a)(7), (10), (11). See O.C.G.A. § 43-34-6(a) (providing that the Board is an

independent state agency, not under the jurisdiction of the Secretary of State, but shall have all the powers, duties, and functions of professional licensing boards in Chapter 1 of Title 43); see also O.C.G.A. § 43-1-19(a)(6), (8) (providing substantially similar grounds for discipline in the general professional licensing board statute as provided in O.C.G.A. § 43-34(a)(7), (10)).⁹

5.

As of July 1, 2013, all pain management clinics are required to be licensed by the Board. O.C.G.A. § 43-34-283(a). This license requirement is in addition to the physician's medical license. A "pain management clinic" is defined as "a medical practice advertising 'treatment of pain' or utilizing 'pain' in the name of the clinic or a medical practice or clinic with greater than 50 percent of its annual patient population being treated for chronic pain for nonterminal conditions by the use of Schedule II or III controlled substances." O.C.G.A. § 43-34-282(7).

6.

The Board proved by a preponderance of the evidence that Respondent was operating a pain management clinic without a license. In 2016, Respondent testified that he was a solo practitioner and that he treated more than 50% of his patients for chronic pain. Thereafter, during a February 4, 2021 interview with a subcommittee of the Board, in response to a question asking him how many patients *he* treated for chronic pain, Respondent stated "we treat more than 50%." While he asserted that *he* had a pain clinic license, he agreed that the license was for Complete Medical Healthcare. During the relevant time period, the name of Respondent's medical practice was Total Health Medical Center, not Complete Medical Healthcare which was his son's practice in another office suite in the same building. Respondent mentioned nothing about treating any of

⁹ In the Statement of Matters Asserted, the Board also asserted that Respondent violated O.C.G.A. § 43-1-19(a)(2) pertaining to misleading, deceptive, untrue, or fraudulent misrepresentations. The Board presented insufficient evidence to establish a violation of Section 43-1-19(a)(2).

his son's patients during the interview. He did acknowledge that he was in partnership with Dr. Thomas Carswell, but he said nothing about having a partnership or sharing office space with his son, Dr. Victor Leslie. It was not until the hearing in this matter that Respondent asserted that he and his son were sharing office space and that he was counting his son's practice in the equation when he estimated that they treated more than 50% of their patient population for chronic pain. He claimed that he sometimes provided care for patients in his son's practice. He testified that he treated only 30 to 40% of his patients (i.e., Total Health Medical Center patients) for chronic pain. The undersigned did not find this post hoc explanation to be credible. Notwithstanding, even if Respondent only treated 30 to 40% of Total Health Medical Center patients for chronic pain, he was blatantly advertising the treatment of pain through his website and Facebook page which meets the definition of a pain clinic. Respondent has never been granted a pain clinic license.

7.

Respondent's conduct in operating an unlicensed pain clinic violated state law which relates to or in part regulates the practice of medicine, and therefore was a violation of O.C.G.A. §§ 43-34-8(a)(10) and 43-1-19(a)(8). Additionally, operating an unlicensed pain clinic in contravention of state law amounts to unprofessional conduct which is harmful to the public and is indicative of untrustworthiness. Accordingly, the Board proved by a preponderance of the evidence that Respondent violated O.C.G.A. §§ 43-34-8(a)(7), (11) and 43-1-19(a)(6).

Sanction

8.

Georgia Code section 43-34-8(b) authorizes the Board to discipline a licensee upon a finding that the licensee has engaged in unprofessional conduct or has violated the Boards rules. When the Board finds that a physician should be disciplined, it may suspend (for a definite or

indefinite period), revoke, limit, or restrict a license; administer a public or private reprimand; make an adverse finding, but withhold imposition of judgment; or impose the judgment but suspend the enforcement of such judgment and place the physician on probation. Further, the Board may vacate any probation if the physician fails to comply with reasonable terms imposed by the Board. O.C.G.A. § 43-34-8(b)(1). Finally, the Board may impose a fine of up to \$3000.00 for each violation of law, rule, or regulation, and impose a fine of a reasonable amount to reimburse the Board for administrative costs. O.C.G.A. § 43-34-8(b)(1)(G), (H).



9.

Given the nature of the violation in this matter (i.e., operating an unlicensed pain clinic), Respondent's past discipline for using unlicensed individuals to provide physical therapy, and his past discipline for substandard recordkeeping for two patients he treated with opioids, and his substandard treatment for one of those patients, the undersigned concludes that revocation is the appropriate sanction.

ORDER

For the above and foregoing reasons, Respondent's medical license is hereby **REVOKED**.

SO ORDERED, this 13th day of November, 2023.



Stephanie M. Howells
Administrative Law Judge