

**BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

IN RE: TIMOTHY FOUCH LIVERIGHT, M.D.)

Case No.: 10-68-13

LICENSE NO.: C1-0009099 )

**ORDER**

WHEREAS, the Board of Medical Licensure and Discipline has reviewed this matter;  
and

WHEREAS, the Board of Medical Licensure and Discipline approves the Consent Agreement of the parties and intends to enter it as an Order of the Board;

IT IS HEREBY ORDERED this 7<sup>th</sup> day of January, 2014

<u>Ray Olden</u>	<u>Steph Tan</u>
<u>Ray Bahit M</u>	<u>Joseph M. Pariseo</u>
<u>George E. Broser</u>	<u>W. J. P. M.</u>
<u>John C. Ramsey</u>	_____
<u>Markie A. Fiskel</u>	_____
<u>Raymond Moore, Sr.</u>	_____
<u>Steph Tan</u>	_____

**BEFORE THE DELAWARE BOARD OF MEDICAL LICENSURE AND DISCIPLINE**

**TIMOTHY FOUCH LIVERIGHT, M.D.**

**LICENSE NO.: C1-0009099**

)  
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**CONSENT AGREEMENT**

A written Complaint was filed with the Delaware Board of Medical Licensure and Discipline ("Board") alleging that Timothy F. Liveright, M.D. ("Respondent"), a licensed medical doctor, engaged in conduct that constituted grounds for discipline pursuant to Delaware's *Medical Practice Act* (24 Del. C. Ch. 17).

The State of Delaware and Respondent submit this Consent Agreement for approval by the Board as a means of resolving the pending administrative prosecution against Respondent pursuant to 24 Del. C. § 1731. The parties submit the following for the Board's consideration:

**BACKGROUND**

1. Respondent was a licensed physician in the State of Delaware. Respondent's license, number C1-0009099, was issued in 2009 and is considered "lapsed, must reapply."
2. On or about April 22, 2013, Respondent sent a letter to the Delaware Division of Professional Regulation wherein he stated that he had "now retired from the practice of medicine in Delaware and [had] no intentions of ever seeking practice there in the future" and enclosed his medical license and controlled substances registration. By this consent agreement, Respondent reaffirms that he will not seek to practice medicine in Delaware in the future.

### COUNT I

3. At all relevant times, Respondent practiced medicine as an independent contractor at Planned Parenthood of Delaware ("PPDE"), 625 Shipley Street, Wilmington, Delaware.

4. On or about March 13, 2012, Respondent was reprimanded by PPDE for engaging in conduct that was "unprofessional, disrespectful, and inappropriate." Respondent agreed to participate in sexual harassment training to address these issues. Respondent completed such training on or about July 2012.

5. In engaging in the conduct described in paragraph 4, Respondent violated the following provisions of Title 24:

- a. § 1731(b)(3) in that his conduct violated Board Regulations 8.1.3, 8.1.15 and 8.1.16; and
- b. § 1731(b)(11) in that he engaged in misconduct in the practice of medicine.

### COUNT II

6. Between February 12, 2013 and March 13, 2013, while performing medical or surgical abortions on three patients, Respondent failed to adequately document procedures and results of procedures in patient charts.

7. By his conduct described in paragraph 6, Respondent violated 24 *Del. C.* § 1731(b)(17) in that he violated Board Regulation 8.1.13.

8. Respondent admits that the facts set forth in paragraphs 1 through 8 herein are true and accurate.

9. In accordance with Board Regulation 17, Disciplinary Guidelines, Respondent and the State agree that the appropriate administrative sanctions shall be as follows:

a. Respondent will be issued a letter of reprimand (Board Regulations 17.13.2 and 17.7.7); and

b. Respondent will pay a \$1,500 fine within 60 days of the date of the Board's Order (Board Regulations 17.5.1 and 17.7.7).

10. Respondent acknowledges that he is waiving his rights under 24 *Del. C.* Ch. 17 and 29 *Del. C.* Ch. 101 to a hearing before the Board prior to the imposition of disciplinary sanctions.

11. Respondent hereby acknowledges and agrees that he has carefully read and understands this Consent Agreement and that he is entering into this Consent Agreement freely, knowingly, voluntarily, and after having received or having been afforded the opportunity to receive the advice of counsel.

12. The parties to this Consent Agreement are the State of Delaware and Dr. Timothy F. Liveright.

13. The parties agree and acknowledge that nothing contained in this Consent Agreement shall affect any rights or interests of any person not a party to this Agreement.

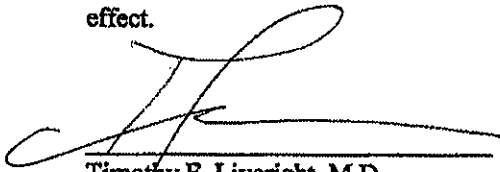
14. Respondent acknowledges that this Consent Agreement is a public record within the meaning of 29 *Del. C.* § 10002 and will be available for public inspection and copying as provided for by 29 *Del. C.* § 10003.

15. Respondent agrees that in the event the Board determines not to accept this Consent Agreement, neither he nor anyone on his behalf will in any way or in any forum challenge the ability of the Board or any of its members to conduct an evidentiary hearing relating to the allegations in the subject Complaint on the basis of the Board's prior consideration of this proposed Consent Agreement.

16. The parties agree that if the Board does not accept the Consent Agreement, the parties will not refer to the Agreement at any hearing or trial, administrative, civil or criminal, and will not introduce or seek to admit the Agreement into evidence at any proceeding.

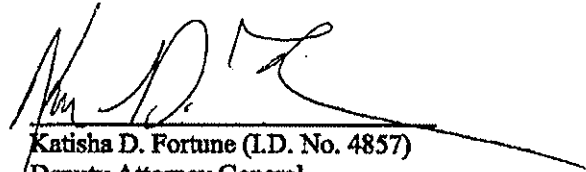
17. The parties also agree that if the Board does not accept the Consent Agreement, no provision contained in the Agreement shall constitute or have the effect of an admission by the Respondent to any fact alleged in the Complaint in this matter or in this Agreement.

18. This Consent Agreement shall be effective as an Order of the Board upon approval by the Board. If the Board does not accept the Consent Agreement, it shall be of no effect.



Timothy F. Liveright, M.D.  
Respondent

Dated: 11/19/13



Katisha D. Fortune (I.D. No. 4857)  
Deputy Attorney General

Dated: 12/3/13



Gayle L. MacAfee, M.S.  
Executive Director  
Delaware board of Medical Practice

Dated: 11/20/13

*Licensure & Discipline*