



buttocks, and thighs, engaged in sexually suggestive behavior, gestures, expressions, and statements, failed to respect the patient's privacy by failing to employ disrobing or draping practices that respected her privacy, and made inappropriate comments to the patient about her body; and,

**WHEREAS**, Respondent and/or his legal counsel were given at least 24 hours' written or oral notice so that he or his counsel could file a written response in opposition to entry of an Order of Temporary Suspension together with a copy of the Complaint in compliance with 24 *Del.C.* § 1738(a); and,

**WHEREAS**, Respondent through his Counsel Victor F. Battaglia, Sr., Esquire has filed an answer in opposition to the Complaint and Motion for Temporary Suspension which, among other things, incorrectly suggests that the burden of ensuring that a chaperon was provided was on the patient and not Dr. LeRoy; moves to strike allegation related to Dr. LeRoy's arrest information as irrelevant despite the provision of 24 *Del. C.* § 1731 (b)(2) which does not require a conviction; and which argues that 24 hours' notice of this action was not provided based on Respondent's apparent lack of distinction between a letter sent by the Board's Executive Director seeking a response to the initial complaint filed with the Division of Professional Regulation and the subsequent formal Complaint and Motion for Temporary Suspension filed by the Attorney General, service of which was accepted by his attorney on May 7th; and,

**WHEREAS**, the allegations if substantiated at a formal hearing constitute unprofessional conduct under numerous provisions of the Medical Practice Act, including but not limited to, 24 *Del.C.* §1731(b)(1), (2) (3), (11), and (17) and Board Rules 15.1.2 and 15.1.10; and,

**WHEREAS**, after due consideration of the Complaint and the Motion and the response thereto filed on behalf of Dr. LeRoy, the Secretary of State with the concurrence of the Board

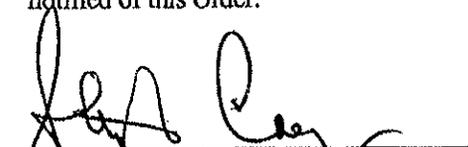
President has determined that the available information is sufficient to support the entry of an Order temporarily suspending Respondent's license to practice medicine in the State of Delaware in that there is a reasonable belief that Respondent's continued practice presents a clear and immediate danger to the public health. In making this determination the Secretary and the Board President have considered the serious allegations of sexual misconduct and Respondent's past disciplinary history based upon a conviction for unlawful sexual contact, as well as the apparent violation of the Board's chaperon mandate.

**IT IS SO ORDERED** this 8<sup>th</sup> day of May, 2012:

1. That the Motion for Emergency Suspension of Respondent's license to practice medicine, number C1-0000213, is granted and Respondent's license is temporarily suspended;
2. That Respondent is ordered to place a message on the office phone and to post a notice on his office door advising patients of the process for obtaining their medical records and further advising patients with emergency medical needs to seek medical attention at the nearest emergency room during the period during which Respondent is unable to offer treatment as a result of this Order. A copy of the notice is to be provided to the Executive Director for the Board. If Respondent intends to be in the office to personally deliver records to patients he is directed to so notify the Executive Director and to provide a schedule of dates and times he will be in the office. Respondent is prohibited from practicing medicine during the period of suspension and may only be in the office for the purpose of attending to administrative matters;
3. That Respondent shall be served with a copy of this Order as provided in 24 *Del.C.* §1735(a) and notice provided other agencies listed therein;
4. That Complaint No. 10-54-12 is accepted by the Board as the Formal Complaint and shall be assigned to a three member Hearing Panel or a Hearing Officer to be scheduled in

accordance with 24 Del.C. §1738(d) to hear evidence related to the Formal Complaint;

5. That pursuant to 24 Del.C. §1738(c) Respondent may request an expedited hearing provided that the Board receives the request within 5 calendar days of the date Respondent is notified of this Order.

  
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Stephen Cooper, M.D., President  
Board of Medical Licensure and  
Discipline

  
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The Honorable Jeffrey W. Bullock  
Secretary of State  
State of Delaware

Date Served Personally: 5/08/12 or,  
(via email)

Date Sent by Certified Mail, Return Receipt Requested: \_\_\_\_\_