

**VIRGINIA:**

**BEFORE THE BOARD OF MEDICINE**

**IN RE:           SHERI ELLEN HAMNIK, M.D.**  
**License No.: 0101-242772**

**ORDER**

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Sheri Ellen Hamnik, M.D., on December 5, 2012, in Henrico, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were Karen Ransone, M.D., Chair; Jane Piness, M.D.; and Wayne Reynolds, D.O. Dr. Hamnik appeared personally and was represented by Michael Goodman, Esquire, and Eileen Talamante, Esquire. Julia K. Bennett, Adjudication Specialist, was present as a representative for the Administrative Proceedings Division of the Department of Health Professions.

The purpose of the informal conference was to receive and act upon evidence that Dr. Hamnik may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia, as set forth in an Amended Notice of Informal Conference dated October 10, 2012.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law in this matter:

1. Sheri Ellen Hamnik, M.D., was issued license number 0101-242772 by the Board to practice medicine and surgery in the Commonwealth of Virginia on November 20,

2007. Said license expired on November 30, 2012, due to non-renewal.

2. Dr. Hamnik violated Sections 54.1-2915.A(16) and (18) of the Code, and 18 VAC 85-20-26.C of the Board of Medicine General Regulations, in that:

a. During August and September 2010, Dr. Hamnik inaccurately documented in patient medical records, including records for Patients A-D, that she had examined them, when in fact she had not. Instead, Dr. Hamnik's newly hired physician assistant, a recent graduate with no prior neurological experience, examined these patients, and Dr. Hamnik then formulated her diagnosis and treatment plan (and documented same in the patients' electronic medical records) based on his examination findings. Further, Dr. Hamnik billed these patients and their insurance companies for these physical examinations as if she had performed them herself, when such was not the case.

b. After Dr. Hamnik's clinical supervisor met with her on or about September 10, 2010 to inform her that an investigation, including a medical record review and audit, would be conducted based on his receipt of the foregoing information, Dr. Hamnik made significant alterations and deletions to the original signed electronic medical records of numerous patients, including the records for Patients A-D, without indicating in the records that she was making such changes or notifying appropriate personnel, including billing personnel, of such changes. This records audit revealed that, in the interim from July to September 2010, there were a total of 150 patients with 193 visit encounters where the review of systems findings had been altered from the prior signed and closed encounter note.

3. When confronted by her supervisor regarding these record-keeping issues, her supervisor told her to “make this right.” Consequently, Dr. Hamnik informed the Committee that she then went back through all of the records of the patient who were seen during this approximate four-week timeframe to try to make corrections. Dr. Hamnik explained that it was her understanding that the electronic medical record would date stamp and capture the items she deleted as an “amendment”, so her efforts were not intended to hide anything. She also stated that she was a salaried employee, and thus had nothing to gain by her actions in initially recording the physician assistant’s findings as her own.

4. Dr. Hamnik violated Sections 54.1-2915.A(2) and (14) of the Code in that she is impaired to practice medicine with reasonable skill and/or safety due to mental or physical illness or substance abuse, as evidenced by the following:

- a. At Dr. Hamnik’s initial visit with a clinical psychologist on April 26, 2010, he noted that she was self-medicating with Adderall and Zoloft prescribed to her by another physician.
- b. On or about November 11, 2010, Dr. Hamnik’s PCP discussed with her the risks of chronic Vicodin use (for neck pain) and the need to consider other treatment options.
- c. On or about February 17, 2012, Dr. Hamnik was stopped by a policeman in Florida after he observed her to be driving erratically over the center line and on two occasions driving in the opposite lane of travel. A consensual search of Dr. Hamnik’s vehicle revealed the following loose medications located inside two

different make-up bags: #131 Adderall 30 mg; #12 hydrocodone 5/500 (Schedule III); #1 Lopressor 50 mg (Schedule VI); #57 Neurontin 900 mg (Schedule VI); #29 hydrochlorothiazide 50 mg (Schedule VI); #4 Zofran 8 mg (Schedule VI); ½ Flagil 500 mg (Schedule VI); #14 Lyrica 75 mg (Schedule V); #1 Frova 2.5 mg (Schedule VI); #1 Zoloft 100 mg (Schedule VI); #1 Axert 12.5 mg (Schedule VI); and #2 prednisone (Schedule VI). Police officers smelled alcohol on Dr. Hamnik's breath, and two breathalyzer tests subsequently administered at the police station produced results of .087 and .081, respectively. Ultimately, on or about May 18, 2012, Dr. Hamnik was adjudicated guilty of one misdemeanor DUI impairment charge after pleading nolo contendere thereto, sentenced to 12 months probation, and ordered to pay court costs and fines and to undergo drug/alcohol evaluation and treatment.

d. From approximately February 27, 2012 to May 11, 2012, Dr. Hamnik received substance abuse treatment in a partial hospitalization program at a Florida recovery center. Further, in an interview with a Department of Health Professions' Investigator on or about April 30, 2012, Dr. Hamnik acknowledged that she had abused alcohol and satisfied the psychological definition of an alcoholic.

e. Pursuant to an evaluation performed in February and March 2012, Dr. Hamnik was diagnosed with a major mental health condition for which it is recommended that she receive ongoing psychotherapy.

f. On or about May 30, 2012, Dr. Hamnik entered into a 5-year Recovery Monitoring Contract with the Florida Professionals Resource Network, "FPRN" (the Florida equivalent of the Virginia Health Practitioners' Monitoring Program).

5. Dr. Hamnik violated Sections 54.1-2915.A(17) and (18) and 54.1-3303.A and 54.1-3408.A of the Code, and 18 VAC 85-20-25.B of the Board of Medicine General Regulations, in that she prescribed a total of approximately #390 dosage units of Adderall to two family members on or about August 3, 2008, September 6, 2008, October 5, 2008, and November 8, 2008, without having a bona fide patient-practitioner relationship with said individuals.

6. Dr. Hamnik claimed these prescriptions were written for family members who were moving to a new location and had not yet established treatment with a new physician. She acknowledged not keeping a record for one of the family members, but claimed she did keep a record for one of the individuals at her practice location; however, she was unable to produce the record.

7. Dr. Hamnik indicated on an application for clinical privileges at a Florida healthcare facility signed and dated January 30, 2012 that, to the best of her knowledge, she had NOT been the subject of an investigation or adverse action (nor was an investigation or adverse action currently pending) by a professional licensing body (in any jurisdiction for any profession) or a hospital or other healthcare facility, when in fact Dr. Hamnik was aware that: (i) she was and/or had been under investigation by the Virginia Board of Medicine and, (ii) as set forth above, she had also been investigated (including an internal medical record review and audit) in or around September 2010 by the Virginia

neurology group at which she practiced, which led to her termination from said practice on or about October 15, 2010.

8. Dr. Hamnik explained to the Committee that she had disclosed the Virginia Board investigation to the hospital administrators, but perhaps minimized the seriousness of the situation since she believed the investigation, initiated by her former employer, was retaliatory in nature. Dr. Hamnik relayed that, based on her explanation of the Virginia investigation, she was advised by administrators of the Florida hospital that she could answer “no” to the question about investigations and adverse actions on the application.

9. Dr. Hamnik informed the Committee of her many personal struggles. She stated that she is a caring and compassionate neurologist, who has focused on the patient care side of treating her patients, rather than the details of documentation. She acknowledged not amending the electronic medical record correctly, but denied any attempt to fraudulently document or to falsify the record, and noted that it was clear any changes she made to the record would be captured by the electronic medical recordkeeping system.

10. Dr. Hamnik reported a sobriety date of February 16, 2012, and the Committee reviewed documentation of her ongoing, full compliance with the FPRN.

11. Dr. Hamnik stated that she has relocated to Florida, is practicing in Florida, and does not currently intend to return to the practice of medicine in Virginia or to renew her Virginia medical license.

### ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Sheri Ellen Hamnik, M.D., is issued a REPRIMAND.

It is further ORDERED that, in the event Dr. Hamnik renews her license to practice medicine in the Commonwealth of Virginia, her license shall become subject to the following TERMS and CONDITIONS:

1. Within six (6) months of such renewal date, Dr. Hamnik shall complete Board-approved continuing medical education ("CME") consisting of at least fifteen (15) hours in the subject of medical recordkeeping and 15 hours in the subject of professional ethics. Such CME shall be approved in advance of registration by the Executive Director of the Board, and shall be completed through face-to-face, interactive sessions (i.e., no home study, journal or Internet courses). Any CME hours obtained in compliance with this term shall not be used toward compliance with the Board's CME requirements for license renewal.

2. Within 30 days of such renewal date, Dr. Hamnik shall enter into and become a participant in the Virginia Health Practitioners' Program ("HPMP") and shall comply fully with the terms of her contract(s) in such program, and any addenda thereto, until she successfully completes the program. The Board will be notified by HPMP of any noncompliance, dismissal, or resignation by Dr. Hamnik from the HPMP.

Violation of this Order may constitute grounds for the suspension or revocation of Dr. Hamnik's license renewal privilege. In the event Dr. Hamnik violates any of the terms and conditions of this Order, an administrative proceeding may be convened to determine whether such action is warranted.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public

record, and shall be made available for public inspection and copying upon request.

Pursuant to Sections 54.1-2400(10) of the Code, Dr. Hamnik may, not later than 5:00 p.m., on January 23, 2013, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated.

Therefore, this Order shall become final on January 23, 2013, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD



*For*

William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine

ENTERED: 12/17/2012