

RULING:

Based upon the representations of Assistant Attorney General James Schliessmann and the information contained in the affidavit presented, the Chair ruled that proper notice of the proceeding had been provided to Dr. Paden at his address of record on file with the Board and an alternative address in the record. Therefore, the formal hearing would proceed in his absence.

DISCUSSION:

Dr. Paden did not appear before the Board in person in accordance with the Board's Notice of Formal Hearing dated April 23, 2012, nor was he represented by counsel at the proceeding.

CLOSED SESSION:

Upon a motion by Dr. Piness, and duly seconded by Mr. Heretick, the Board voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Paden. Additionally, she moved that Mr. Casway, Dr. Harp, and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Mr. Heretick, and duly seconded by Dr. Piness, the Board made certain Findings of Fact and Conclusions of Law and voted to indefinitely suspend Dr. Paden's license to practice medicine and surgery in the Commonwealth of Virginia.

VOTE:

The vote was unanimous.

ADJOURNMENT:

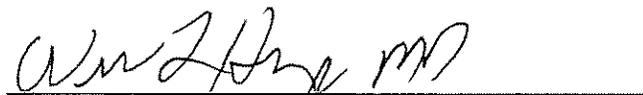
The Board adjourned at 2:20 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.



Deeri Bassam, M.D., Chair

8/15/12
Date



William L. Harp, M.D., Executive Director

8/27/12
Date

2) Mr. Rosenthal on behalf of Dr. Ayers informed the Board that Dr. Ayers would stipulate to allegations #2 and #3 as noted in the Statement of Particulars dated May 17, 2012.

RULING:

Hearing no objections from Ms. Bennett on behalf of the Commonwealth, the Chair accepted Dr. Ayers' stipulations to allegations #2 and #3.

3) Dr. Dalton advised that she had worked at the U.Va. Medical Center in the anesthesia department for approximately 17 years, but did not recall being involved in Dr. Ayers training while he was there. She further stated that she felt that she could make a fair and impartial decision regarding the issues concerning Dr. Ayers pending before the Board.

RULING:

Hearing no objections from the other formal hearing panel members or Dr. Ayers by counsel to Dr. Dalton's continued participation on the hearing panel, she was allowed to continue on the hearing panel.

4) Dr. Mackler advised that he had known Mr. Rosenthal for many years, but did not have any personal or professional relationships with him. Dr. Mackler felt that he could make a fair and impartial decision regarding the issues concerning Dr. Ayers pending before the Board.

RULING:

Hearing no objections from the other formal hearing panel members or Dr. Ayers by counsel to Dr. Mackler's continued participation on the hearing panel, he was allowed to continue on the hearing panel.

MATTER:

Dr. Ayres appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated May 17, 2012. Dr. Ayres was represented by Stephen Rosenthal, Esquire.

DISCUSSION:

The Board received testimony from the witnesses called by the Commonwealth regarding the investigation conducted and information received during the course of interviews conducted with parties relevant to the investigation.

At the conclusion of the Commonwealth's case presentation, Mr. Rosenthal moved that the Board go into closed session to receive testimony from the witnesses that would be called on behalf of Dr. Ayers since it would deal with his medical care and treatment.

CLOSED SESSION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Bell, the Board voted to convene a closed meeting pursuant to §2.2-3711.A(15) of the Code of Virginia, for the purpose of consideration and discussion of medical and mental health records of Dr. Ayers. Additionally, he moved that Ms. Deschenes, Ms. Barrett, Ms. Bennett, Ms. Fielding, and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its discussion.

Mr. Rosenthal called several witnesses who testified regarding their care and treatment rendered to Dr. Ayers. Further, Dr. Kantor was qualified as an expert. At the conclusion of the testimony from these witnesses, Mr. Rosenthal rested his case.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and the hearing continued.

The Board received closing remarks from both parties prior to convening in closed session to deliberate.

CLOSED SESSION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Bell, the Board voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Ayres. Additionally, he moved that Ms. Barrett, Ms. Deschenes, and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE:

Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION:

Upon a motion by Dr. Mackler, and duly seconded, The Board made certain Findings of Fact and Conclusions of Law and voted to deny Dr. Ayers' petition for reinstatement and revoked his license.

VOTE:

The vote was unanimous.

ADJOURNMENT:

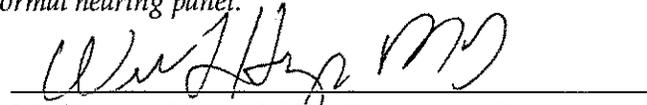
The Board adjourned at 8:18 p.m.

The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.



Karen Ransone, M.D., Chair

8/23/12
Date



William L. Harp, M.D., Executive Director

8/27/12
Date