

APPROVED

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

Thursday, February 21, 2013 Department of Health Professions Henrico, Virginia
Perimeter Center
9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 1:15 p.m.

MEMBERS PRESENT: Stephen R. Heretick, J.D., Chair
Claudette Dalton, M.D.
Kamlesh N. Davé, M.D.
Siobhan Dunnavant, M.D.
Stuart Mackler, M.D.
Wayne Reynolds, D.O.
Kenneth Walker, M.D.

BOARD COUNSEL: Howard Casway, Senior Assistant Attorney General

STAFF PRESENT: William L. Harp, M.D., Executive Director of the Board
Jennie Wood, Case Manager

COURT REPORTER: Mary Treta, Crane-Snead & Associates, Inc.

**PARTIES ON BEHALF OF
COMMONWEALTH:** James Schliessmann, Senior Assistant Attorney General
J. Fielding Yelverton, Adjudication Specialist

**WITNESSES ON BEHALF
OF COMMONWEALTH:** Patricia Sheehan, Sr. Investigator, DHP
Pamela Kincheloe, Sr. Investigator, DHP (by telephone)

**WITNESSES ON BEHALF
OF RESPONDENT:** Phillip Cocoran, M.D.

MATTER SCHEDULED: Lawrence Jay Markovitz, M.D. License No.: 0101-235031
Case Nos.: 148246, 148398

DISCUSSION: Dr. Markovitz appeared before the Board in person in
accordance with the Board's Notice of Formal Hearing dated
January 23, 2013. Dr. Markovitz was represented by Thomas J.
Stallings, Esquire.

The Board received sworn testimony from witnesses called by the parties and from Dr. Markovitz regarding the allegations in the Notice and his petition for reinstatement.

Mr. Schliessmann noted objections to Dr. Cocoran's testimony regarding Dr. Markovitz's standard of care pursuant to the State of Maryland laws and regulations. Mr. Schliessmann argued that Dr. Markovitz's standard of care pursuant to the standards of Maryland was not relevant. Mr. Stallings argued that the standard of care was relevant since it was supported by the evidence in the case.

RULING:

Mr. Heretick sustained Mr. Schliessmann's objections regarding the Maryland standard of care and ruled that Dr. Cocoran could only testify regarding his professional opinion of Dr. Markovitz's standard of care.

CLOSED SESSION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Reynolds, 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. Markovitz. Additionally, he 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. The motion was subsequently amended by Dr. Mackler to allow Dr. William Hutchens, a new board member, to attend the closed session. Mr. Stallings noted no objections to Dr. Hutchens attending the closed session.

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 by Dr. Reynolds, the Board made certain findings of fact and conclusions of law and voted to reinstate Dr. Markovitz's license.

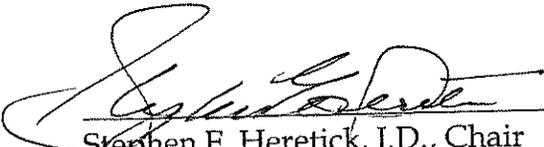
VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 3:45 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.



Stephen E. Heretick, J.D., Chair

3/4/13
Date



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

3/7/13
Date

APPROVED

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

Thursday, February 21, 2013 Department of Health Professions Henrico, Virginia
Perimeter Center
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CALL TO ORDER: A panel of the Board was called to order at 1:17 p.m.

MEMBERS PRESENT: Valerie Hoffman, D.C., Chair
Barbara Allison-Bryan, M.D.
J. Randolph Clements, D.P.M.
Robert E. Hickman, M.D.
Jane E. Piness, M.D.
Jane Maddux
Michael Signer, J.D., Ph.D.

BOARD COUNSEL: Erin Barrett, Assistant Attorney General

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Renee S. Dixon, Discipline Case Manager

COURT REPORTER: Sherelle A. Bradley, Crane-Snead & Associates, Inc.

**PARTIES ON BEHALF OF
COMMONWEALTH:** Tracy Robinson, Adjudication Specialist
Melanie Pagano, Adjudication Specialist

**WITNESSES ON BEHALF
OF COMMONWEALTH:** Vicki Fox, Sr. Investigator, DHP

MATTER SCHEDULED: Tammy Lee Cashion, D.C. License No.: 0104-000806
Case No.: 146538

DISCUSSION: Dr. Cashion appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated January 9, 2013. Dr. Cashion was represented by Michael L. Goodman, Esquire and Eileen Talmante, Esquire.

The Board received sworn testimony from witnesses called by the Commonwealth and from Dr. Cashion regarding the allegations in the Notice and Dr. Cashion's petition for reinstatement.

CLOSED SESSION:

Upon a motion by Dr. Piness, and duly seconded by Dr. Clements, 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. Cashion. Additionally, she 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. Piness, and duly seconded by Dr. Signer, the Board made certain findings of fact and conclusions of law and voted to deny Dr. Cashion's petition for reinstatement and ordered that her license continue on suspension.

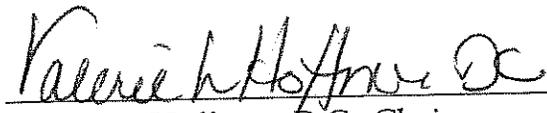
VOTE:

The vote was 6-1 with Dr. Hickman voting no.

ADJOURNMENT:

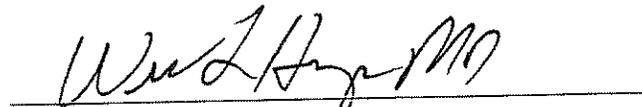
The Board adjourned at 4:41 p.m.

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.



Valerie L. Hoffman, D.C., Chair

3/7/13
Date



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

3/7/13
Date

APPROVED

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

Thursday, February 21, 2013 Department of Health Professions Henrico, Virginia
Perimeter Center
9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 4:03 p.m.

MEMBERS PRESENT: Stephen R. Heretick, J.D., Chair
Claudette Dalton, M.D.
Kamlesh N. Davé, M.D.
Siobhan Dunnavant, M.D.
Stuart Mackler, M.D.
Wayne Reynolds, D.O.
Kenneth Walker, M.D.
Karsten Konerding, M.D.

BOARD COUNSEL: Howard Casway, Senior Assistant Attorney General

STAFF PRESENT: William L. Harp, M.D., Executive Director of the Board
Jennie Wood, Case Manager

COURT REPORTER: Mary Treta, Crane-Snead & Associates, Inc.

**PARTIES ON BEHALF OF
COMMONWEALTH:** Corie E. Tillman Wolf, Assistant Attorney General
Dale Lutke, Adjudication Specialist

**WITNESSES ON BEHALF
OF COMMONWEALTH:** John Turner, Sr. Investigator, DHP
Anita Schild
Dr. Edward Habeeb (by telephone)

MATTER SCHEDULED: Brenda R. VanOverberghe, R.T. License No.: 0120-004531
Case No.: 140467

DISCUSSION: Ms. VanOverberghe did not appear before the Board in accordance with the Board's Notice of Formal Hearing dated January 17, 2013, nor was she represented by counsel at the proceeding.

Ms. Wolf presented an affidavit signed by the Executive Director of the Board attesting that the Notice and a copy of the

Commonwealth's exhibits had been sent to Ms. VanOverberghe to her address of record on file with the Board by UPS overnight mail and 1st class mail. Ms. Wolf stated that no written or verbal communication had been received from Ms. VanOverberghe. Ms. Wolf requested that the affidavit be marked as Commonwealth's Exhibit #4 and admitted into evidence.

RULING:

The Chair ruled that based on the representations of Assistant Attorney General Corie E. Tillman-Wolf and the information contained in Commonwealth's Exhibit #4, Ms. VanOverberghe had been properly noticed for the formal hearing, therefore, the hearing would proceed in her absence.

The Board received sworn testimony from witnesses called by the Commonwealth and considered the evidence before it regarding the allegations in the Notice.

CLOSED SESSION:

Upon a motion by Dr. Reynolds, and duly seconded by Dr. Mackler, 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 Ms. VanOverberghe. Additionally, he 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 Dr. Mackler, and duly seconded by Dr. Reynolds, the Board made certain findings of fact and conclusions of law and voted to indefinitely suspend Ms. VanOverberghe's license for not less than one year.

VOTE:

The vote was unanimous.

ADJOURNMENT:

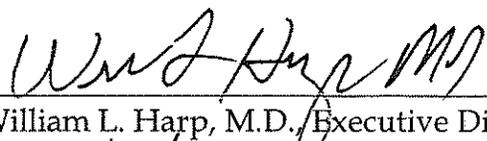
The Board adjourned at 5:05 p.m.

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.



Stephen E. Heretick, J.D., Chair

3/4/13
Date



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

3/7/13
Date

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VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

Thursday, February 21, 2013 Department of Health Professions Henrico, Virginia
Perimeter Center
9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 4:45 p.m.

MEMBERS PRESENT: Valerie Hoffman, D.C., Chair
Barbara Allison-Bryan, M.D.
J. Randolph Clements, D.P.M.
Robert E. Hickman, M.D.
Jane E. Piness, M.D.
Jane Maddux
Michael Signer, J.D., Ph.D.
Stan Holland, R.R.T.

BOARD COUNSEL: Erin Barrett, Assistant Attorney General

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Renee S. Dixon, Discipline Case Manager

COURT REPORTER: Sherelle A. Bradley, Crane-Snead & Associates, Inc.

**PARTIES ON BEHALF OF
COMMONWEALTH:** Tracy Robinson, Adjudication Specialist
Melanie Pagano, Adjudication Specialist

**WITNESSES ON BEHALF
OF COMMONWEALTH:** Gayle Miller, Sr. Investigator, DHP

MATTER SCHEDULED: Michael Adu-Amoako, R.C.P. License No.: 0117-006114
Case No.: 146927

DISCUSSION: Mr. Adu-Amoako appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated January 10, 2013. Mr. Adu-Amoako acknowledged that he was not represented by counsel, but wished to proceed with the formal hearing regarding his petition for reinstatement.

The Board received sworn testimony from witnesses called by the Commonwealth and from Mr. Adu-Amoako regarding the allegations in the Notice and his petition for reinstatement.

CLOSED SESSION:

Upon a motion by Dr. Piness, and duly seconded by Dr. Hickman, 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 Mr. Adu-Amoako. Additionally, she 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. Piness, and duly seconded by Dr. Hickman, the Board made certain findings of fact and conclusions of law and voted to reinstate Mr. Adu-Amoako's license.

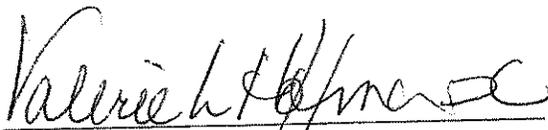
VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 5:35 p.m.

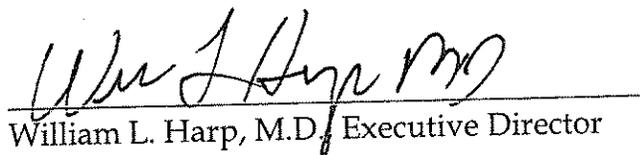
The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.



Valerie L. Hoffman, D.C., Chair

3/7/13

Date



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

3/7/13

Date