

# APPROVED

## VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

---

Saturday, June 22, 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 9:57 a.m.

**MEMBERS PRESENT:**                Valerie Hoffman, D.C., Chair  
Claudette Dalton, M.D.  
Robert Hickman, M.D.  
William Hutchens, Jr., M.D.  
Kevin O'Connor, M.D.  
Kenneth Walker, M.D.

**BOARD COUNSEL:**                    Braden Curtis, Assistant Attorney General

**STAFF PRESENT:**                     William L. Harp, M.D., Executive Director of the Board  
Renee S. Dixson, Discipline Case Manager

**COURT REPORTER:**                 Beth Aliff, Farnsworth & Taylor Court Reporting

**PARTIES ON BEHALF OF  
COMMONWEALTH:**                 James Schliessmann, Sr. Assistant Attorney General  
Julia Bennett, Adjudication Specialist

**WITNESSES ON BEHALF  
OF COMMONWEALTH:**             Pamela Kinchloe, Sr. Investigator, DHP  
Edna K. Carpenter, Valley Health System  
Audrea Wynn, M.D.  
Adam Chavez, L.N.P.  
N. Douglas Boardman, M.D. (*expert on behalf of the Board*)

**WITNESSES ON BEHALF  
OF RESPONDENT**                     Major Charles C. Key, M.D. (*by phone*)  
Col. Joe Hulse, C.R.N.A. (*by phone*)  
William Norcross, M.D., PACE (*by phone*)  
Major Omar Hajibraham, M.D. (*by phone*)

**MATTER SCHEDULED:**                Brian R. Altman, M.D.                      License No.: 0101-243739  
Case Nos.: 132988, 138387

**PRELIMINARY MATTERS:** Mr. Goodman requested that all witnesses called to testify by the parties be sequestered pending their testimony.

Hearing no objections from Mr. Schliessmann on behalf of the Commonwealth, the Chair ruled that all witnesses were to be sequestered.

**RULING:** All witnesses were removed from the hearing room.

**PRELIMINARY MATTERS:** Mr. Goodman presented several additional exhibits for the Board's consideration and admission into evidence. Specifically, he presented a report from PACE, a letter from him dated June 20, 2013 with several attachments, and a Consent Order in lieu of proceeding with the formal hearing. Mr. Goodman argued that the clinical competency assessment conducted by PACE noted no deficiencies in Dr. Altman's clinical judgment and confirmed his ability to safely practice. Further, he asked that his letter dated June 20, 2013 with numerous attachments be admitted since it includes letters from colleagues who currently interact with Dr. Altman or practice with him and they could attest to his clinical skill and judgment. Finally, Mr. Goodman proffered a Consent Order for the Board's consideration and argued that based on these additional submissions, the Consent Order would address the Board's concerns, however, it would also allow Dr. Altman to continue to practice in his current practice setting outside the Commonwealth of Virginia.

Mr. Schliessmann had no objections to the additional submissions offered by Mr. Goodman, i.e. the PACE report and his letter with attachments dated June 20, 2013. Further, Mr. Schliessmann stated that the Commonwealth had no position on the proposed Consent Order from Ms. Goodman, Mr. Schliessmann stated that the Commonwealth was satisfied that the proposed Consent Order included the allegations as Findings of Fact and Conclusions of Law, would protect the citizens of the Commonwealth, put the U.S. government on notice regarding this Board's concerns with Dr. Altman, and prohibited Dr. Altman from practicing medicine and surgery in the Commonwealth until he appeared before the Board.

Mr. Schliessmann also offered an additional Commonwealth exhibit, which was marked a Commonwealth Exhibit #8 for identification purposes. He requested that this exhibit be admitted into evidence and explained that it was a chart

prepared to reflect the medical malpractice payments, which was already part of the Commonwealth's evidence.

Mr. Goodman argued that Commonwealth Exhibit #8 should not be admitted into evidence. Mr. Goodman stated that in many of cases, Dr. Altman was not aware that payments had been made by the hospital.

**CLOSED SESSION:**

In order to consider Mr. Goodman's submissions and Consent Order, the Chair asked for a motion to go into closed session to deliberate. Therefore, upon a motion by Dr. Hickman and duly seconded by Dr. Dalton, 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. Altman. Additionally, he moved that Mr. Curtis, Dr. Harp, and Ms. Dixson, 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.

**RULING:**

The Chair ruled that Commonwealth Exhibit #8 would be admitted into evidence. Further, the three (3) submissions from Mr. Goodman would be marked as follows and admitted into evidence.

Respondent Exhibit A - PACE report

Respondent Exhibit B - Mr. Goodman letter dated 6/20/13

Respondent Exhibit C - Consent Order

Further, upon a motion by Dr. Hickman and duly seconded by Dr. Dalton, the Board voted unanimously to reject the Consent Order proffered by Mr. Goodman and proceed with the formal hearing in order to make a final determination in this matter.

**DISCUSSION:**

Dr. Altman appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated May 16, 2013. Dr. Altman was represented by Michael Goodman, Esquire & Eileen Talmante, Esquire.

The Board received sworn testimony from witnesses called by the parties and from Dr. Altman regarding the allegations in the Notice.

Dr. Boardman was qualified as an expert in orthopedics.

**CLOSED SESSION:**

Upon a motion by Dr. Walker, 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 Dr. Altman. Additionally, he moved that Mr. Curtis, Dr. Harp, 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. Hickman, and duly seconded by Dr. Dalton, the Board made certain Findings of Fact and Conclusions of Law and voted to indefinitely suspend the license of Dr. Altman. Further, the Board voted to immediately STAY the suspension of Dr. Altman and ordered that he may not practice medicine and surgery in the Commonwealth of Virginia.

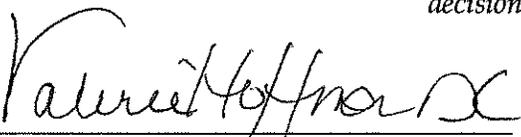
**VOTE:**

The vote 4 to 2 with Dr. O'Connor and Dr. Hoffman voting "no"

**ADJOURNMENT:**

The Board adjourned at 10:30 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 Hoffman, D.C., Chair

7/17/18  
Date



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

7/17/13  
Date