

FINAL APPROVED

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

Thursday, October 20, 2011

Department of Health Professions
Virginia

Henrico,

Perimeter Center

9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 1:10 p.m.

MEMBERS PRESENT: Valerie Hoffman, D.C., Chair
Sandra A. Bell, M.D.
William Epstein, M.D.
Wayne Reynolds, D.O.
Stephen Heretick, J.D.
Irina Farquhar, Ph.D.
Michael Signer, Ph.D., J.D.

BOARD COUNSEL: Rachel Baer, Assistant Attorney General

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Jennie Wood, Case Manager

COURT REPORTER: Anne M. Nelson, Crane-Snead & Associates

PARTIES ON BEHALF OF COMMONWEALTH: Wayne Halbleib, Sr. Assistant Attorney General
J. Fielding Yelverton, Adjudication Specialist

COMMONWEALTH WITNESS: Amy Stewart, Health Practitioner Monitoring Program

MATTER SCHEDULED: Carlos Adalberto Ocampo, M.D. License No.: 0101-239506
Case No.: 139910

PRELIMINARY MATTERS: The Chair noted that the time was 1:10 p.m., and Dr. Ocampo was noticed to appear before the Board at 1:00 p.m. Also, Dr. Ocampo was not represented by counsel. Mr. Halbleib presented an affidavit marked Commonwealth Exhibit #5, signed by the Executive Director attesting that the Notice of Formal Hearing was sent to Dr. Ocampo at his address of record with the Board by UPS overnight and first class mail.

RULING:

Based on the representation of Mr. Halbleib and the information contained in Commonwealth Exhibit #5, the Chair ruled that proper notice was provided to Dr. Ocampo, therefore the formal hearing would proceed in his absence.

The Board received evidence and sworn testimony from witnesses called by the Commonwealth regarding the matters as set forth in the Statement of Particulars dated September 15, 2011.

CLOSED SESSION:

Upon a motion by Mr. Heretick, 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. Ocampo. Additionally, he moved that Ms Baer, Ms. Deschenes, 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. Reynolds, and duly seconded by Dr. Bell, the Board made certain Findings of Fact and Conclusions of Law and voted to revoke the license of Dr. Ocampo.

VOTE:

The vote was unanimous.

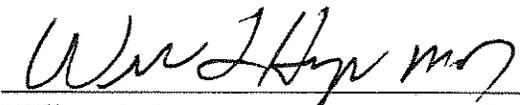
ADJOURNMENT:

The Board adjourned at 1:47 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



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

12/2/11
Date

12/22/11
Date

FINAL APPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Thursday, October 20, 2011

Department of Health Professions
Perimeter Center

Henrico, Virginia

9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 1:50 p.m.

MEMBERS PRESENT: Karen Ransone, M.D., Chair
Deeni Bassam, M.D.
J. Randolph Clements, D.P.M.
Claudette Dalton, M.D.
Robert E. Hickman, M.D.
Jane Maddux

BOARD COUNSEL: Amy Marschean, Assistant Attorney General

STAFF PRESENT: Barbara Matusiak, M.D., Medical Review Coordinator
Renée S. Dixon, Discipline Case Manager

COURT REPORTER: Lanieda Briggs, Crane-Snead & Associates

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

**COMMONWEALTH
WITNESS:** Kim Martin, Sr. Investigator, DHP
Pamela Ross, M.D.
Lindsey Giglio, R.N. (*by telephone*)
Kira Wongroski, R.N. (*by telephone*)
Geoffrey Nochimson, M.D. (*by telephone*)

RESPONDENT WITNESSES: Joel Clingenpeel, M.D. (*by telephone*)
Christopher King, M.D.
John E. Lewis, M.D. (*by telephone*)
Keith Borg, M.D.

MATTER SCHEDULED: Clarence G. Clarke D.O. License No.: 0102-202186
Case No.: 128889

PRELIMINARY MATTER:

Ms. Wolf renewed her prior objections to certain portions of Respondent Exhibit A, which contained C.V's and summary opinions from four (4) experts that Dr. Clarke would be calling to testify on his behalf. The Chair had previously reserved ruling on these documents and Ms. Wolf's objections, thereby the documents had been redacted.

Ms. Wolf also noted objections to the late submission of Dr. Clingenpeel's report since the Commonwealth did not have adequate time to review and it was not timely.

Ms. Wolf also renewed her objections to portions of transcripts that had been included in Respondent Exhibit A, which the Chair had also reserved ruling on.

Mr. Charters argued that he understood the Chair's ruling which he thought was appropriate. Therefore, he had submitted a report from Drs. Borg and Clingenpeel, which was responsive to the Chair's ruling. Further, the physicians would be present to testify regarding their opinions.

Mr. Charters stated that he had brought the entire transcripts for the 3 witnesses and was prepared to submit the documents to the Board as evidence if allowed to do so. Ms. Wolf objected to this late submission.

RULING:

The Chair ruled that Ms. Wolf's objections to the C.V's and summary reports from the physicians in question were sustained. However, the written reports from Drs. Borg and Clingenpeel would be admitted into evidence and marked accordingly as Respondent Exhibits B and C.

Regarding the transcripts, the Chair sustained Ms. Wolf's objections since Mr. Charters could cross-exam the witnesses when called to testify.

DISCUSSION:

Dr. Clarke appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated May 9, 2011. Dr. Clarke was represented by A. William Charters, Esquire.

The Board received evidence and sworn testimony from witnesses called by the parties and Dr. Clarke regarding the matters as set forth in the Statement of Particulars dated May 9, 2011.

CLOSED SESSION:

Upon a motion by Dr. Dalton, and duly seconded, 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. Clarke. Additionally, she moved that Ms. Marschean, Dr. Matusiak 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. Bassam, and duly seconded by Dr. Dalton, the Board made certain Findings of Fact and Conclusions of Law and voted to issue Dr. Clarke a reprimand and subject his license to certain terms and conditions.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned on October 21, 2011 at 2:15 a.m.

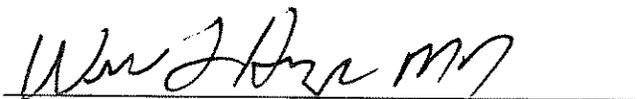
The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.



Karen Ransone, M.D., Chair

11/17/11

Date



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

12/22/11

Date

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**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Thursday, October 20, 2011

**Department of Health Professions
Virginia**

Henrico,

Perimeter Center

9960 Mayland Drive, Suite #300

CALL TO ORDER: A panel of the Board was called to order at 2:16 p.m.

MEMBERS PRESENT: Valerie Hoffman, D.C., Chair
Sandra A. Bell, M.D.
Wayne Reynolds, D.O.
Stephen Heretick, J.D.
Irina Farquhar, Ph.D.
Michael Signer, Ph.D., J.D.
Mitch Lovinger, O.T., Advisory Member

BOARD COUNSEL: Rachel Baer, Assistant Attorney General

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Jennie Wood, Case Manager

COURT REPORTER: Anne M. Nelson, Crane-Snead & Associates

PARTIES ON BEHALF OF COMMONWEALTH: James Schliessmann, Assistant Attorney General
Kelley Wynne, Adjudication Specialist

COMMONWEALTH WITNESS: Leigh Kammerer, Health Practitioner Monitoring Program
Dr. Eric Haake Golden
Dr. Rameshkoduri

MATTER SCHEDULED: **Deborah L. Griffith, O.T.A.** License No.: 0131-000586
Case No.: 138075

DISCUSSION: Ms. Griffith appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated October 4, 2011. Ms. Griffith was not represented by counsel.

The Board received evidence and sworn testimony from witnesses called by the Commonwealth and Ms. Griffith regarding the matters as set forth in the Statement of Particulars dated October 4, 2011

CLOSED SESSION:

Upon a motion by Dr. Bell, 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 Ms. Griffith. Additionally, she moved that Ms. Baer, Ms. Deschenes, 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. Bell, the Board made certain Findings of Fact and Conclusions of Law and voted to indefinitely suspend the license of Ms. Griffith.

VOTE:

The vote was unanimous.

ADJOURNMENT:

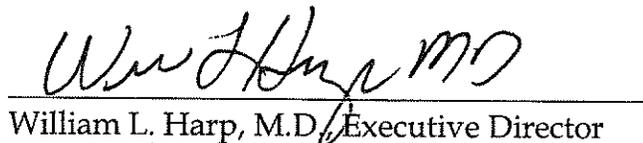
The Board adjourned at 4:12 p.m.

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

12/2/11
Date



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

12/22/11
Date