

APPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Friday, June 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 9:10 a.m.

MEMBERS PRESENT: Valerie Hoffman, D.C., Chair
Barbara Allison-Bryan, M.D.
Kevin O'Connor, M.D.
Kenneth Walker, M.D.
Irene Farquhar, Ph.D.

BOARD COUNSEL: Ishneila Moore, Assistant Attorney General

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

COURT REPORTER: Beth Aliff, Farnsworth & Taylor Reporting, LLC

**PARTIES ON BEHALF OF
COMMONWEALTH:** Dale Lutke, Adjudication Specialist
Lorraine McGehee, Deputy Director, APD

**WITNESSES ON BEHALF
OF COMMONWEALTH:** Lisa Thomas, Sr. Investigator, DHP
Patient A
Patient B
Patient K (byphone)

MATTER SCHEDULED: Travis Lee Wilson, D.C. License No.: 0104-555575
Case No.: 145855

PRELIMINARY MATTE: The Chair noted that Dr. Wilson was not present and that the
time was 9:10 a.m. and Dr. Wilson had been noticed to appear
at 8:45 am.

Ms. Lutke advised that no communication had been received from Dr. Wilson. Further, she presented Commonwealth Exhibit #3, which was an affidavit signed by Dr. William Harp, Executive Director for the Board, whereby he attested that the Notice and formal hearing materials had been sent to Dr.

Wilson's address of record and secondary address by UPS and first class mail.

RULING:

The Chair ruled that based on the information provided by Ms. Lutke and the information in Commonwealth Exhibit #3, Dr. Wilson had been properly noticed. Therefore, the formal hearing would proceed in his absence. Further, Commonwealth Exhibit #3 would be submitted into evidence.

DISCUSSION:

Dr. Wilson did not appear before the Board in person in accordance with the Board's Notice of Formal Hearing dated May 17, 2013 nor was he represented by counsel at the proceeding.

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

CLOSED SESSION:

Upon a motion by Dr. Allison-Bryan, and duly seconded by Dr. Hutchens, 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. Wilson. Additionally, she moved that Ms. Moore, 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. Allison-Bryan, and duly seconded by Dr. Hutchens, the Board made certain findings of fact and conclusions of law and revoked Dr. Wilson's privilege to renew his license.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 10:47.

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

7/17/13
Date



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

7/31/13
Date

APPROVED

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

Friday, June 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 9:10 a.m.

MEMBERS PRESENT: Stuart Mackler, M.D.
 Claudette Dalton, M.D.
 William Hutchens, Jr., M.D.
 J. Randolph Clements, D.P.M.
 Wayne Reynolds, D.O.
 Jane Maddux

BOARD COUNSEL: Charis A. Mitchell, Assistant Attorney General

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

COURT REPORTER: Holly Bush, Farnsworth & Taylor Reporting, LLC

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

**WITNESSES ON BEHALF
OF COMMONWEALTH:** James Wall, Sr. Investigator
 David Hartman, M.D. (by telephone)
 Paul Settle, M.D. (by telephone)

MATTER SCHEDULED: **Richard George Miller, D.O.** **License No.: 0102-202003**
 Case No: 144320

DISCUSSION: Dr. Miller did not appear before the Board in person in
 accordance with the Board's Notice of Formal Hearing dated
 May 2, 2013, nor was he represented by counsel at the
 proceeding.

 The Board received sworn testimony from witnesses called by
 the Commonwealth regarding the allegations in the Notice.

CLOSED SESSION:

Upon a motion by Dr. Reynolds, and duly seconded by Dr. Hutchens, 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. Miller. Additionally, he moved that Ms. Mitchell, 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. Reynolds, and duly seconded by Dr. Dalton, the Board made certain findings of fact and conclusions of law and voted to indefinitely suspend Dr. Miller's license.

VOTE:

The vote was unanimous.

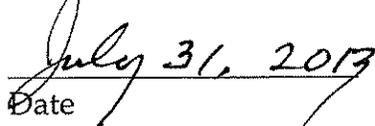
ADJOURNMENT:

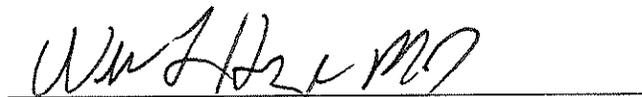
The Board adjourned at 10:26 a.m.

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.

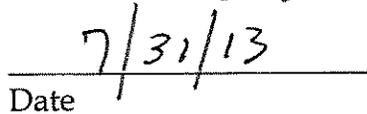


Stuart Mackler, M.D., Chair


Date



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


Date

APPROVED

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

Friday, June 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 11:00 a.m.

MEMBERS PRESENT: J. Randolph Clements, D.P.M.
Claudette Dalton, M.D.
William Hutchens, Jr., M.D.
Stuart Mackler, M.D.
Wayne Reynolds, D.O.
Jane Maddux

BOARD COUNSEL: Charis A. Mitchell, Assistant Attorney General

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

COURT REPORTER: Holly Bush, Farnsworth & Taylor Reporting, LLC

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

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

MATTER SCHEDULED: **M. Michael Massumi, M.D.** **License No.: 0101-047873**
Case No: 150188

DISCUSSION: Dr. Massumi appeared before the Board in person in
accordance with the Board's Notice of Formal Hearing dated
May 16, 2013. Dr. Massumi was not represented by counsel.

Dr. Massumi confirmed for the record that he wanted to
proceed without counsel.

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

CLOSED SESSION:

Upon a motion by Dr. Mackler and duly seconded by Dr. Hutchens, 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. Massumi. Additionally, he moved that Ms. Mitchell, 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. Reynolds, and duly seconded by Dr. Hutchens, the Board made certain findings of fact and conclusions of law and voted to reinstate Dr. Massumi's license on indefinite probation with certain terms and conditions.

VOTE:

The vote was 5-1 with Dr. Dalton voting no.

ADJOURNMENT:

The Board adjourned at 2:30 p.m.

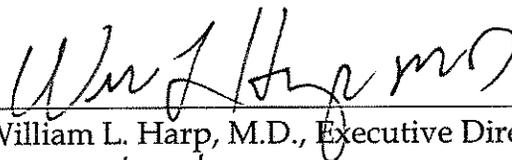
The decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decisions of this formal hearing panel.



J. Randolph Clements, D.P.M., Chair

6/30/2013

Date



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

7/8/13

Date

APPROVED

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

Friday, June 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 11:05 a.m.

MEMBERS PRESENT: Valerie Hoffman, D.C., Chair
Barbara Allison-Bryan, M.D.
Robert Hickman, M.D.
Kevin O'Connor, M.D.
Kenneth Walker, M.D.
Irene Farquhar, Ph.D.
Thomas Parish, P.A. (Advisory Board Member)

BOARD COUNSEL: Ishneila Moore, Assistant Attorney General

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

COURT REPORTER: Beth Aliff, Farnsworth & Taylor Reporting, LLC

**PARTIES ON BEHALF OF
COMMONWEALTH:** Dale Lutke, Adjudication Specialist
Lorraine McGehee, Deputy Director, APD

**WITNESSES ON BEHALF
OF COMMONWEALTH:** Ashley Moran, Sr. Investigator, DHP
Naima Fellers, Sr. Investigator, DHP (by phone)
Priscilla A. Serrano, P.A. (by phone)
Mary Hamilton, M.D.
Helene Kelley, Sr. Investigator, DHP
Carol Ann Salerno

**WITNESSES ON BEHALF
OF RESPONDENT:** Patient B (by phone)

MATTER SCHEDULED: Joe Wendell Frazier, P.A. License No.: 0110-002736
Case Nos.: 126627, 128965, 131227, 131823, 149876

DISCUSSION:

Mr. Frazier appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated May 20, 2013. Mr. Frazier was not represented by counsel.

Mr. Frazier confirmed for the record that he wanted to proceed without counsel.

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

Mr. Frazier submitted Respondent Exhibit B and moved that it be submitted into the record as evidence. Upon questioning by the Chair as to the relevancy of the documentation, Mr. Frazier was unable to clarify the relevancy.

RULING:

The Chair ruled that since Mr. Frazier was unable to establish the relevancy, the exhibit was not admitted into the record.

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 Mr. Frazier. Additionally, he moved that Ms. Moore, 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. Allison-Bryan, and duly seconded by Dr. Hickman, the Board made certain findings of fact and conclusions of law and denied Mr. Frazier's petition for reinstatement and revoked his license.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 6:00 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
Valerie Hoffman, D.C., Chair

2/17/13
Date

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

7/31/13
Date