

# APPROVED

## VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

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Friday, September 27, 2013      Department of Health Professions      Henrico, Virginia  
Perimeter Center  
9960 Mayland Drive, Suite #300

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**CALL TO ORDER:**                      A panel of the Board was called to order at 10:45 a.m.

**MEMBERS PRESENT:**                J. Randolph Clements, D.P.M, Chair  
Barbara Allison-Bryan, M.D.  
Jane Maddux  
Siobhan Dunnavant, M.D.  
Claudette Dalton, M.D.

**BOARD COUNSEL:**                    Erin Barrett, Assistant Attorney General

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

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

**PARTIES ON BEHALF OF  
COMMONWEALTH:**                 Julia Bennett, Adjudication Specialist

**WITNESSES ON BEHALF  
OF COMMONWEALTH:**             Krystal Blanton, Compliance Specialist

**MATTER SCHEDULED:**                **Thein Maung, M.D.**                      **License No.: 0101-238242**  
**Case No.: 149975**

**PRELIMINARY MATTERS:**            1) The Chair noted that Dr. Maung was not present and the time was currently 10:45 a.m., and Dr. Maung had been noticed to appear before the Board at 10:30 a.m. The Chair inquired if Ms. Bennett had received any communication from Dr. Maung and was he properly noticed for the proceeding.

Ms. Bennett advised that the Notice of Formal Hearing had been sent to Dr. Maung's address of record with the Board by certified and 1<sup>st</sup> class mail, neither of which had been returned. Ms. Bennett presented Commonwealth Exhibit #5 which was an affidavit signed by the Executive Director of the Board

attesting that Dr. Maung had been properly noticed for the hearing.

**RULING:**

Based on the representations of Ms. Bennett and the information contained in Commonwealth Exhibit #5, the Chair ruled that Dr. Maung had been properly noticed for the formal hearing, therefore, the hearing would proceed in his absence. Further, the Chair ruled that Commonwealth Exhibit #5 would be admitted into evidence.

2) Ms. Bennett presented Commonwealth Exhibit #4 and requested that it be admitted into evidence. Ms. Bennett stated that the exhibit was a late submission and that it had been sent to Dr. Maung's address of record with the Board by overnight and 1<sup>st</sup> class mail, neither of which had been returned.

**RULING:**

The Chair noted that no objections had been filed with the Board by Dr. Maung, therefore, Commonwealth Exhibit #4 would be admitted into evidence.

**DISCUSSION:**

Dr. Maung did not appear before the Board in person in accordance with the Board's Notice of Formal Hearing dated August 9, 2013, nor was he represented by counsel.

The Board received sworn testimony from witnesses called by the Commonwealth and considered the evidence before it as contained in Commonwealth's Exhibits 1-4.

**CLOSED SESSION:**

Upon a motion by Dr. Dalton, and duly seconded by Ms. Maddux, 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. Maung. Additionally, she moved that Ms. Barrett, 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. Allison-Bryan, and duly seconded by Dr. Dalton, the Board made certain findings of fact and conclusions of law and voted to revoke Dr. Maung's license.

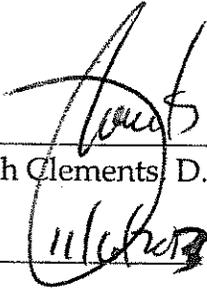
**VOTE:**

The vote was unanimous.

**ADJOURNMENT:**

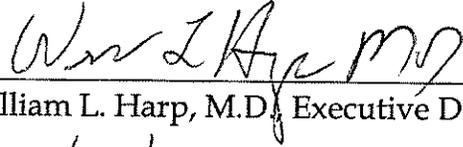
The Board adjourned at 11:24 a.m.

*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.*



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J. Randolph Clements D.P.M, Chair

\_\_\_\_\_  
Date



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

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11/15/13  
Date