

# APPROVED

## VIRGINIA BOARD OF MEDICINE SPECIAL CONFERENCE COMMITTEE MINUTES

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Thursday, July 25, 2013    Department of Health Professions    Henrico, Virginia  
Perimeter Center  
9960 Mayland Drive, Suite #300

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- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 9:05 a.m.
- MEMBERS PRESENT:** Stephen Heretick, J.D., Chair  
Kenneth Walker, M.D.  
Barbara Allison-Bryan, M.D.
- STAFF PRESENT:** Jennifer L. Deschenes, Deputy Executive Director, Discipline  
Renee S. Dixon, Discipline Case Manager  
Julia Bennett, Adjudication Specialist
- OTHERS PRESENT:** Dr. Greg Risk
- MATTER:** David G. Allingham, M.D.                      License No.: 0101-046274  
Case Nos.: 144567, 148338, 147803
- DISCUSSION:** Dr. Allingham appeared before the Committee in person in accordance with a Notice of the Board dated May 20, 2013. Dr. Allingham was represented by Terry Kilgore, Esquire.
- The Committee reviewed Dr. Allingham's compliance with the Board's Order entered April 11, 2012, and fully discussed the allegations in the Notice with Dr. Allingham.
- CLOSED SESSION:** Upon a motion by Dr. Allison-Bryan and duly seconded by Dr. Walker, the Committee 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. Allingham. Additionally, she moved that Ms. Deschenes and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee 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 Committee re-convened in open session and announced its decision.

**DECISION:**

Upon a motion by Dr. Walker, and duly seconded by Dr. Allison-Bryan, the Committee made certain findings of fact and conclusions of law and voted to place Dr. Allingham's license on indefinite probation subject to certain terms and conditions.

**VOTE:**

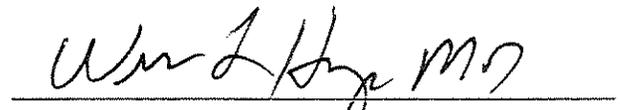
The vote was unanimous.

**ADJOURNMENT:**

The Committee adjourned at 12:45 p.m.

*As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Allingham, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Allingham, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.*

  
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Stephen Heretick, J.D., Chair

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

7/30/13  
\_\_\_\_\_  
Date

8/2/13  
\_\_\_\_\_  
Date

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Thursday, July 25, 2013

Department of Health Professions  
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Henrico, Virginia

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- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 2:15 p.m.
- MEMBERS PRESENT:** Stephen Heretick, J.D., Chair  
Kenneth Walker, M.D.
- STAFF PRESENT:** Renee S. Dixon, Discipline Case Manager  
Julia Bennett, Adjudication Specialist
- MATTER:** Thein Maung, M.D. License No.: 0101-238242  
Case No.: 149975
- PRELIMINARY MATTER:** The Chair noted that the time was 2:15 p.m. and Dr. Maung was noticed to appear before the Committee at 2:00 p.m., and was not present.
- Ms. Bennett advised that the Notice had been sent to Dr. Maung's address of record with the Board by certified and 1<sup>st</sup> class mail.
- RULING:** Based on the information provided by Ms. Bennett, the Chair determined that proper notice had been provided to Dr. Maung, therefore, the informal conference would proceed in his absence.
- DISCUSSION:** Dr. Maung did not appear before the Committee in accordance with the Board's Notice of Informal Conference dated May 21, 2013, nor was he represented at the conference by legal counsel.
- The Committee considered the evidence regarding Dr. Maung's compliance with the Board's Order entered August 27, 2012 and the allegations in the Notice.
- DECISION:** Upon a motion by Dr. Walker, and duly seconded, the Committee voted to refer this matter to a formal hearing since the suspension or revocation of Dr. Maung's license may be

justified which is not within the authority of the Committee pursuant to §54.1-2400(10) of the Code of Virginia.

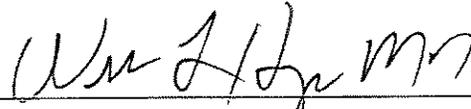
**VOTE:** The vote was unanimous.

**ADJOURNMENT:** The Committee adjourned at 2:25 p.m.

*A formal hearing will be scheduled for a future date for a final determination.*

  
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Stephen Heretick, J.D. , Chair

7/30/13  
\_\_\_\_\_  
Date

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

8/2/13  
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Date