

APPROVED

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

May 28, 2014 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: Robert Hickman, M.D., Chair
Siobhan Dunnavant, M.D.
Lori Conklin, M.D.
Kenneth Walker, M.D.
Stuart Mackler, M.D.

BOARD COUNSEL: Erin Barrett, AAG

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

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

**PARTIES ON BEHALF OF
COMMONWEALTH:** Corie Wolf, AAG
Tracy Robinson, Adjudication Specialist

**COMMONWEALTH
WITNESSES:** Kelly Ashley, Investigator, DHP
Anthony Sellers, Investigator, DHP
John Crowder, Pharmacist
Richard Woodfin, Pharmacist
Julie Wooten, Pharmacist (*by telephone*)

RESPONDENT WITNESSES: Robert Marshall
Linda Fowler

MATTER SCHEDULED: Roger Morgan Phillips, M.D. License No.: 0101-053117
Case Nos.: 131603, 137436, 139970, 149768, 151263, 152453

PRELIMINARY MATTERS: Assistant Attorney Wolf motioned to submit technical amendments to the Notice. There were no objections by Dr. Phillips.

RULING: The motion was sustained and the amendments were accepted.

PRELIMINARY MATTERS: Assistant Attorney Wolf made a motion to exclude the witnesses from the hearing. There were no objections by Dr. Phillips.

RULING: The motion was sustained and the witnesses were excluded.

PRELIMINARY MATTERS: The Chair reviewed Dr. Phillips' document submissions and the Commonwealth's objections to the admission.

RULING: The Commonwealth's objections were sustained and Dr. Phillips' document submissions were not admitted into evidence.

DISCUSSION: Dr. Phillips appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated February 20, 2014. Dr. Phillips was not represented by counsel.

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

CLOSED SESSION: Upon a motion by Dr. Conklin, and duly seconded by Dr. Dunnavant, 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. Phillips. 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. Mackler, and duly seconded by Dr. Dunnavant, the Board made certain findings of fact and conclusions of law and voted to revoke the license of Dr. Phillips.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 7:00 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.

Robert Hickman

Robert Hickman, M.D., Chair

Date

6/19/14

William L. Harp

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

Date

6/20/14