

# APPROVED

## VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

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October 22, 2015

Department of Health Professions  
Perimeter Center  
9960 Mayland Drive, Suite #300

Henrico, Virginia

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**CALL TO ORDER:** A panel of the Board was called to order at 1:19 p.m.

**MEMBERS PRESENT:** Syed Ali, M.D., Chair  
David Giammittorio, M.D.  
Kevin O'Connor, M.D.  
Siobhan Dunnivant, M.D.  
Ray Tuck, Jr., D.C.  
Jasmine Gore  
Alvin Edwards, Ph.D.

**BOARD COUNSEL:** Amanda Lavin, AAG

**STAFF PRESENT:** Jennifer L. Deschenes, Deputy Executive Director, Discipline  
Tamika Hines, Discipline Case Manager

**COURT REPORTER:** Earlina King, Crane Snead & Associates, Inc.

**PARTIES ON BEHALF OF  
COMMONWEALTH:** James Schleissmann, AAG  
LaTonya Hucks, Adjudication Specialist

**COMMONWEALTH  
WITNESSES:** Gayle Miller, Sr. Investigator, DHP

**MATTER SCHEDULED:** **Thomas Valley, M.D.**  
**Case No.: 156598**

**DISCUSSION:** Dr. Valley appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated September 17, 2015. Dr. Valley was not represented by counsel.

The Board received evidence and sworn testimony from witnesses called by the parties and from Dr. Valley regarding the allegations in the Notice and his application for licensure.

**CLOSED SESSION:**

Upon a motion by Dr. Dunnivant, and duly seconded by Dr. Edwards, 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. Valley. Additionally, she moved that Ms. Lavin, Ms. Deschenes and Ms. Hines 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. Tuck, and duly seconded by Dr. Edwards, the Board made certain findings of fact and conclusions of law and voted to deny Dr. Valley's application for licensure.

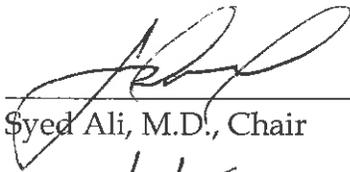
**VOTE:**

The vote was unanimous.

**ADJOURNMENT:**

The Board adjourned at 3:02 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.*

  
\_\_\_\_\_  
Syed Ali, M.D., Chair

12/3/15  
\_\_\_\_\_  
Date

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

12/4/15  
\_\_\_\_\_  
Date

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**CALL TO ORDER:**                      A panel of the Board was called to order at 1:19 p.m.

**MEMBERS PRESENT:**                Kenneth Walker, M.D., Chair  
Kamlesh Dave, M.D.  
Wayne Reynolds, D.O.  
Jane Hickey, J.D.  
Maxine Lee, M.D.  
J. Randolph Clements, D.P.M.  
Lori Conklin, M.D.  
Svinder Toor, M.D.

**BOARD COUNSEL:**                    Jim Rutkowski, AAG

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

**COURT REPORTER:**                Mary Treta, Crane Snead & Associates, Inc.

**PARTIES ON BEHALF OF  
COMMONWEALTH:**                Dale Lutke, Adjudication Specialist

**MATTER SCHEDULED:**              **Andrew W. Loftus, M.D.**                      **License No.: 0101-233165**  
**Case No.: 161923**

**DISCUSSION:**                        Dr. Loftus appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated May 28, 2015. Dr. Loftus was represented by Steven M. Salky, Esquire, and Paul B. Hynes, Esquire.

Dr. Loftus was sworn in by Court Reporter Treta. Prior to receiving evidence and proceeding with the case, Attorney Salky, on Dr. Loftus' behalf, submitted a signed and notarized Consent Order with Findings of Facts and Conclusions of Law continuing Dr. Loftus' license on indefinite suspension with said suspension stayed upon entry and compliance with the

Virginia Health Practitioner's Monitoring Program. Adjudication Specialist Lutke had previously discussed and reviewed the Consent Order and had no objections to its entry.

**CLOSED SESSION:**

Upon a motion by Dr. Conklin, and duly seconded by Dr. Dave, 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 and review of the proffered Consent Order. Additionally, she moved that Mr. Rutkowski, 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. (1:35 p.m.)

**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. (1:58 p.m.)

**DECISION:**

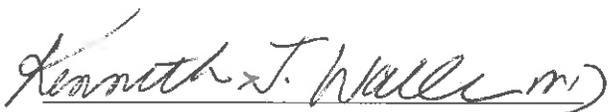
Upon a motion by Dr. Reynolds, and duly seconded by Dr. Conklin, the Board moved to accept the Consent Order as written with the findings of fact and conclusions of law continuing Dr. Loftus' license on indefinite suspension with said suspension stayed upon entry and compliance with the Virginia Health Practitioner's Monitoring Program. The Order was entered on site by Dr. Harp and copies provided to all parties.

**VOTE:**

The vote was unanimous.

**ADJOURNMENT:**

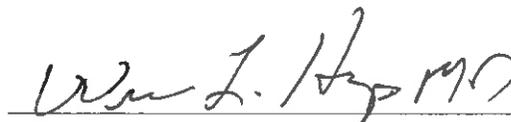
The Board adjourned at 2:02 p.m.



Kenneth Walker, M.D., Chair  
President

11-5-15

Date



William L. Harp, M.D.  
Executive Director

12/4/15

Date