DRAFT UNAPPROVED

VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES

May 16, 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 10:05 a.m.
MEMBERS PRESENT:	Barbara Allison-Bryan, M.D., Chair Stuart Mackler, M.D. Randy Clements, D.P.M. Syed Ali, M.D. David Giammittorio, M.D.
BOARD COUNSEL:	Erin Barrett, AAG
STAFF PRESENT:	William L. Harp, M.D., Executive Director of the Board Jennie Wood, Discipline Case Manager
COURT REPORTER:	Andrea Pegram, Court Reporting Services, LLC
PARTIES ON BEHALF OF COMMONWEALTH:	Frank Pedrotty, Sr. AAG Dale Lutke, Adjudication Specialist
COMMONWEALTH WITNESSES:	Pamela Kincheloe, Sr. Investigator
RESPONDENT WITNESSES:	Dr. Robert Bloom, M.D. Dr. B.F. Lewis, M.D.
MATTER SCHEDULED:	**Ellen Vaughey, M.D. License No.: 0101-049705** **Case No.: 144198**
PRELIMARY MATTERS:	Ms. Lutke made a motion to exclude the witnesses from the hearing. Mr. Schraub objected to the witness exclusion and discussion followed with both Ms. Lutke and Mr. Schraub stating their positions.
RULING:	The Chair denied the motion to exclude the witnesses.

DISCUSSION: Dr. Vaughey appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated April 11, 2014. Dr. Vaughey was represented by Jonathon Schraub, Esquire and Paige Levy Smith, Esquire.

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

CLOSED SESSION: Upon a motion by Dr. Mackler, and duly seconded by Dr. Ali, 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. Vaughey. Additionally, he moved that Ms. Barrett, 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. Clements, and duly seconded by Dr. Ali, the Board voted to dismiss the matter.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 11:44 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.

Barbara Allison-Bryan, M.D., Chair	William L. Harp, M.D., Executive Director
Date	Date

DRAFT UNAPPROVED

VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES

May 16, 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 12:26 p.m.
MEMBERS PRESENT:	Stuart Mackler, M.D., Chair Barbara Allison-Bryan, M.D. J. Randolph Clements, D.P.M. Syed Ali, M.D. David Giammittorio, M.D. Kamlesh Dave, M.D.
BOARD COUNSEL:	Erin Barrett, AAG
STAFF PRESENT:	William L. Harp, M.D., Executive Director of the Board Jennie Wood, Discipline Case Manager
COURT REPORTER:	Andrea Pegram, Court Reporting Services, LLC
PARTIES ON BEHALF OF COMMONWEALTH:	Frank Pedrotty, Sr. AAG Dale Lutke, Adjudication Specialist
COMMONWEALTH WITNESSES:	Pamela Kincheloe, Sr. Investigator, DHP
RESPONDENT WITNESSES:	Scott K. Radow, M.D. *(by telephone)* Kevin R. Cooper, M.D. *(by telephone)*
MATTER SCHEDULED:	**Marla Lynn Shuman, M.D. License No.: 0101-045470** **Case No.: 144207**
PRELIMINARY MATTERS:	Mr. Goodman made a motion to exclude/strike the evidence and a motion to dismiss.
CLOSED SESSION:	In order to consider Mr. Goodman's motions, the Chair asked for a motion to go into closed session to deliberate. Therefore, upon a motion by Dr. Allision-Bryan, and duly seconded by Dr. Clements, 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. Shuman. Additionally, she moved that Ms. Barrett, 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.

RULING: The Chair ruled that the motion to exclude the evidence was denied and the motion to dismiss was denied.

DISCUSSION: Dr. Shuman appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated April 11, 2014. Dr. Shuman was represented by Michael L. Goodman, Esquire and Eileen Talamante, Esquire.

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

CLOSED SESSION: Upon a motion by Dr. Allision-Bryan, and duly seconded by Dr. Clements, 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. Shuman. Additionally, she moved that Ms. Barrett, 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, Dave, and duly seconded by Dr. Clements, the Board voted to dismiss the matter.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 2:09 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.

Stuart Mackler, M.D., Chair	William L. Harp, M.D., Executive Director
Date	Date

DRAFT UNAPPROVED

VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES

May 16, 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 2:31 p.m.
MEMBERS PRESENT:	J. Randolph Clements, D.P.M., Chair Stuart Mackler, M.D. Barbara Allison-Bryan, M.D. Syed Ali, M.D. David Giammittorio, M.D. Kamlesh Dave, M.D.
BOARD COUNSEL:	Erin Barrett, AAG
STAFF PRESENT:	Jennifer L. Deschenes, Deputy Executive Director, Discipline Jennie Wood, Discipline Case Manager
COURT REPORTER:	Andrea Pegram, Court Reporting Services, LLC
PARTIES ON BEHALF OF COMMONWEALTH:	Wayne Halbleib, Sr. AAG Dale Lutke, Adjudication Specialist
COMMONWEALTH WITNESSES:	Leith Ellis, Sr. Inspector, DHP Amy Stewart, HPMP, Case Manager
RESPONDENT WITNESSES:	Mr. Hal Imburg Pamela Wilson Ennick Sammons
MATTER SCHEDULED:	**Joseph M. Santarsieri, D.C. License No.: 0104-555826** **Case No.: 154211**
DISCUSSION:	Dr. Santarsieri appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated April 3, 2014. Dr. Santarsieri was represented by Christopher Malone, Esquire.

CLOSED SESSION: Upon a motion by Dr. Ali, and duly seconded by Dr. Allison-Bryan, 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. Santarsieri. 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. Allision-Bryan, and duly seconded by Dr. Ali, the Board made certain findings of fact and conclusions of law and voted to put Dr. Santarsieri's license on stayed suspension subject to certain terms and conditions.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 6:14 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	William L. Harp, M.D., Executive Director
Date	Date