

DRAFT UNAPPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

Friday, June 20, 2014

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

Henrico, Virginia

CALL TO ORDER: A panel of the Board was called to order at 9:08 a.m.

MEMBERS PRESENT: Kevin O'Connor, M.D., Chair
Barbara Allison-Bryan, M.D.
Frazier Frantz, M.D.
Lorri Kleine, J.D.
Stuart Mackler, M.D.
David Giammittorio, M.D.
J. Randolph Clements, D.P.M.

BOARD COUNSEL: Erin Barrett, Assistant Attorney General

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

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

PARTIES ON BEHALF OF COMMONWEALTH: Tracy Robinson, Adjudication Specialist
Melanie Pagano, Adjudication Specialist

COMMONWEALTH WITNESSES: Denise Sexton, Sr. Investigator (DHP)
Vicky Fox, Sr. Investigator (DHP)

RESPONDENT WITNESSES: Tracy L. Helmer, PsyD (by phone)
Thomas M. Kerkerling, M.D.

MATTER SCHEDULED: Jason R. Faulhaber, M.D. License No.: 0101-252957
Case Nos.: 150276, 155115

DISCUSSION: Dr. Faulhaber appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated May 14, 2014. Dr. Faulhaber 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. Faulhaber regarding the allegations in the Notice and his petition for reinstatement of his license.

CLOSED SESSION:

Upon a motion by Dr. Mackler, 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. Faulhaber. Additionally, he moved that Dr. Harp, Ms. Barrett 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. Mackler, the Board made certain findings of fact and conclusions of law and voted to reinstate Dr. Faulhaber's license subject to certain terms and conditions.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 12:53 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.

Barbara Allison-Bryan, M.D., Chair

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

Date

Date

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CALL TO ORDER: A panel of the Board was called to order at 1:16 p.m.

MEMBERS PRESENT: Deborah DeMoss Fonseca, Chair
Syed Ali, M.D.
Lori Conklin, M.D.
Wayne Reynolds, D.O.
Kenneth Walker, M.D.
Robert Hickman, M.D.

BOARD COUNSEL: Erin Barrett, Assistant Attorney General

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

COURT REPORTER: Mary F. Treta, Crane Sned & Associates, Inc.

**PARTIES ON BEHALF OF
COMMONWEALTH:** Frank Pedrotty, Sr. Assistant Attorney General
Gerald Milsky, Adjudication Specialist

**COMMONWEALTH
WITNESSES:** Patricia Sheehan, Sr. Investigator, DHP
Amy Stewart, MSW, Case Manager, HPMP
Robin Pullman, Psy.D., CADC (by telephone)
Jenna Duffy, LCSW (by telephone)
Lou Argow, LPC, LMFT, CSAC (by telephone)

RESPONDENT WITNESSES: Marti Borstein, M.D.

MATTER SCHEDULED: Sarah E. Kolnik, M.D. License No.: 0101-253168
Case No.: 152153

DISCUSSION: Dr. Kolnik appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated January 30, 2014. Dr. Kolnik 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. Kolnik regarding the allegations in the Notice and her petition for reinstatement of her license.

CLOSED SESSION:

Upon a motion by Dr. Reynolds, 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. Kolnik. Additionally, he moved that Ms. Deschenes, Ms. Barrett 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. Ali, and duly seconded by Dr. Walker, the Board made certain findings of fact and conclusions of law and voted to stay the suspension upon continued compliance with the Health Practitioner's Monitoring Program.

VOTE:

The vote was 5 to 1.

ADJOURNMENT:

The Board adjourned at 6:20 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.

Deborah DeMoss Fonseca, Chair

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

Date

Date