DRAFT UNAPPROVED

VIRGINIA BOARD OF MEDICINE
SPECIAL CONFERENCE COMMITTEE
MINUTES

Wednesday, September 24, 2014 Department of Health Professions Henrico, Virginia
Perimeter Center
9960 Mayland Drive, Suite #300

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 9:20 a.m.

MEMBERS PRESENT:
Siobhan Dunnavant, M.D., Chair
J. Randolph Clements, D.P.M.
Maxine Lee, M.D.

STAFF PRESENT:
Jennifer Deschenes, Deputy Executive Director
Jennie Wood, Discipline Case Manager
Julia Bennett, Adjudication Specialist

OTHERS PRESENT: Robert Helms

MATTER: **Randolph Merrick, M.D.** **License No.: 0101-042580**
Case No.: 154735

DISCUSSION: Dr. Merrick appeared before the Committee in person in accordance with a Notice of the Board dated July 2, 2014. Dr. Merrick was represented by Kenneth Roeber, Esquire.

The Committee fully discussed the allegations in the Notice with Dr. Merrick.

CLOSED SESSION: Upon a motion by Dr. Clements, and duly seconded by Dr. Lee, 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. Merrick. Additionally, he moved that Ms. Deschenes and Ms. Wood 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. Clements, and duly seconded by Dr. Lee, the Committee made certain findings of fact and conclusions of law and voted to issue Dr. Merrick a reprimand and subject his license to certain terms and conditions.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 1:18 p.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Merrick, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Merrick, 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.

Siobhan Dunnavant, M.D., Chair	William L. Harp, M.D., Executive Director
Date	Date

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Wednesday, September 24, 2014 Department of Health Professions Henrico, Virginia
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CALL TO ORDER: A Special Conference Committee of the Board was called to order at 1:28 p.m.

MEMBERS PRESENT:
J. Randolph Clements, D.P.M., Chair
Siobhan Dunnavant, M.D.
Maxine Lee, M.D.

STAFF PRESENT:
Jennifer Deschenes, Deputy Executive Director
Jennie Wood, Discipline Case Manager
LaTonya Hucks, Adjudication Specialist

MATTER: **Harold Kornylak, D.O.** **License No.: 0102-036958**
Case No.: 143575

DISCUSSION: Dr. Kornylak appeared before the Committee in person in accordance with a Notice of the Board dated July 2, 2014. Dr. Kornylak was represented by Gerald Canaan, Esquire.

The Committee fully discussed the allegations in the Notice with Dr. Kornylak.

CLOSED SESSION: Upon a motion by Dr. Lee, and duly seconded by Dr. Dunnavant, 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. Kornylak. Additionally, she moved that Ms. Deschenes and Ms. Wood 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. Dunnavant, and duly seconded by Dr. Lee, the Committee made certain findings of fact and conclusions of law and voted to issue Dr. Kornylak a reprimand and subject his license to certain terms and conditions.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 4:35 p.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Kornylak, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Kornylak, 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.

J. Randolph Clements, D.P.M., Chair	William L. Harp, M.D., Executive Director
Date	Date

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VIRGINIA BOARD OF MEDICINE
SPECIAL CONFERENCE COMMITTEE
MINUTES

Wednesday, September 24, 2014 Department of Health Professions Henrico, Virginia
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CALL TO ORDER: A Special Conference Committee of the Board was called to order at 4:35 p.m.

MEMBERS PRESENT:
Siobhan Dunnavant, M.D., Chair
J. Randolph Clements, D.P.M.
Maxine Lee, M.D.

STAFF PRESENT:
Jennifer Deschenes, Deputy Executive Director
Jennie Wood, Discipline Case Manager
Dale Lutke, Adjudication Specialist

MATTER: **Daniel H.S. Tam, M.D.** **License No.: 0101-233792**
Case No.: 155734

PRELIMINARY MATTER: The Chair noted that the time was 4:35 p.m. and Dr. Tam was noticed to appear before the Committee at 3:00 p.m. and was not present.

Ms. Luke advised that the Notice had been sent to Dr. Tam's address of record with the Board by overnight and 1st class mail.

RULING: Based on the information provided by Ms. Lutke, the Chair determined that proper notice had been provided to Dr. Tam, therefore, the informal conference would proceed in his absence.

DISCUSSION: Dr. Tam did not appear before the Committee in accordance with the Board's Notice of Informal Conference dated August 4, 2014, nor was he represented at the conference by legal counsel.

The Committee fully considered the evidence before it and received information from Ms. Lutke regarding the allegations in the Notice.

DECISION: Upon a motion by Dr. Clements, and duly seconded by Dr. Lee, the Committee voted to refer this matter to a formal hearing since the suspension or revocation of Dr. Tam'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 4:38 p.m.

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

Siobhan Dunnavant, M.D., Chair	William L. Harp, M.D., Executive Director
Date	Date