

DRAFT UNAPPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

October 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 1:02 p.m.

MEMBERS PRESENT: Kevin O'Connor, M.D., Chair
Kenneth Walker, M.D.
Lori Conklin, M.D.
Jasmine Gore
J. Randolph Clements, D.P.M.
Stuart Mackler, M.D.
David Giammittorio, M.D.
N. Ray Tuck, Jr., D.C.

BOARD COUNSEL: Jim Rutkowski, Assistant Attorney General

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

COURT REPORTER: Denise Holt, Crane Snead & Associates, Inc.

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

**COMMONWEALTH
WITNESSES:** Amy Stewart, Case Manager, HPMP
Gayle E. Miller, Sr. Investigator, DHP

RESPONDENT WITNESSES: Nicholas Iannuccilli, M.D. (by phone)

MATTER SCHEDULED: **Peter Bertani, M.D.** **License No.: 0101-036699**
Case No.: 151409

DISCUSSION: Dr. Bertani appeared before the Board in person in accordance
with the Board's Notice of Formal Hearing dated May 13, 2014.
Dr. Bertani was represented by Ramon Rodriguez, III, M.D.,
J.D.

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

CLOSED SESSION:

Upon a motion by Dr. Mackler, and duly seconded by Dr. Conklin, 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. Bertani. Additionally, he moved that Mr. Rutkowski, 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. Tuck, the Board made certain findings of fact and conclusions of law and voted to deny Dr. Bertani's petition for reinstatement.

VOTE:

The vote was 7 to 1. The motion passed.

ADJOURNMENT:

The Board adjourned at 3:56 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.

Kevin O'Connor, M.D.
Chair

Jennifer L. Deschenes, J.D., M.S.
Deputy 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: Barbara Allison-Bryan, M.D.
Deborah DeMoss Fonseca
Syed Ali, M.D.
Frazier Frantz, M.D.
Wayne Reynolds, D.O.
Maxine Lee, M.D.
Siobhan Dunnavant, M.D.

BOARD COUNSEL: Erin Barrett, Assistant Attorney General

STAFF PRESENT: Barbara Matusiak, M.D., Case Review Coordinator
Tamika Hines, Discipline Case Manager

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

**PARTIES ON BEHALF OF
COMMONWEALTH:** James Schliessmann, Sr. Assistant Attorney General
Dale Lutke, Adjudication Specialist

**COMMONWEALTH
WITNESSES:** Martha Miller, Former Investigator with DHP (by phone)
Patricia Sheehan, Sr. Investigator, DHP (by phone)

RESPONDENT WITNESSES: Dr. Grady W. Powell
Dr. Samuel Hunter
Patient F
Patient Y

MATTER SCHEDULED: Willis Madden, M.D. License No.: 0101-037342
Case No.: 148546

DISCUSSION: Dr. Madden appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated September 5, 2014. Dr. Madden was represented by Joseph E. Preston, Esquire.

The Board received evidence and sworn testimony from witnesses called by the parties and from Dr. Madden regarding the allegations in the Notice and his petition for reinstatement of his license.

CLOSED SESSION:

Upon a motion by Dr. Reynolds, 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. Madden. Additionally, he moved that Ms. Barrett, Dr. Matusiak 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. Dunnavant, and duly seconded by Dr. Ali, the Board made certain findings of fact and conclusions of law and voted to deny Dr. Madden's petition for reinstatement.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 5:28 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

Jennifer L. Deschenes, J.D., M.S.
Deputy Executive Director

Date

Date