

# APPROVED

## VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

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Friday, December 5, 2014    Department of Health Professions    Henrico, Virginia  
Perimeter Center  
9960 Mayland Drive, Suite #300

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**CALL TO ORDER:** A panel of the Board was called to order at 10:05 a.m.

**MEMBERS PRESENT:** Kevin O'Connor, M.D., Chair  
Wayne Reynolds, D.O.  
Lorri Kleine, J.D.  
Kenneth Walker, M.D.  
Barbara Allison-Bryan, M.D.  
Deborah DeMoss Fonseca  
Stuart Mackler, M.D.

**BOARD COUNSEL:** Erin Barrett, AAG

**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:** James Schliessmann, Sr. AAG  
Dale Lutke, Adjudication Specialist

**COMMONWEALTH WITNESSES:** Amy Stewart, Case Manager, HPMP  
Patricia Harte-Byers, Sr. Investigator (DHP)

**MATTER SCHEDULED:** Norman Olibrice, M.D.                      License No.: 0101-251129  
Case No.: 158222

**DISCUSSION:** The Chair noted that Dr. Olibrice was not present and the time was currently 10:08 a.m. Dr. Olibrice had been noticed to appear before the Board at 10 a.m. Mr. Schliessmann presented an affidavit attesting that the Notice had been sent to Dr. Olibrice's address of record with the Board by overnight and first class mail and hand delivered to him at the Virginia Beach Jail. The Chair opined proper notice of the proceeding had been provided to Dr. Olibrice and the formal hearing

proceeded in Dr. Olibrice's absence. The Board received sworn testimony from witnesses called by the Commonwealth.

**CLOSED SESSION:**

Upon a motion by Dr. Mackler, and duly seconded by Dr. Reynolds, 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. Olibrice. Additionally, he 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. Allison-Bryan, and duly seconded by Dr. Mackler, the Board made certain findings of fact and conclusions of law and voted to revoke the license of Dr. Olibrice.

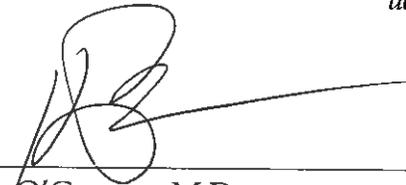
**VOTE:**

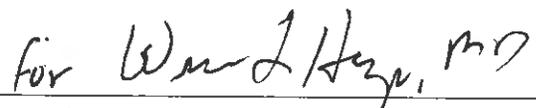
The vote was unanimous.

**ADJOURNMENT:**

The Board adjourned at 10:48 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.*

  
\_\_\_\_\_  
Kevin O'Connor, M.D.  
Chair

*for*   
\_\_\_\_\_  
Jennifer L. Deschenes, J.D., M.S.  
Deputy Executive Director

2-19-15  
Date

2/20/15  
Date



**CLOSED SESSION:**

Upon a motion by Dr. Walker, and duly seconded by Dr. Mackler, 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 Ms. Smith. Additionally, he 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. Mackler, and duly seconded by Dr. Walker, the Board made certain findings of fact and conclusions of law and voted to lift suspension and issue Ms. Smith a reprimand.

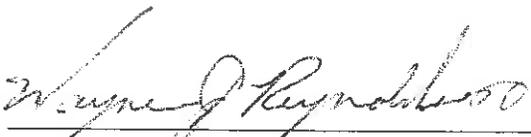
**VOTE:**

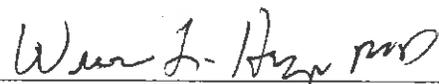
The vote was unanimous.

**ADJOURNMENT:**

The Board adjourned at 3:10 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.*

  
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Wayne Reynolds, D.O.  
Chair

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

12/17/14  
Date

2/20/15  
Date