

***DRAFT UNAPPROVED***

**VIRGINIA BOARD OF PHYSICAL THERAPY  
FORMAL HEARING MINUTES**

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Friday, March 25, 2011 &  
Thursday, March 31, 2011

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

Henrico, Virginia

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**CALL TO ORDER:** A panel of the Board was called to order at 10:12 a.m.

**MEMBERS PRESENT:** George Maihafer, P.T., PhD, Chair  
Robert Maroon, P.T.  
Damien Howell, P.T.  
Sarah Schmidt, P.T.A  
J.R. Locke, Citizen Member

**BOARD COUNSEL:** Amy Marshean, Sr. Assistant Attorney General

**STAFF PRESENT:** Lisa R. Hahn, Executive Director of the Board  
Lynne Helmick, Deputy Executive Director  
Kathy Truesdale, Discipline Operations Manager

**COURT REPORTER:** Beth Aliff, Farnsworth & Taylor Reporting

**PARTIES ON BEHALF OF  
COMMONWEALTH:** Corie E. Tillman Wolf, Assistant Attorney General  
Mykl Egan, Adjudication Specialist

**COMMONWEALTH  
WITNESS:** Kevin Pultz, Sr. Investigator, DHP  
Lisa D. Shoaf, P.T., D.P.T., Ph.D., Board Certified Expert Witness  
Charles Marshall, Detective, Albemarle County Police Dept.

**RESPONDENT  
WITNESS:** Allan Thomson, D.C.  
Melanie Henderson, P.T.  
Karen Moore, P.T.  
Pat Pleasants

**MATTER SCHEDULED:** **Richard E. Moore, Jr., PT** License No.: 2305-202139  
Case No.: 135618

**PRELIMINARY MATTERS:** The Chair noted that certain motions and objections filed by the parties were ruled on by himself and Maureen Lyons, Vice President of the Board. Rulings on these matters were captured in a letter provided to involved parties dated February 28, 2011, March 10, 2011 and March 17, 2011.

There was an outstanding objection to the expert report of Lisa Shoaf, which was made by the Respondent on March 24, 2011. The Commonwealth issued a response to this objection the same day.

**RULING:** 1) Based on the information provided by Ms. Wolf, the Chair overruled Mr. Moore's objection.

**DISCUSSION:** Mr. Moore appeared before the Board in person in accordance the Board's Notice of Formal Hearing dated February 14, 2011, and was represented by Andre Hakes, Esq. of the TuckerGriffinBarnes Attorneys at Law, at the hearing.

The Board received evidence and sworn testimony from the witnesses called by the Commonwealth and by the Respondent, regarding the matters as set forth in the Statement of Particulars dated February 14, 2011.

**RECESS:** The Board recessed at 6:38 P.M.

**RECONVENTION:** The Board reconvened on March 31, 2011 at 10:00 a.m. at 9960 Mayland Drive, Suite 200, Board Room 3, Henrico, Va.

Mr. Howell was not present at the meeting.

**CLOSED SESSION:** Upon a motion by Ms. Schmidt, and duly seconded by Mr. Locke, 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 Richard E. Moore, Jr., PT. Additionally, she moved that Ms Marschean, Ms. Hahn, Ms. Helmick, and Ms. Truesdale 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 at 12:42 p.m. and announced its decision.

**DECISION:** Upon a motion by Ms. Schmidt, and duly seconded by Mr. Locke, the Board made certain Findings of Fact and Conclusions of Law and voted to reinstate Mr. Moore's Physical Therapist license with Terms and Conditions.

**VOTE:** The vote was unanimous.

**ADJOURNMENT:**

Upon a motion by Ms. Schmidt, and duly seconded by Mr. Locke, the Board adjourned at 12:58 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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George Maihafer, P.T., PhD, Chair

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Lisa R. Hahn, Executive Director

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Date

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Date