

DRAFT UNAPPROVED

**VIRGINIA BOARD OF MEDICINE
SPECIAL CONFERENCE COMMITTEE
MINUTES**

Tuesday, November 7, 2006

Holiday Inn Select

Fredericksburg, Virginia

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 9:27 a.m.
- MEMBERS PRESENT:** Jane E. Piness, M.D., Chair
Gopinath Jadhav, M.D.
Gen. Clara Adams-Ender, R.N.
- STAFF PRESENT:** Jennifer L. Deschenes, Deputy Executive Director, Discipline
Reneè S. Dixon, Discipline Case Manager
Michelle Wilson, Adjudication Specialist
- MATTER SCHEDULED:** **Edward Michael Friedler, M.D. License No.: 0101-039090**
Case No.: 99509, 101358
- DISCUSSION:** Dr. Friedler appeared before the Committee in person in accordance with a Notice of the Board dated September 13, 2006. Dr. Friedler was represented by Marc A. Brown, Esquire. The Committee fully discussed the allegations in the Notice with Dr. Friedler.
- CLOSED SESSION:** Upon a motion by Gen Adams-Ender, and duly seconded by Dr. Jadhav, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Friedler. Additionally, she moved that Ms. Deschenes and Ms. Dixon 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 Committee re-convened in open session and announced its decision.

DECISION: Upon a motion by Dr. Jadhav, and duly seconded by Gen. Adams-Ender the Committee made certain Findings of Fact and Conclusions of Law and voted to issue Dr. Friedler a reprimand and subject his license to certain terms and conditions.

ADJOURNMENT: The Committee adjourned at 1:47 p.m.

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

Jane Piness, M.D., Chair

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

Date

Date

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CALL TO ORDER: A Special Conference Committee of the Board was called to order at 1:53 p.m.

MEMBERS PRESENT: Gen. Clara Adams-Ender, R.N., Chair
Jane E. Piness, M.D.
Gopinath Jadhav, M.D.

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Reneè S. Dixon, Discipline Case Manager
Michelle Wilson, Adjudication Specialist

MATTER SCHEDULED: **James Mitri Azar, D.C.** License No.: 0104-556186
Case No.: 94458

DISCUSSION: Dr. Azar appeared before the Committee in person in accordance with a Notice of the Board dated September 13, 2006. Dr. Azar was not represented by counsel. The Committee fully discussed the allegations in the Notice with Dr. Azar.

CLOSED SESSION: Upon a motion by Dr. Piness, and duly seconded by Dr. Jadhav, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Azar. Additionally, she moved that Ms. Deschenes and Ms. Dixon 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 Committee re-convened in open session and announced its decision.

DECISION: Upon a motion by Dr. Piness, and duly seconded by Dr. Jadhav the Committee made certain Findings of Fact and Conclusion of Law and voted to issue Dr. Azar a reprimand and impose a monetary penalty of One Thousand Five Hundred Dollars (\$1,500.00).

ADJOURNMENT: The Committee adjourned at 2:55 p.m.

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

Gen. Clara Adams-Ender, R.N., Chair

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

Date

Date

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CALL TO ORDER: A Special Conference Committee of the Board was called to order at 3:09 p.m.

MEMBERS PRESENT: Jane E. Piness, M.D., Chair
Gopinath Jadhav, M.D.
Gen. Clara Adams-Ender, R.N.

STAFF PRESENT: Jennifer L. Deschenes, J.D., Deputy Executive Director, Discipline
Renée S. Dixon, Discipline Case Manager
Michelle Wilson, Adjudication Specialist

OTHERS PRESENT: Daniel Moreno, J.D., Legal Advocate [on behalf of Dr. Baltierra]
Charles R. Calton, Adjudication Specialist, APD [observing]

MATTER SCHEDULED: Maria de Jesus Baltierra, M.D. License No.: 0101-049113
Case No.: 105867

DISCUSSION:

Dr. Baltierra appeared before the Committee in person in accordance with an Amended Notice of the Board dated September 13, 2006. Dr. Baltierra was not represented by counsel.

Dr. Baltierra stated to the Committee that she was unable to respond to some of the Committee's questions unless she was advised of the legal basis for such questions. She further stated that she would not respond to certain questions and invoked her 1st and 5th amendment rights under the Constitution.

Dr. Baltierra noted objections to the informal conference and the Board's Order entered October 22, 2004, as she felt that it was invalid.

Dr. Baltierra's non-responsiveness and continued efforts to argue the validity of the Board's Order and her recent filing in the Alexandria Circuit Court were not acknowledged by the Chair and the informal conference proceeded.

On behalf of Dr. Baltierra, Mr. Moreno attempted to serve the Committee a document entitled *Maria de Jesus Baltierra vs. Commonwealth of Virginia, Board of Medicine*. Service of the document was not accepted or acknowledged by the Committee or Board staff present.

CLOSED SESSION:

Upon a motion by General Adams-Ender, and duly seconded by Dr. Jadhav, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A(28) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Baltierra. Additionally, she moved that Ms. Deschenes and Ms. Dixon attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

Dr. Baltierra noted objections to Ms. Deschenes and Ms. Dixon being included in the closed session due to their biases. Dr. Baltierra's objection was overruled.

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.

Dr. Baltierra and her legal advocate, Mr. Moreno, were not present for the reading of the Committee's decision.

DECISION: Upon a motion by General Adams-Ender, and duly seconded by Dr. Jadhav, the Committee voted to refer this matter to a formal hearing since it could not resolve this matter within the limits of its statutory authority.

VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 4:59 p.m.

A formal hearing will be scheduled at a future date for a final determination regarding this pending matter.

Jane Piness, M.D., Chair

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

Date

Date

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CALL TO ORDER: A Special Conference Committee of the Board was called to order at 5:03 p.m.

MEMBERS PRESENT: Jane E. Piness, M.D., Chair
Gen. Clara Adams-Ender, R.N.

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Reneè S. Dixon, Discipline Case Manager
Charles R. Calton, Adjudication Specialist

MATTER SCHEDULED: **Peter W. Yim, M.D.** **License No.: 0101-028219**
Case No.: 108702

PRELIMINARY MATTERS: The Chair noted that the current time was 5:04 p.m., and it appeared that Dr. Yim was not present. The Chair noted that Dr. Yim was scheduled to appear before the Committee at 3:30 p.m. Mr. Calton advised the Chair that no communication had been received from Dr. Yim and presented a signed affidavit certifying that the Notice had been sent to Dr. Yim's address of record with the Board.

RULING: Based on the information provided by Mr. Calton, the Chair ruled that proper notice had been provided to Dr. Yim, therefore, the informal conference would proceed in his absence.

DISCUSSION:

Dr. Yim did not appear before the Committee in person in accordance with a Notice of the Board dated September 13, 2006, nor was Dr. Yim represented by counsel.

The Committee received information regarding the allegations from Mr. Calton.

DECISION:

Upon a motion by Gen. Adams-Ender, and duly seconded, the Committee referred this matter to a formal hearing since it could not resolve this matter within the limits of its statutory authority.

ADJOURNMENT:

The Committee adjourned at 5:05 p.m.

A formal hearing will be scheduled at a future date for a final determination regarding this matter.

Jane Piness, M.D., Chair

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

Date

Date