

FINAL APPROVED

**VIRGINIA BOARD OF MEDICINE
MINUTES**

October 20, 2006	Department of Health Professions	Richmond, Virginia
CALL TO ORDER:	A panel of the Board was called to order on Friday at 9:29 a.m.	
MEMBERS PRESENT:	Malcolm Cothran, Jr., M.D., Chair Patrick Clougherty, M.D. Brent Lambert, M.D. Stephen Heretick, J.D.	Sandra A. Bell, M.D. Claudette Dalton, M.D. Karen Ransone, M.D.
STAFF PRESENT:	Howard Casway, Sr. Assistant Attorney General, Board Counsel William L. Harp, M.D., Executive Director of the Board	
PARTIES ON BEHALF OF THE COMMONWEALTH:	Wayne Halbleib, Assistant Attorney General Leigh Kiczales, Adjudication Specialist	
COURT REPORTER:	Andrea Pegram, Crane-Snead & Associates	
MATTER SCHEDULED:	Wagih R. Mando, M.D. Case No.: 106186	Applicant for Licensure
DISCUSSION:	Dr. Mando appeared before the Board in accordance with a Notice and Statement of Particulars dated May 1, 2006 . He was not represented by counsel. The Board received sworn testimony regarding the application for licensure and the allegation in the Statement of Particulars from Dr. Mando and witnesses called to testify.	
CLOSED SESSION:	Upon a motion by Dr. Bell, and duly seconded by Mr. Heretick, the Board 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. Mando. Additionally, she moved that Mr. Casway and Dr. Harp 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. Bell, and duly seconded by Dr. Lambert the Board made certain Findings of Fact and Conclusions of Law	

and voted to grant Dr. Mando a full and unrestricted license.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 1:00 p.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

/s/ _____
Malcolm Cothran, M.D., Chair

/s/ _____
William L. Harp, M.D., Executive Director

12/7/2006
Date

12/8/2006
Date

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CALL TO ORDER: A panel of the Board was called to order on Friday at 9:42 a.m.

MEMBERS PRESENT: Jane Piness, M.D., Chair
Valerie Hoffman, D.C.
Robert Mosby, M.D.
Ann T. Burks, J.D.
Suzanne Everhart, D.O.
Juan M. Montero, Jr., M.D.
Ellen Shapiro, DPM

STAFF PRESENT: Allyson Tysinger, Assistant Attorney General, Board Counsel
Jennifer L. Deschenes, Deputy Executive Director, Discipline

PARTIES ON BEHALF OF THE COMMONWEALTH: James Schliessmann, Assistant Attorney General
Michelle Wilson, Adjudication Specialist

OTHERS PRESENT: Andria Christian, Investigator *(on behalf of the Commonwealth)*
Debra Hay Pierce, Compl. Case Mgr. *(on behalf of the Commonwealth)*
Dr. Grace Keenan *(by telephone)(NOVA Medical Center, Ashland, VA)*

COURT REPORTER: Stayce D. Lawson, Crane-Snead & Associates

MATTER SCHEDULED: Sanjay Sood, M.D. License No.: 0101-049489
Case No.: 110430

DISCUSSION: Dr. Sood appeared before the Board in accordance with Notices and Statement of Particulars dated **September 15, 2006 and October 4, 2006**. He was not represented by counsel. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Sood and witnesses called to testify.

CLOSED SESSION: Upon a motion by Ms. Burks and duly seconded by Dr. Hoffman, the Board voted to convene 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. Sood. Additionally, she moved that Ms. Tysinger and Ms. Deschenes 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. Mosby, and duly seconded by Dr. Everhart the Board made certain Findings of Fact and Conclusions of Law and voted to deny the reinstatement of Dr. Sood's license.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 1:58 p.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

/s/ _____
Jane Piness, M.D., Chair

/s/ _____
William L. Harp, M.D., Executive Director

12/7/2006
Date

12/8/2006
Date

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CALL TO ORDER: A panel of the Board was called to order on Friday at 1:20 p.m.

MEMBERS PRESENT: Malcolm Cothran, Jr., M.D., Chair Sandra A. Bell, M.D.
Patrick Clougherty, M.D. Claudette Dalton, M.D.
Brent Lambert, M.D. Karen Ransone, M.D.
Stephen Heretick, J.D.

STAFF PRESENT: Howard Casway, Sr. Assistant Attorney General, Board Counsel
William L. Harp, M.D., Executive Director of the Board
Renee S. Dixon, Discipline Case Manager

PARTIES ON BEHALF OF THE COMMONWEALTH: William Clay Garrett, Assistant Attorney General
Leigh Kiczales, Adjudication Specialist

OTHERS PRESENT: Vicky Fox, Investigator (*on behalf of the Commonwealth*)
Ms. Ve Tran Phan (*on behalf of Dr. Phan*)

COURT REPORTER: Andrea Pegram, Crane-Snead & Associates

MATTER SCHEDULED: **Andy Phan, M.D.** License No.: 0101-238388
Case No.: 110112

PRELIMINARY MATTERS: Ms. Beckerman, counsel for Dr. Phan, moved that the Board allow Ms. Murray who is not licensed to practice in Virginia, to address the Board on behalf of Dr. Phan. The Chair granted this request.

Ms. Murray noted objections to the admission of Commonwealth Exhibit #4 since it contained hearsay. Mr. Garrett provided argument to the Board that pursuant to the Administrative Process Act, which governs regulatory proceedings of the Board, hearsay was allowed. The Chair overruled the objection and the Exhibit was admitted into evidence.

Ms. Murray also presented Respondent's Exhibits A, B, C, and D. Hearing no objections from Mr. Garrett on behalf of the Commonwealth, the Chair admitted the Exhibits into the records.

Mr. Garrett also presented Commonwealth Exhibit #5 in response to Respondent's Exhibit C. Hearing no objections from Ms. Murray on behalf of Dr. Phan, the Exhibit was admitted into the record.

DISCUSSION: Dr. Phan appeared before the Board in accordance with a Notice and Statement of Particulars dated **September 15, 2006**. He was represented by Melinda Murray and associated Virginia counsel, Julia Zoe Beckerman, Esquire. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Phan and witnesses called to testify.

CLOSED SESSION: Upon a motion by Mr. Heretick, and duly seconded by Dr. Bell, the Board 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. Phan. Additionally, he moved that Mr. Casway, Dr. Harp 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 Board re-convened in open session and announced its decision.

DECISION & VOTE: Upon a motion by Dr. Dalton, and duly seconded by Dr. Bell, the Board voted unanimously to adopt the Findings of Fact and Conclusions of Law, as proposed by Mr. Garrett with certain amendments.

Further, upon a motion by Dr. Ransone, and duly seconded by Dr. Lambert, the Board voted unanimously to grant Dr. Phan's application for reinstatement and that his license be reinstated on certain terms and conditions.

ADJOURNMENT: The Board adjourned at 3:50 p.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

/s/ _____
Malcolm Cothran, M.D., Chair

/s/ _____
William L. Harp, M.D., Executive Director

12/7/2006
Date

12/8/2006
Date

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CALL TO ORDER: A panel of the Board was called to order on Friday at 4:53 p.m.

MEMBERS PRESENT: Malcolm Cothran, Jr., M.D., Chair Brent Lambert, M.D.
Claudette Dalton, M.D. Karen Ransone, M.D.
Patrick Clougherty, M.D. Stephen Heretick, J.D.

STAFF PRESENT: Howard Casway, Sr. Assistant Attorney General, Board Counsel
William L. Harp, M.D., Executive Director for the Board
Jennifer L. Deschenes, Deputy Executive Director, Discipline
Renee S. Dixon, Discipline Case Manager

PARTIES ON BEHALF OF THE COMMONWEALTH: Wm. Clay Garrett, Assistant Attorney General
Michelle Wilson, Adjudication Specialist

OTHERS PRESENT: Vicky Fox, Investigator *(on behalf of the Commonwealth)*
Dawn Mitchell, DEA Agent, *[by telephone on behalf of Commonwealth]*

COURT REPORTER: Andrea Pegram, Crane-Snead & Associates

MATTER SCHEDULED: **David A. Hoxie, M.D.** **License No.: 0101-229770**
Case No.: 108262

PRELIMINARY MATTERS: Mr. Carter advised that he planned to call Atty. Asant Olatunji as a witness. Objections were noted by Mr. Garrett and he asked for a proffer as to what facts or event Ms. Olatunji would be testifying. Mr. Carter advised that Ms. Olatunji had represented Dr. Hoxie for the arrest in 1978 and her testimony would go to Dr. Hoxie's state of mind. Objections were noted by Mr. Garrett on grounds of relevancy. The Chair sustained the objections.

Mr. Garrett noted objections to Annex's 3,5,6 as referenced in Respondent's Exhibit C on grounds of relevancy. Mr. Carter argued that the documents demonstrated the prevailing attitude and atmosphere in Los Angeles in the 90's. The Chair ruled that documents in Annex's 5 & 6 were not relevant to the allegations in the Board's Notice, therefore, would not be admitted into evidence. The remaining portions of the Exhibit were admitted and provided to the Board members for their review and consideration.

DISCUSSION: Dr. Hoxie appeared before the Board in accordance with a Notice and Statement of Particulars dated **September 15, 2006**. He was represented by James M. Carter, Esquire. The Board received sworn testimony regarding the allegations in the Statement of Particulars from Dr. Hoxie and witnesses called to testify.

CLOSED SESSION: Upon a motion by Dr. Dalton, and duly seconded by Mr. Heretick, the Board 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. Hoxie. Additionally, she moved that Mr. Casway, Dr. Harp, Ms. Deschenes, and Ms. Dixson 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 & VOTE: Upon a motion by Dr. Dalton, and duly seconded by Mr. Heretick, the Board voted unanimously to adopt the Findings of Fact and Conclusions of Law, as proposed by Mr. Garrett with certain amendments.

Upon a motion by Dr. Lambert, and duly seconded by Mr. Heretick, the Board voted unanimously to deny Dr. Hoxie's application for reinstatement.

Further, upon a motion by Dr. Lambert, and duly seconded by Mr. Heretick, the Board voted unanimously to revoke the license of Dr. Hoxie.

ADJOURNMENT: The Board adjourned at 7:25 p.m.

This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of this formal hearing panel.

/s/ _____
Malcolm Cothran, M.D., Chair

12/7/2006
Date

/s/ _____
William L. Harp, M.D., Executive Director

12/8/2006
Date