

APPROVED

**VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES**

October 20, 2016

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

Henrico, Virginia

CALL TO ORDER: A panel of the Board was called to order at 1:12 p.m.

MEMBERS PRESENT: Syed Ali, M.D., Chair
David Taminger, M.D.
Isaac Koziol, M.D.
N. Ray Tuck, Jr., D.C.
Svinder Toor, M.D.
David Archer, M.D.
Lori Conklin, M.D.
Jasmine Gore
Kenneth Walker, M.D.
Breshae Bedward, OTR/L

BOARD COUNSEL: Erin Barrett, Assistant Attorney General

STAFF PRESENT: William L. Harp, M.D., Executive Director of the Board
Tamika Hines, Discipline Case Manager

COURT REPORTER: Patty White, Crane Snead & Associates

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

**COMMONWEALTH
WITNESSES:** Maryann Croteau, OT (by phone)
Joseph Clint Waddell (by phone)

MATTER SCHEDULED: **Roxie Lilly, OTA** License No.: 0131-000583
Case No.: 164096

DISCUSSION: Ms. Lilly appeared before the Board in person in accordance with the Board's Notice of Formal Hearing dated September 20, 2016. Ms. Lilly was not represented by counsel.

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

CLOSED SESSION:

Upon a motion by Dr. Walker, and duly seconded by Dr. Tuck, 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. Lilly. Additionally, he moved that Ms. Barrett, Dr. Harp 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. Taminger, and duly seconded by Dr. Walker, the Board made certain findings of fact and conclusions of law and voted to suspend Ms. Lilly's license one year with suspension stayed when she complies with the terms.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 2:47 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.



Syed Ali, M.D., Chair

Date

10/20/16



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

Date

10/21/16

APPROVED

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

October 20, 2016 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 1:14 p.m.

MEMBERS PRESENT: Barbara Allison-Bryan, M.D., Chair
Kevin O'Connor, M.D.
Jane Hickey, J.D.
J. Randolph Clements, D.P.M.
Maxine Lee, M.D.
Alvin Edwards, Ph.D.
David Giammittorio, M.D.
Wayne Reynolds, D.O.

BOARD COUNSEL: Jim Rutkowski, Assistant Attorney General

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline

COURT REPORTER: Mary Treta, Crane Snead and Associates, Inc.

**PARTIES ON BEHALF OF
COMMONWEALTH:** Julia Bennett, Adjudication Specialist
Carol McNicol, Adjudication Specialist

**COMMONWEALTH
WITNESSES:** Sharon Lichenstein
Ashley Hester, Sr. Investigator, DHP
Danielle Beckley

MATTER SCHEDULED: Brian Bittner, M.D. License No.: 0101-230106
Case Nos.: 160076, 170834, 171883

DISCUSSION: The Chair noted that Dr. Bittner was not present and the time was currently 1:16 p.m. Dr. Bittner had been noticed to appear before the Board at 1:00 p.m. Ms. Bennett presented an affidavit attesting that the Notice had been sent to Dr. Bittner's address of record with the Board by overnight and first class mail. The Chair opined proper notice of the proceeding had been provided to Dr. Bittner and the formal hearing proceeded

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

CLOSED SESSION:

Upon a motion by Dr. O'Connor, and duly seconded by Dr. Edwards, 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. Bittner. Additionally, he moved that Mr. Rutkowski 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. O'Connor, and duly seconded by Dr. Edwards, the Board made certain findings of fact and conclusions of law and voted to revoke Dr. Bittner's license.

VOTE:

The vote was unanimous.

ADJOURNMENT:

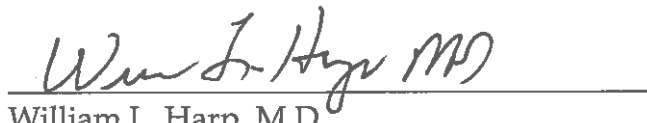
The Board adjourned at 1:50 p.m.

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
President

10/21/16
Date



William L. Harp, M.D.
Executive Director

10/21/16
Date