

**APPROVED**

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

---

**May 11, 2017 Department of Health Professions Henrico, Virginia  
Perimeter Center  
9960 Mayland Drive, Suite #300**

---

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 9:06 a.m.
- MEMBERS PRESENT:** Lori Conklin, M.D., Chair  
Jane Hickey, J.D.  
David Giammittorio, M.D.
- STAFF PRESENT:** Jennifer L. Deschenes, Deputy Executive Director, Discipline  
Jennie F. Wood, Discipline Case Manager  
Tracy Robinson, Adjudication Specialist
- MATTER:** Maria Encarnacion, M.D. License No.: 0101-043241  
Case No.: 177230
- OTHERS PRESENT:** Douglas Behr
- DISCUSSION:** Dr. Encarnacion appeared before the Committee in person in accordance with a Notice of the Board dated April 5, 2017.
- The Committee fully discussed the allegation in the Notice and Dr. Encarnacion's compliance with the Order entered February 9, 2015.
- CLOSED SESSION:** Upon a motion by Ms. Hickey, and duly seconded by Dr. Giammittorio, the Committee 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. Encarnacion. Additionally, she moved that Ms. Deschenes and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee 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 Ms. Hickey, and duly seconded by Dr. Giammittorio, the Committee made certain findings of fact and conclusions of law and voted to modify the previous Order and remove all restrictions.

**VOTE:**

The vote was unanimous.

**ADJOURNMENT:**

The Committee adjourned at 10:57 a.m.

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



Lori Conklin, M.D., Chair

5/11/2017  
Date



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

5/19/17  
Date

# APPROVED

## VIRGINIA BOARD OF MEDICINE SPECIAL CONFERENCE COMMITTEE MINUTES

---

May 11, 2017 Department of Health Professions      Henrico, Virginia  
Perimeter Center  
9960 Mayland Drive, Suite #300

---

- CALL TO ORDER:** A Special Conference Committee of the Board was called to order at 2:12 p.m.
- MEMBERS PRESENT:** Jane Hickey, J.D., Chair  
Kathryn Skibek, O.T.  
Lori Conklin, M.D.
- STAFF PRESENT:** Jennifer L. Deschenes, Deputy Executive Director, Discipline  
Jennie F. Wood, Case Manager, Discipline  
Elena Callwood, Adjudication Specialist
- MATTER:** Victoria Legg, O.T.      License No.: 0119-005004  
Case Nos.: 163523, 174731
- PRELIMINARY MATTER:** The Chair noted that the time was 2:14 p.m. and Ms. Legg was noticed to appear before the Committee at 2:00 p.m. and was not present.
- Ms. Callwood advised that the Notice had been sent to Ms. Legg's address of record with the Board by overnight and First Class mail.
- RULING:** Based on the information provided by Ms. Callwood, the Chair determined that proper notice had been provided to Ms. Legg, therefore, the informal conference would proceed in ~~his~~<sup>her</sup> absence.
- DISCUSSION:** Ms. Legg did not appear before the Committee in accordance with the Board's Notice of Informal Conference dated March 29, 2017, nor was she represented at the conference by legal counsel.
- The Committee fully considered the evidence before it and received information from Ms. Callwood regarding the allegations in the Notice.

**CLOSED SESSION:**

Upon a motion by Ms. Skibek, and duly seconded by Dr. Conklin, the Committee 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. Legg. Additionally, she moved that Ms. Deschenes and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee 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. Conklin, and duly seconded by Ms. Skibek, the Committee voted to refer to this matter to a formal hearing since the suspension or revocation of Ms. Legg's license may be justified which is not within the authority of the Committee pursuant to §54.1-2400 (10) of the Code of Virginia.

**VOTE:**

The vote was unanimous.


**ADJOURNMENT:**

The Committee adjourned at 2:33 p.m.

*A formal hearing will be scheduled for a future date for a final determination.*

  
\_\_\_\_\_  
Jane Hickey, J.D., Chair

May 19, 2017  
Date

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

5/19/17  
Date