

APPROVED
VIRGINIA BOARD OF MEDICINE
FORMAL HEARING MINUTES FEBRUARY 20-22, 2020
Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 201
Henrico, VA

CALL TO ORDER: A panel of the Board was called to order at 12:12 p.m. on Thursday, February 20, 2020.

MEMBERS PRESENT: Syed Ali, M.D.
David Archer, M.D.
James Arnold, D.P.M.
Manjit Dhillon, M.D.
Brenda Stokes, M.D.
Kevin O'Connor, M.D.
Martha Wingfield

BOARD COUNSEL: Erin Barrett, AAG

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Jennie F. Wood, Case Manager, Discipline

COURT REPORTER: Camron Jordan with County Court Reporters

PARTIES ON BEHALF OF COMMONWEALTH: James Schliessmann, AAG
Tracy Robinson, Adjudication Specialist

MATTER SCHEDULED: **Leila H. Zackrison, M.D.** License No.: 0101-045689
Case Nos.: 161559, 175503, 183943, 187023 194466

DISCUSSION: Dr. Zackrison appeared before the Board in person in accordance with the Board's Amended Notice of Formal Hearing dated December 11, 2019. Dr. Zackrison was represented by Jacques G. Simon, Esquire and Dan Alpert, Esquire.

PRELIMINARY MATTERS: 1 - The Chair ruled on Mr. Simon's February 18, 2020, letter regarding *Scheduling and Duration matters . . . ; Objection to scheduling order; Objection to designation of Rick Place, M.D., and Pemmaraju Saleena Dankin as Expert witnesses; Objection to documentary evidence in Vol. 18;* and the Commonwealth's Response letter to same dated February 19, 2020. The Chair overruled all issues and objections raised in Mr. Simon's February 18, 2020 letter.

2 – The Chair ruled on the Commonwealth's February 7, 2020, *Objections to Respondent's Evidentiary Resubmission*. The Chair overruled the Commonwealth's objection and admitted Respondent's CD resubmission into evidence.

3 – Mr. Simon made a motion to disqualify Dr. Ali and Dr. O'Connor from the panel based on bias. Mr. Simon also asked for permission to poll the panel members as to their participation in the summary suspension call; and if any participated, he motioned they be removed from the panel based on bias.

In accordance with Virginia Code § 54.1-110(B), Drs. Ali and O'Connor stated they could both be fair and impartial in considering the matter before the Board. The panel members first determined that Dr. Ali should not be disqualified, pursuant to Virginia Code § 54.1-110(B). The panel members then determined that Dr. O'Connor should not be disqualified, pursuant to Virginia Code § 54.1-110(B).

The Chair overruled Mr. Simon's motion to poll the panel. Mr. Simon motioned again to *voir dire* the panel. The Chair overruled Mr. Simon's motion to *voir dire* the panel.

4 – The Commonwealth motioned to sequester the witnesses. The Chair granted the Commonwealth's motion to sequester the witnesses.

5 – Mr. Simon noted his objection to admission of Commonwealth's Exhibit 26. The Chair overruled the objection.

6 – Mr. Simon noted his objection to expert designation of Dr. Dakin. The Chair noted this objection had already been ruled on previously.

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

**COMMONWEALTH
WITNESSES:**

Pemmaraju Saleena Dakin, M.D.
Randall Fisher, M.D.
Melissa Russell, M.D.
Deborah DiFalco, Regional Manager, DHP
Julia Turner, Sr. Investigator, DHP
Marian McLean, Sr. Investigator, DHP
Rick Place, M.D. (by phone)
Paul G. Auwaerter, M.D. (by phone)

RECESS: The Board recessed at 10:30 p.m., for the evening after the Commonwealth rested its case and the Chair announced that the hearing regarding Dr. Zackrison would reconvene on Friday, February 21, 2020, at 8:30 a.m., with presentation of Dr. Zackrison's case.

RECONVENE: The Board reconvened at 8:52 a.m., on Friday, February 21, 2020.

COURT REPORTER: Sheldon Poe with County Court Reporters and Camron Jordan with County Court Reporters, beginning at 3:00 p.m.

The Board received evidence and sworn testimony from Dr. Zackrison and witnesses called by Mr. Simon regarding the allegations in the Notice.

**RESPONDENT
WITNESSES:** Leila Zackrison, MD
Jeffrey Gilbert
Father of Patient A
Father of Patient C
Patient C
Mother of Patient B
Z. George Kosinski
Maria Horton
David Powell
Alexa Fetterly
Gene Flanigan
Luis Paoli

**COMMONWEALTH
REBUTTAL WITNESS:** Patient C. H. (by phone)

CLOSING STATEMENTS: Both counsel made closing statements to the Board.

RECESS: The Board recessed at 10:53 p.m., and the Chair announced that the hearing regarding Dr. Zackrison would reconvene on Saturday, February 22, 2020, at 9:00 a.m., for the Board to immediately go into closed session to deliberate. The Chair noted that the Commonwealth, Dr. Zackrison, and her counsel could be present on Saturday if they wished, but their presence was not required.

RECONVENE: The Board reconvened at 9:05 a.m., on Saturday, February 22, 2020.

COURT REPORTER: Camron Jordan with County Court Reporters

CLOSED SESSION: Upon a motion by Dr. Stokes, and duly seconded by Dr. Arnold, 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. Zackrison. Additionally, she moved that Ms. Barrett, Ms. Deschenes and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

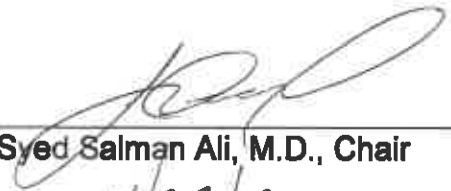
RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of § 2.2-3712 of the Code, the Board re-convened in open session and announced its decision.

DECISION: Upon a motion by Dr. Arnold and duly seconded by Dr. Dhillon, the Board voted to revoke the license of Dr. Zackrison.

VOTE: The vote was unanimous.

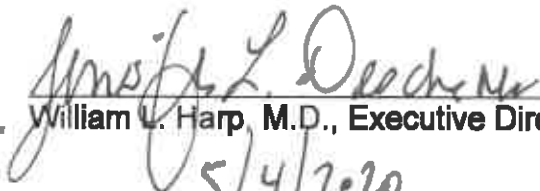
ADJOURNMENT: The Board adjourned at 11:48 a.m.

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 Salman Ali, M.D., Chair
4/27/20

Date



William L. Harp, M.D., Executive Director
5/4/20

Date