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COMMONWEALTH of VIRGINIA

Department of Health Professions
Board of Medicine

Bernard L. Henderson, Jr.
Director of the Department

Hilary H. Connor, M.D.
Executive Director of the Board

September 27, 1993

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4th Floor
Richmond, Virginia 23230-1717
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David A. Gilbert, M.D.
142 West York Street
Suite 915
Norfolk, Virginia 23510

CERTIFIED MAIL
P 292 457 964

RE: License No. 0101-030832

Dear Dr. Gilbert:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on Friday, November 5, 1993, at 1:00 p.m. at the Fort Magruder Inn, Route 60 East, Williamsburg, Virginia. The conference will be conducted pursuant to Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code").

An informal conference committee ("Committee"), composed of three members of the Board, will inquire into allegations that you may have violated certain laws governing the practice of medicine in Virginia. Specifically, you may have violated Section 54.1-2915.A(4) and (3), as further defined in Section 54.1-2914.A (3), (9), (10) and (14), and Sections 54.1-3303 and 54.1-3408 of the Drug Control Act, in that:

1. Between the period of March, 1987 and September, 1992, you indiscriminately and excessively prescribed to Patient A, a person you knew or should have known was drug dependent, the following controlled substances, most of which have a high abuse potential, contrary to sound medical judgment, and without maintaining complete and adequate records:

- A. 760 dosage units of Bentyl 20mg (dicyclomine hydrochloride - Schedule VI).
- B. 302 dosage units of Chloral Hydrate 500mg (Schedule IV).
- C. 792 dosage units of Dalmane 30mg (flurazepam - Schedule IV).
- D. 86 dosage units of Demerol 50mg (meperidine - Schedule II).
- E. 602 dosage units of Elavil 25mg and 50mg (amitriptyline - Schedule VI).
- F. 3145 dosage units of Fioricet (butalbital and acetaminophen - Schedule VI).
- G. 435 dosage units of Fiorinal (butalbital and aspirin - Schedule III).
- H. 35 dosage units of Halcion .25mg (triazolam - Schedule IV).
- I. 160 dosage units of Vistaril (hydroxyzine pamoate - Schedule VI).
- J. 230 dosage units of Librium and Librax (chlordiazepoxide hydrochloride - Schedule IV).
- K. 30 dosage units of Lomotil (Schedule VI).

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- L. 830 dosage units of Lortab 5mg and 7.5mg (hydrocodone - Schedule III).
- M. 30ml of Noctec Syrup (chloral hydrate - Schedule IV).
- N. 106 dosage units of Percodan (oxycodone - Schedule II).
- O. 952 dosage units of Phenergan 25mg (promethazine hydrochloride - Schedule VI).
- P. 333 dosage units of Restoril 30mg (tamazepam - Schedule IV).
- Q. 120 ml of Tussionex Suspension (hydrocodone - Schedule III).
- R. 115 dosage units of Tylox (oxycodone - Schedule II).
- S. 1230 dosage units of Valium 5mg (diazepam - Schedule IV).
- T. 2775 dosage units of Vicodin (Schedule III).

Patient A's physician cautioned her regarding the use of analgesics in February 1991, and referred her for substance abuse treatment in March 1992. With your knowledge, the patient left treatment against medical advice; however, you continued to prescribe abusable medications. Furthermore, during the period July 27, 1989, and August 16, 1992, Patient A obtained the following controlled substances from at least 17 other physicians:

- A. 100 dosage units of Amitriptyline.
- B. 30 dosage units of Ativan.
- C. 40 dosage units of Darvocet.
- D. 32 dosage units of Demerol.
- E. 210 dosage units of Feldene.
- F. 440 dosage units of Fiorinal.
- G. 20 dosage units of Halcion.
- H. 60 dosage units of Lortab.
- I. 10 dosage units of Mepergan Fortis.
- J. 44 dosage units of Prozac.
- K. 24 dosage units of Promethazine.
- L. 50 dosage units of Talwin NX.
- M. 172 dosage units of Tylox.
- N. 280 dosage units of Vicodin.

2. Between 1987 and 1991, Patient A underwent 5 separate cosmetic and plastic surgery procedures, all of which were performed by you. However, between 1987 and September, 1992, you failed to maintain complete and adequate office records on this patient, in that you neglected to document the taking of a history and physical, your findings, and what medications you were prescribing for this patient and your rationale for said prescribing.

3. In addition to the above-listed abusable controlled substances, you prescribed the following medications for Patient A, contrary to sound medical judgement, and without maintaining complete and adequate records:

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- A. 96 dosage units of Anusol HC Suppositories.
- B. 30 grams of Chloromycetin Ophthalmic 1% Ointment.
- C. 24ml of Cloroptic Ophthalmic Antibacterial .5% Solution.
- D. 518 dosage units of Erythromycin Stearate, 250mg and 500mg (Schedule VI).
- E. 60 dosage units of Pen-Vee-K 500mg (Schedule VI).
- F. 120 grams of Garamycin .3% Ophthalmic Ointment.
- G. 30 dosage units of Keflex 500mg (Schedule VI).
- H. 200 ml of Lidocaine Oral Topical 2% Solution.
- I. 30ml of Opthaine Topical Eye .5% Solution (proparacaine hydrochloride).
- J. 30ml of Opthetic Topical Eye .5% Solution (proparacaine hydrochloride).
- K. 340 dosage units of Prozac 20mg (flouxetine - Schedule VI).
- L. 234 dosage units of Robaxin 750mg (methocarbamol).
- M. 50 dosage units of Seldane 60mg (terfenadine - Schedule VI).
- N. 60 dosage units of Septra-DS (trimethoprim 160mg and sulfamethoxole 800mg - Schedule VI).
- O. 24 dosage units of Symmetrel 100mg (amantadine hydrochloride).
- P. 29 dosage units of Tagamet 800mg (cimetidine hydrochloride).
- Q. 30 dosage units of Tetracycline 250mg (Schedule VI).
- R. 8 grams of Tobrex Ophthalmic Ointment (tobramycin .3%).
- S. 585 grams of Valisone Topical .1% cream, 45 grams (betamethasone valerate).
- T. 50ml of Vi-Daylin-F Multivitamin drops.
- U. 200 ml of Xylocaine 2% Viscous Topical Solution (lidocaine hydrochloride).
- V. 330 dosage units of Zantac 150mg (ranitidine hydrochloride).
- W. 60 grams of Zovirax Ointment 5% Solution.

In order to protect the privacy of this patient, she has been referred to by letter only. Please see Attachment I of this notice for the identity of the individual referenced above. You may be represented by an attorney at the informal conference. The following actions may be taken by this Committee:

1. If a majority of the Committee is of the opinion that a suspension or revocation of your license may be justified, the Committee shall present to the Board in writing its findings, and the Board may proceed with a formal hearing;
2. The Committee may notify you in writing that you are fully exonerated of any charge that might affect your right to practice in Virginia;
3. The Committee may reprimand or censure you; or
4. The Committee may place you on probation for such time as it may designate and direct that during such period you furnish the Committee or its chairman, at such intervals as the Committee may direct, evidence that you are not practicing in violation of the provisions of Chapter 29, Title 54.1 of the Code, which governs the practice of medicine in Virginia.

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Should you fail to appear at the informal conference the Board may proceed to a formal administrative hearing in order to impose sanctions. Please inform this office whether you intend to appear at the conference at least ten (10) days prior to the scheduled date above. Also please provide the Board with a telephone number where you may be reached.

Enclosed you will find copies of the relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as laws relating to the practice of medicine and the other healing arts in Virginia.

If you have questions concerning this notice, please contact Karen W. Perrine, Deputy Executive Director, Discipline.

Sincerely,



Hilary H. Connor, M.D.
Executive Director
Virginia Board of Medicine

KTM:KB0624N1:NOTICES

cc: Catherine S. Casey, M.D., President
Bernard L. Henderson, Jr., Director, Department of Health Professions
Clyde W. Mathews, Jr., Deputy Director for Administrative Proceedings
Carol R. Russek, Assistant Attorney General
Karen T. McCaffrey, Senior Legal Assistant
Informal Conference Committee
Division of Investigations (92-01285)
Wayne J. Farrar, Deputy Director for Communication
C. [REDACTED]

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Enclosure:

Virginia Code Sections:

54.1-2914

54.1-2915

54.1-2919

9-6.14:11

Attachment I

Map