

APPROVED

VIRGINIA BOARD OF MEDICINE FORMAL HEARING MINUTES

August 1, 2014

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 11:56 p.m.

MEMBERS PRESENT: Kenneth Walker, M.D., Chair
J. Randolph Clements, D.P.M.
Deborah DeMoss Fonseca
Lorri Kleine, J.D.
Stuart Mackler, M.D.

BOARD COUNSEL: Erin Barrett, Assistant Attorney General

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Tamika Hines, Discipline Case Manager

COURT REPORTER: Beth Aliff, Farnsworth & Taylor Reporting, LLC

PARTIES ON BEHALF OF COMMONWEALTH: Wayne Halbleib, Assistant Attorney General
Gerald Milsky, Adjudication Specialist

COMMONWEALTH WITNESSES: Kelly D. Ashley, Sr. Investigator, DHP

MATTER SCHEDULED: Mahmood Rahman, M.D. License No.: 0101-231705
Case No.: 148942

PRELIMINARY MATTER: The Chair noted that the time was 11:59 a.m. and Dr. Rahman was noticed to appear before the Board at 10:00 a.m., and it appeared that he was not present. The Chair inquired whether Dr. Rahman was properly noticed for the proceeding.

Mr. Halbleib presented Commonwealth Exhibit #3, an affidavit signed by the Executive Director of the Board, attesting that the Notice and copies of the exhibits were sent to Dr. Rahman at his address of record with the Board by overnight and first class mail.

In addition, Mr. Halbleib requested changes be made to the Statement of Particulars.

RULING:

Based on the representations of the Sr. Assistant Attorney General Wayne Halbleib, and the information contained in Commonwealth Exhibit #3, the Chair ruled that Dr. Rahman had been properly noticed for the hearing, therefore, the hearing would proceed in his absence. Further, the Chair ruled that Commonwealth Exhibit #3 would be admitted into evidence and accepted changes to the Statement of Particulars.

DISCUSSION:

Dr. Rahman did not appear before the Board in person in accordance with the Board's Notice of Formal Hearing dated June 30, 2014, nor was he represented by counsel at the proceeding.

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

CLOSED SESSION:

Upon a motion by Ms. Fonseca, and duly seconded by Dr. Mackler, 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. Rahman. Additionally, she moved that Ms. Barrett, Ms. Deschenes 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. Clements, and duly seconded by Dr. Mackler, the Board made certain findings of fact and conclusions of law and voted to put Dr. Rahman's license on indefinite suspension.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Board adjourned at 1:05 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.

Kenneth J. Walker MD
Kenneth Walker, M.D., Chair

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

September 18, 2014
Date

9/18/14
Date