

**UNAPPROVED**

**VIRGINIA BOARD OF PHYSICAL THERAPY  
FORMAL ADMINISTRATIVE HEARING  
MINUTES**

The Virginia Board of Physical Therapy convened for a Formal Administrative Hearing on Friday, April 27, 2007 at the Department of Health Professions, 6603 West Broad Street, 5<sup>th</sup> Floor, Conference Room #4, Richmond, Virginia.

**MEMBERS PRESENT:**

Peggy H. Belmont, PT  
Robert Izzo, PT  
J.R. Locke  
Maureen E. Lyons, PT  
George Maihafer, Ph.D., PT  
Lorraine C. Quinn, PTA

**STAFF PRESENT:**

Lisa R. Hahn, Executive Director  
Amy Marschean, Senior Assistant Attorney General, Board Counsel  
Rashaun K. Minor, Discipline Operations Manager

**PARTIES ON BEHALF OF  
THE COMMONWEALTH:**

Mykl D. Egan, Adjudication Specialist, APD  
William Clay Garrett, Assistant Attorney General

**WITNESS PRESENT:**

Kurt Hofelich, VP, Sentara Norfolk General Hospital  
*(witness on behalf of the Commonwealth)*

**OTHERS PRESENT:**

Doug Deussing, VCU Physical Therapy Student

**COURT REPORTER:**

Beverly Lukowsky, Chandler & Halasz

**MATTER SCHEDULED:**

**Michael Patrick Hogan, PT**  
**License No.: 2305 203026 Case No.: 100274**

**CALL TO ORDER**

Dr. Maihafer called the hearing to order at 1:15 pm with a quorum of five eligible board members present.

**DICUSSION**

Mr. Hogan appeared before the Board in accordance with the Notice and Statement of Particulars dated **December 18, 2006**. Mr. Hogan was not represented by counsel. Mr. Hogan was asked was it his intent to proceed without counsel. Mr. Hogan response was yes.

Dr. Maihafer asked Mr. Hogan and Mr. Garrett if either of them had any witnesses present that would be called to testify; both parties stated, yes. Mr. Hogan's witness was himself. The Commonwealth's witness was Mr. Kurt Hofelich

All persons who provided testimony were sworn in.

### **PRELIMINARY MATTERS**

Dr. Maihafer asked Mr. Hogan and Mr. Garrett to address any preliminary matters.

Mr. Garrett entered exhibits #1- Notice of Hearing and Statement of Particulars, exhibit #2-Affadavit of Mailing , and exhibit #3- Investigation Report.

Mr. Hogan did not submit any exhibits.

Dr. Maihafer asked Mr. Garrett to present the Commonwealth's case to the Board.

Dr. Maihafer asked Mr. Hogan to present his case to the Board.

When all evidence had been presented, Dr. Maihafer invited Mr. Garrett to make closing statements and present proposed findings of fact and conclusions of law. Dr. Maihafer invited Mr. Hogan to make closing statements and present proposed findings of fact and conclusions of law.

### **CLOSED MEETING**

Dr. Maihafer asked for a motion to go into Closed Meeting to deliberate.

Ms. Maureen Lyons moved that the Board of Physical Therapy convene in a Closed Meeting pursuant to §2.2-3711(A) (28) of the *Code of Virginia* for the purpose of deliberation to reach a decision in the matter of Michael Patrick Hogan. Ms. Lyons also moved that Lisa Hahn, Amy Marschean, and Rashaun Minor attend the Closed Meeting as their presence is deemed necessary. The motions was seconded by Ms. Peggy Belmont and passed unanimously.

### **RECONVENE**

The Board reconvened and Ms. Maureen Lyons moved "All those who certify, to the best of your knowledge, that the Board heard, discussed or considered only those public matters lawfully exempted from Open Meeting requirements by Virginia law and those matters as were identified in the motion by which the Closed meeting was convened say 'aye'. All members certified 'aye'.

**DECISION**

Dr. Maihafer called for a motion regarding the matter of Michael Patrick Hogan.

Upon a motion by Ms. Peggy Belmont and seconded by Mr. Robert Izzo, the Board voted to INDEFINITELY SUSPENDED and deny renewal or reinstatement of Michael Patrick Hogan's Virginia Physical Therapist license for not less than one year. At such time as Mr. Hogan shall petition the Board for reinstatement of his license, an administrative proceeding will be convened to receive evidence satisfactory to the Board that he is capable of resuming safe and competent practice of physical therapy. Further, any petition for reinstatement must include evidence that Mr. Hogan has successfully completed a Type I continuing education course in ethics. Upon entry of the Order, the license of Mr. Hogan will be recorded as suspended and no longer current.

The vote was unanimous.

**ADJOURNMENT**

There being no other discussion the Hearing adjourned at 3:30 pm.

*The decision shall be effective upon the entry by the Board of a written Order.*

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George Maihafer, Ph.D., PT, Chair

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Lisa R. Hahn, Executive Director

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Date

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Date