

APPROVED

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

**Friday, August 28, 2015
9:00 A.M.**

**Department of Health Professions
9960 Mayland Drive, Suite #300
Henrico, Virginia 23233**

CALL TO ORDER: The Formal Administrative Hearing of the Board was called to order at 9:27 a.m.

MEMBERS PRESENT: Sarah Schmidt, P.T.A., Chair
Melissa Wolff-Burke, P.T., EdD
Allen Jones, Jr., P.T., PhD.
Tracey Adler, P.T., DPT
Steve Lam, Citizen Member

MEMBERS ABSENT: Arkena L. Dailey, PT, DPT

BOARD COUNSEL: Erin L. Barrett, Assistant Attorney General

DHP STAFF PRESENT: Lisa R. Hahn, Executive Director
Missy Currier, Deputy Executive Director
Kathy Petersen, Discipline Operations Manager

COURT REPORTER: Juan Ortega, Certified Court Reporter
Crane-Snead & Associates, Inc.

PARTIES ON BEHALF OF THE COMMONWEALTH: Corie Tillman-Wolf, Assistant Attorney General
Mykl Egan, Adjudication Specialist

COMMONWEALTH WITNESS: Patient A (via video conference)
James Wall, DHP Senior Investigator
Bob Suddarth
Traci Roberts, PTA
C. Eric Berry, PTA
S.A. Heather Brown, Virginia State Police
S.A. Chad Brown, Virginia State Police

**RESPONDENT'S
COUNSEL:**

Margaret Hardy, Esq.
Sands Anderson, PC

**RESPONDENT'S
WITNESSES:**

Lucy Chandler, P.T.A.
Tina McGrady
Nicole Ward

MATTER SCHEDULED:

**Walter Michael Ward, P.T.
License No.: 2305-006157
Case No.: 158212**

**ESTABLISHMENT OF A
QUORUM:**

With five (5) members of the Board present, a quorum was established.

PRELIMINARY MATTER:

Ms. Tillman-Wolf made a motion to exclude the witnesses.

RULING:

Hearing no objection from Ms. Hardy on behalf of Mr. Ward, the Chair ruled for the witnesses to be excluded.

PRELIMINARY MATTER:

Ms. Tillman-Wolf introduced Commonwealth's Exhibit #6, on behalf of the Commonwealth.

RULING:

Hearing no objection from Ms. Hardy, on behalf of Mr. Ward, the exhibit was marked as Commonwealth Exhibit #6 and was admitted into evidence by the Chair.

PRELIMINARY MATTER:

Ms. Hardy introduced Respondent's Exhibit B, on behalf of Mr. Ward.

RULING:

Hearing no objection from Ms. Tillman-Wolf, on behalf of the Commonwealth, the exhibit was marked as Respondent Exhibit B and was admitted into evidence by the Chair.

DISCUSSION:

Mr. Ward appeared before the Board in accordance with the Notice of Formal Hearing dated July 28, 2015, and was represented by Margaret Hardy, Esq. The Board received evidence and sworn testimony from witnesses called by both parties, regarding the matters as set forth in the Statement of Particulars.

OBJECTION: Ms. Hardy, on behalf of Mr. Ward, renewed her Pre-Hearing Motion to exclude certain pages of Book 1 in Commonwealth's Exhibit #4.

RULING: The Chair again overruled Ms. Hardy's objection.

CLOSED SESSION: Upon a motion by Allen Jones, Jr., and duly seconded by Melissa Wolff-Burke, the Board voted unanimously to convene a closed meeting at 5:45 p.m., 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 Walter Michael Ward, P.T. Additionally, he moved that Ms. Hahn, Ms. Barrett, Ms. Petersen and Ms. Currier attend the closed meeting as their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations.

RECONVENE: Upon a motion by Allen Jones, Jr., and duly seconded by Tracey Adler, the Board unanimously voted to reconvene at 7:30 p.m.

CERTIFICATION: Allen Jones, Jr. certified that the matters discussed in the closed session met the requirements of §2.2-3712 of the Code of Virginia. The Board reconvened in open session.

DECISION: Upon a motion by Tracey Adler and duly seconded by Melissa Wolff-Burke, the Board moved to SUSPEND the license of Walter Michael Ward for no less than eighteen (18) months, to practice as a physical therapist in the Commonwealth of Virginia. Mr. Ward shall not petition the Board for reinstatement until he has obtained a psychological evaluation from a board-approved mental health practitioner.

VOTE: The vote was unanimous.

ADJOURNMENT: The Board adjourned at 7:35 p.m.

Sarah Schmidt, PTA, Chair

Lisa R. Hahn, Executive Director

Date

Date