

**BEFORE THE BOARD OF MEDICAL PRACTICE
OF THE STATE OF DELAWARE**

IN THE MATTER OF:)	
)	CASE NUMBER 10-61-02
GREGORY M. VILLABONA, M.D.)	ORDER TERMINATING PROBATION

BACKGROUND

On September 22, 2003, the Delaware Board of Medical Practice found that Dr. Gregory M. Villabona had engaged in unprofessional conduct as defined in 24 Del. C. § 1731 (b)(3) arising out of his guilty plea to a third degree sex offense on a female minor (a felony) and his guilty plea to a fourth degree offense on a female minor (a misdemeanor involving moral turpitude) in the Circuit Court for Queen Anne's County, Maryland on November 25, 2002.¹

As the result of the guilty pleas, the Circuit Court for Queen Anne's County sentenced Dr. Villabona to probation before judgment and placed him on a five (5) year period of supervised probation; required that he be evaluated by the Sexual Disorder Unit of Johns Hopkins University (or another facility acceptable to the Maryland State's Attorney); ordered that Dr. Villabona have no unsupervised contact with minor children; and seek mental health counseling in conformity with the plea agreement.

On or about February, 22, 2005, the Maryland Circuit Court granted Dr. Villabona's petition for an early termination of his probation. By letter dated May 16, 2005, Dr. Villabona sought to have his probation in Delaware terminated. The Board

¹ The Board Decision and Order was affirmed on appeal. *See Villabona v. Board of Medical Practice*, 2004 WL 2827818 (Del. Super.), affirmed at 858 A.2d 961, 2004 WL 1965436 (Del. Supr.).

requested and received a copy of the Maryland Circuit Court transcript of the hearing at which the Court terminated the probation.

The disciplinary sanction imposed by the Board Order required the preparation of a form of notice for present and future patients and its approval by the prosecuting Deputy Attorney General. It also imposed probation on Dr. Villabona concurrent with the probation from the Circuit Court for Queen Anne's County, Maryland and required the designation of a supervising physician by the Board's Executive Director for the period of probation. In addition, the Board imposed sanction required adult supervision during the treatment of all patients under the age of eighteen (18). The Order provided that Counsel and the Executive Director should promptly attend to these requirements for the protection of the public.

PETITION

Dr. Villabona, through his attorney Victor Battaglia., has applied to the Board to have his probation in the State of Delaware terminated. In his petition, Dr. Villabona emphasizes that the Order entered by the Board provides that the probation in Delaware was to run concurrent with the probation from the Circuit Court for Queen Anne's County, Maryland. Because the Maryland probation has ended Dr. Villabona asks the Board to "formalize what it in fact has already ordered."

PROSECUTION POSITION

By letter dated September 20, 2005, Deputy Attorney General Greg Smith, on behalf of the State, takes the position that he has no good faith basis to oppose the termination of Dr. Villabona's probation.

ORDER

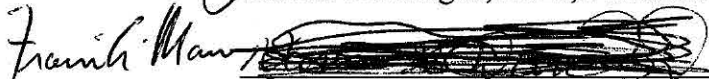
The Board of Medical Practice, having considered the petition of Dr. Gregory N. Villabona for termination of his probation and the position of the State relating thereto, hereby approves said Petition as it relates to the period of probation. The original Board Order in this matter did specify that the period of probation was to run concurrent with the five (5) year period of probation imposed by the Circuit Court for Queen Anne's County, Maryland. Although the Board anticipated that the Maryland period of probation would be five (5) years when it ordered the probation in Delaware to run concurrently, the Order did not specifically address what would happen to the Delaware probation upon early termination of the Maryland Order. The Board therefore orders that the period of probation of Gregory N. Villabona and the requirement for a supervising physician in Delaware are terminated.

However, in addition to the period of probation and supervision, the Board Order also required Dr. Villabona to provide a form of notice for present and future patients and to have adult supervision during the treatment of all patients under the age of eighteen (18). The Board's Order did not specify the period applicable to these restrictions but contemplated that they would be in place for five (5) years at a minimum. The Board, therefore, declines to lift these restrictions at this time. Dr. Villabona may apply in writing for the removal or revision of these remaining restrictions after the expiration of five (5) years from date of the original September 22, 2003 Board Order and the Board, by further Order, may then make such determinations as may be deemed to be in the public interest.

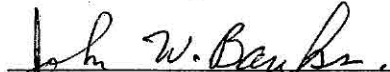
NOW THEREFORE, by a vote of eight (8) members to three (3),²
IT IS SO ORDERED this 1st day of November, 2005.


Garrett Colmorgen, M.D., President



Anthony M. Policastro, M.D

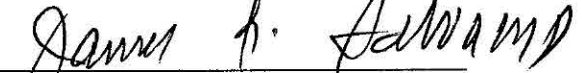
Francis Marro

Francis Marro, M.D.


Mr. Vance Daniels


Mr. John Banks

Oluseyi N. Senu-Oke, M.D


Galicano Inguito, M.D.


James Salva, M.D.

Margaret Prouse


Ray A. Blackwell, M.D.


Nasreen Kahn, D.O.

Date Mailed: 9/02/2005

² Dr. Karl McIntosh and Mr. George Brown recused themselves from consideration of the petition filed by Dr. Villabona.

