



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director of the Department

William L. Harp, M.D.
Executive Director of the Board

medbd@dhp.state.va.us

*Department of Health Professions
Board of Medicine*

February 25, 2003

6603 W. Broad Street
5th Floor
Richmond, Virginia 23230-1712
(804) 662-9908
FAX (804) 662-9517

Charles Parker, DO
168 Business Park Drive
Virginia Beach, VA 23462

CERTIFIED MAIL
7160 3901 9844 7520 5027

RE: License No.: 0102-026059

Dear Dr. Parker:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Wednesday, April 23, 2003, at 9:30 a.m., at the Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, Virginia.** The conference will be conducted pursuant to Sections 54.1-2919, 2.2-4019 and 2.2-4021 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 osteopathy in Virginia. Specifically, you may be in violation of Section 54.1-2915.A(4) and (3), as further defined in Section 54.1-2914.A(3), (5), (11) and (12), Section 54.1-3303 and Section 54.1-3408 of the Code (1950), as amended ("Code"), in that, on or about January 8, 2002, outside of a bona fide physician/patient relationship and with the intent to evade the law with respect to the sale and disposition of a controlled substance, you fraudulently prescribed Dexedrine, a Schedule II controlled substance, for a family member under a false or fictitious name. Further, between June 2000, and March 2002, you prescribed Schedule VI controlled substances including Tetracycline and Acyclovir on various occasions to the same family member.

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 osteopathy in Virginia.
3. The Committee may reprimand or censure you.
4. The Committee may impose a monetary penalty pursuant to Section 54.1-2401 of the Code.
5. 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 osteopathy in Virginia.

In lieu of proceeding to the above informal conference, the Board hereby offers to enter into the enclosed Consent Order with you. Please review this document and should you consent to its terms, signed the Consent Order before a notary public. In order for it to become effective, you must return this original Consent Order, bearing your witnessed signature, to the Board office by 12 noon on March 24, 2003. You will receive a certified copy shortly thereafter. Should the Board not receive this Consent Order from you by 12:00 noon on March 24, 2003, the Board will proceed with the informal conference as described herein.

You have the right to information, which will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents, which will be distributed to the members of the Committee, and will be considered by the Committee when discussing the allegations with you and when deliberating upon your case. These documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. You may be represented by an attorney at the informal conference. The enclosed materials have also been provided to your attorney, Robert F. McDonnell, Esquire.

Absent good cause shown to support a request for a continuance, the informal conference will be held on April 23, 2003. A request to continue this proceeding must state in detail the reason for the request and must establish good cause. Such request must be made in writing to me at the address listed on this letter and must be received by 12 noon on March 26, 2003. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after March 26, 2003, will not be considered.

To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1717, by 12 noon on April 2, 2003. Your documents may not be submitted by facsimile or e-mail. Should

you or Senior Adjudication Analyst Whitney Lou wish to submit any documents for the Committee's consideration after April 2, 2003, such documents shall be considered only upon a ruling by the Chair of the informal conference committee that good cause has been shown for late submission.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found at <http://leg1.state.va.us>. To access this information, please click on the *Code of Virginia* for laws and *Virginia Administrative Code* for regulations.

Please advise the Board, in writing, of your intention to be present. Should you fail to appear at the informal conference, the Board may proceed to a formal administrative hearing in order to impose sanctions.

If you have any questions regarding this notice, please contact Whitney Lou, Senior Adjudication Analyst, at (804) 662-7442.

Sincerely,



William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

WKL/PARKER01NIF.DOC

Enclosures:

Consent Order
Map
Informal Conference Package

cc: Harry C. Beaver, M.D., President, Virginia Board of Medicine
Robert A. Nebiker, Director, Department of Health Professions
Reneé S. Dixon, Discipline Case Manager, Board of Medicine
Whitney Lou, Senior Adjudication Analyst
Robert F. McDonnell, Esquire [w/enclosures]
Nan Dunaway, Inspector [85001]

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: CHARLES PARKER, D.O.
License No.: 0102-026059

CONSENT ORDER

By letter dated February 25, 2003, the Virginia Board of Medicine ("Board") noticed Dr. Parker for an informal conference to inquire into allegations that he may have violated certain laws governing the practice of osteopathic medicine in the Commonwealth of Virginia.

In lieu of proceeding to this informal conference, the Board and Dr. Parker, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Parker to practice osteopathic medicine in Virginia.

FINDINGS OF FACT

The Informal Conference Committee of the Board makes the following findings in this matter:

1. Dr. Parker was issued license number 0102-026059 by the Board to practice osteopathic medicine in the Commonwealth of Virginia on June 2, 1975. Said license will expire on February 29, 2004, unless renewed or otherwise restricted.

2. On or about January 8, 2002, outside of a bona-fide physician/patient relationship, Dr. Parker prescribed Dexedrine, a Schedule II controlled substance, to an individual using a false or fictitious name. Dr. Parker wrote the prescription, at the individual's request, for the purpose of protecting the confidentiality of the individual.

3. Medical records from another physician indicate that Dexedrine had been lawfully prescribed for said individual for a bona-fide medical and therapeutic purpose.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee concludes that Dr. Parker is in violation of Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(3) and (12), and Section 54.1-3303 of the Code (1950).

CONSENT

I, Charles Parker, D.O., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000 A et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to a formal fact-finding hearing before the Board;
 - b. the right to representation by counsel; and
 - c. the right to cross-examine witnesses against me.
4. I waive all rights to a formal hearing;
5. I neither admit nor deny the truth of the above Findings of Fact;
6. I shall maintain a course of conduct in my practice of osteopathic medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code, and all laws of the Commonwealth; and

7. I consent to the following Order affecting my license to practice osteopathic medicine in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED that Dr. Parker be issued a REPRIMAND and that a MONETARY PENALTY of one thousand dollars (\$1,000.00) be imposed, to be paid within thirty (30) days of entry of this Order. Further, within six (6) months of entry of this Consent Order, Dr. Parker shall complete sixteen (16) hours of continuing medical education relating to the proper prescribing of controlled substances. Said courses shall be approved in advance of registration by the Executive Director of the Board. Within twenty-one (21) days of completion of said continuing education, Dr. Parker shall submit a certificate or other evidence, satisfactory to the Board, of completion of the course.

Upon receipt of evidence that Dr. Parker has complied with the requirements of this Order, this case shall be closed without further proceedings. In the event Dr. Parker fails to comply with the requirements of this Order, in the Board's discretion, he may be noticed to appear before an informal conference committee of the Board.

Pursuant to Section 2.2-4023 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD:

William L. Harp, M.D.

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

ENTERED: 6/20/03

SEEN AND AGREED TO:

Charles Parker

Charles Parker, D.O.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Virginia Beach, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 17th day of June, 2003, by Charles Parker, D.O.

Janin Gardock
Notary Public

My commission expires: 3/31/05



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions

6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.state.va.us/
TEL (804) 662-9900
FAX (804) 662-9943
TDD (804) 662-7197

November 14, 2003

Charles Parker, D.O.
168 Business Park Drive
Virginia Beach, Virginia 23462

CERTIFIED MAIL
7160 3901 9844 2318 5012

RE: License No.: 0102-026059

Dear Dr. Parker:

This letter is official notification that the Virginia Board of Medicine ("Board") has received a report regarding your compliance with the terms of the Board's Order entered June 20, 2003. Based on a review of the information received, it has been determined that you have fully complied with the Order. Therefore, this matter has been closed effective this date.

Pursuant to §54.1-2400.2 (D) of the *Code of Virginia*, a signed copy of this letter shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection on the Department of Health Professions and Board of Medicine's internet website and copying upon request.

The Board wishes you well in your future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "W. L. Harp, M.D.", with a stylized flourish at the end.

William L. Harp, M.D.
Executive Director
Virginia Board of Medicine

cc: Reneé S. Dixon, Discipline Case Manager, Board of Medicine [85001]
Ann Tiller, Compliance Manager
Tamika Hines, Office Manager, Enforcement Division
Patricia Hanchey, Administrative Assistant