



COMMONWEALTH of VIRGINIA

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Richmond, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367-4400
FAX (804) 527-4475

Sandra Whitley Ryals
Director

October 3, 2008

James L. Reif, M.D.
101 W. 35th Street
Norfolk, Virginia 23504

CERTIFIED MAIL

7160 3901 9845 3432 7097

RE: License No.: 0101-027495

Dear Dr. Reif:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Wednesday, November 5, 2008, at 1:30 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Richmond, Virginia.** The conference will be conducted pursuant to Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code").

A Special Conference Committee ("Committee") will inquire into allegations that you may have violated certain laws governing the practice of medicine and surgery in Virginia. Specifically:

1. You may have violated Sections 54.1-2915.A(3), (13), (16), and (17) and Section 54.1-3303.A of the Code, and 18 VAC 85-20-26(C) of the Board of Medicine General Regulations, in that on or about August 29, 2006, and on or about February 22, 2007, you provided 180 dosage units of Epidrin [isometheptene mucate dichloralphenazone acetaminophen capsules (C-IV)] to Individual A, a co-worker, outside of a bona-fide practitioner/patient relationship. Further, you admitted that you did not maintain a patient record on Individual A.

2. You may have violated Sections 54.1-2915.A(3), (13), (16), (17) and (18) and 54.1-3408.A and 54.1-3408.B of the Code and 18 VAC 85-20-29(1) of the Board of Medicine General Regulations, in that you knowingly allowed nurses to jeopardize patient safety with respect to their medication dispensing practices. Specifically, you allowed nurses working under your supervision and direction to: (1) withdraw medication from a patient's prescription

bottle to dispense to another patient; and (2) keep "stock bottles" of discontinued patient medications that would then be routinely dispensed to patients who were missing or had a limited supply of their own required medications.

Please see Attachment I for the name of the individual referenced above.

After consideration of all information, the Committee may:

1. Exonerate you;
2. Place you on probation with such terms it deems appropriate;
3. Reprimand you; and/or
4. Impose a monetary penalty pursuant to Section 54.1-2401 of the Code.

Further, the Committee may refer this matter for a formal administrative proceeding when it has failed to dispose of a case by consent pursuant to Section 2.2-4019 of the Code.

In lieu of proceeding to the above-scheduled informal conference, the Board hereby offers to enter into the enclosed Consent Order with you to resolve this matter. Please review this document and should you consent to its terms, have it signed 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 on or before October 20, 2008. You will receive a certified copy shortly thereafter. Should the Board not receive this Consent Order from you by October 20, 2008, the Board will proceed with the informal conference as described herein.

You have the right to information that will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the Committee for its consideration 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. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

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, 9960 Mayland Drive, Suite 300, Richmond, Virginia, 23233, by **October 22, 2008**. Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Julia Bennett wish to submit any documents for the Committee's consideration after **October 22, 2008**, such documents shall be considered only upon a ruling by the Chair of the Committee that good cause has been shown for late submission.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on November 5, 2008. 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 **October 17, 2008**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **October 17, 2008**, will not be considered.

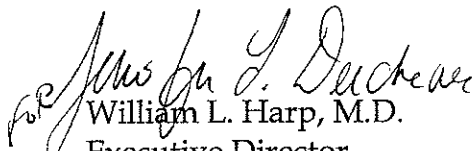
Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click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

In its deliberations, the Committee may utilize the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/medicine>. You may request a paper copy from the Board office by calling (804) 367-4513.

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 Julia Bennett, Adjudication Specialist, at (804) 367-4427.

Sincerely,


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

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MW/REIF536-NIC

Enclosures:

Consent Order
Attachment I
Informal Conference Package
Map

cc: Stephen E. Heretick, J.D., President, Virginia Board of Medicine
Sandra Whitley Ryals, Director, Department of Health Professions
Reneé S. Dixon, Discipline Case Manager, Board of Medicine
Julia Bennett, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
J.W. Turner, Senior Investigator (114536)

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: JAMES L. REIF, M.D.
License No.: 0101-027495**

CONSENT ORDER

By letter dated October 3, 2008, the Virginia Board of Medicine ("Board") noticed James L. Reif, M.D., for an informal conference to inquire into allegations that he may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. James L. Reif, M.D. was issued license number 0101-027495 by the Board to practice medicine and surgery in the Commonwealth of Virginia on September 12, 1976. Said license is currently active and will expire on October 31, 2010, unless renewed or otherwise restricted.

2. Dr. Reif violated Sections 54.1-2915.A(3), (13), (16), (17) and (18) and 54.1-3408.A and 54.1-3408.B of the Code and 18 VAC 85-20-29(1) of the Board of Medicine General Regulations, in that he knowingly allowed nurses to jeopardize patient safety with respect to their medication dispensing practices. Specifically, Dr. Reif allowed nurses working under his supervision and direction routinely to: (1) withdraw medication from a patient's

prescription bottle to dispense to another patient; and (2) keep "stock bottles" of discontinued patient medications that would then be routinely dispensed to patients who were missing or had a limited supply of their own required medications.

CONSENT

I, James L. Reif, M.D., 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 an informal conference before the Board; and
 - b. the right to appear in person or by counsel, or other qualified representative before the agency.
4. I waive all rights to an informal conference;
5. I admit the truth of the above Findings of Fact; and
6. I consent to the following Order affecting my license to practice medicine and surgery 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 ORDERED that James L. Reif, M.D., be, and hereby is, issued a REPRIMAND.

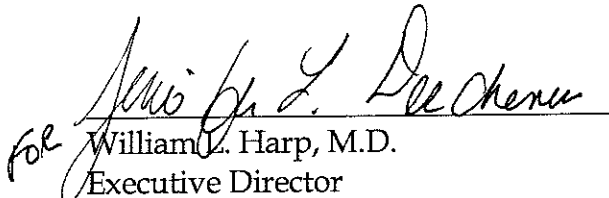
It is further ORDERED that, within thirty (30) days of entry of this Consent Order, Dr. Reif shall provide the Board with a written statement certifying that he has read and will comply with: (i) the laws governing the practice of medicine (Title 54.1, Chapter 29 of the Code); (ii) the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic (18 VAC 85-20-10 et seq.); (iii) Section 54.1-3303 (Title 54.1, Chapter 33 of the Code); and (iv) the Drug Control Act (Title 54.1, Chapter 34 of the Code).

Upon receipt of evidence that Dr. Reif has fully complied with the requirements in this Consent Order, the Board authorizes the Executive Director of the Board to close this matter without further proceedings or refer the matter to a Special Conference Committee of the Board for a final determination.

Violation of this Consent Order may constitute grounds for the suspension or revocation of Dr. Reif's license. In the event Dr. Reif violates the terms of this Consent Order, an administrative proceeding will be convened to determine whether such action shall be taken.

Pursuant to Section 54.1-2400.2 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:

For 

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

ENTERED: 10/28/2008

SEEN AND AGREED TO:

James L. Reif, M.D.
James L. Reif, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF NORFOLK, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 23 day of October, 2008, by James L. Reif, M.D.

Rayce Lynn Jones
Notary Public

Registration Number: 339913

My commission expires: August 31, 2011



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions

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9960 Mayland Drive, Suite 300
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November 20, 2008

James L. Reif, M.D.
101 W. 35th St.
Norfolk, Virginia 23504

CERTIFIED MAIL

7160 3901 9845 3426 5962

RE: License No.: 0101-027495

Dear Dr. Reif:

The Virginia Board of Medicine ("Board") has received verification of your compliance with the terms of the Consent Order entered October 28, 2008.

Therefore, I have determined that the terms placed on your license should be TERMINATED effective this date. The record of the Board currently reflects that you have a full and unrestricted license in the Commonwealth of Virginia.

Pursuant to §54.1-2400.2 (F) 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 and copying upon request.

The Board wishes you well in your future endeavors.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Harp, M.D.", written over a white background.

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

cc: Renée S. Dixon, Discipline Case Manager [114536]
Jennie Wood, Administrative Assistant
Susan Brooks, Office Manager, APD