



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

July 10, 2009

Daniel D. Broadhead, M.D.
P.O. Box 2527
173 Happy Indian Lane
Southern Shores, North Carolina 27949

CERTIFIED MAIL
7160 3901 9845 3430 6108

RE: License No.: 0101-029436

Dear Dr. Broadhead:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Thursday, August 27, 2009, at 3:00 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Henrico, 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 and regulations governing the practice of medicine and surgery in Virginia. Specifically:

1. You may have violated Sections 54.1-2915.A(3), (12), (13), (16), (18), and (19) of the Code and 18 VAC 85-20-100 of the Board of Medicine's General Regulations, in that while practicing as a psychiatrist in Virginia:

a. During an office visit for medication evaluation and management on or about August 27, 2008, you engaged in conduct of a sexual nature with Patient A that was lewd and offensive.

b. During the course of your practitioner-patient relationship with Patient B, you engaged in a sexual relationship with her between in or about September, 2007, and October, 2008 and/or otherwise engaged in conduct of a sexual nature with Patient B that was lewd and offensive. Further, between on or about October 1, 2007, and October 15, 2008, you inappropriately disclosed personal information to Patient B.

2. You may have violated Sections 54.1-2915.A(3), (8), (13), (16), and (17); 54.1-3303.A; and 54.1-3408 of the Code, in that prior to each sexual encounter with Patient B outside of the office, you provided her with a 10 mg Valium tablet (diazepam, schedule IV), telling Patient B that she "needed to relax."

3. You may have violated Section 54.1-2915.A(5) of the Code in that:

a. You entered into a Consent Order with the North Carolina Board of Medicine on January 8, 2008, in which the North Carolina Board found that your recordkeeping and documentation, as well as your authorization of benzodiazepines for patients fell below the applicable standard of care. As a result, you were reprimanded and ordered to abide by certain terms and conditions.

b. You entered into a Consent Order with the North Carolina Board of Medicine on September 16, 2008, in which the North Carolina Board made findings based on a professional assessment conducted by the Center for Personalized Education for Physicians ("CPEP"), to include that you had a medical condition that could affect your ability to practice medicine with a reasonable degree of skill and safety, and that you had certain clinical deficiencies. You were ordered to develop a remediation plan to address the deficiencies raised in your CPEP professional assessment and enter into a contract with the North Carolina Physicians Health Program.

c. You voluntarily surrendered your license to practice medicine in North Carolina on November 6, 2008.

4. You may have violated Section 54.1-2915.A(14) of the Code, in that you are unable to practice medicine with reasonable skill and safety, as evidenced by the September 16, 2008 Order from the North Carolina Board, which includes a finding based on an assessment by CPEP that you have a medical condition that could affect your ability to safely practice.

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

After consideration of all information, the Committee may:

1. Exonerate you;
2. Continue/Place you on probation with such terms it deems appropriate;
3. Reprimand you;
4. Modify a previous Board Order; and
5. 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.

You have the right to information that will be relied upon by the Committee in making a decision. Under separate cover you will receive 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. These materials have been provided this date to your counsel, Chris Hedrick, Esquire.

To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixson, Discipline Case Manager, Virginia Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, Virginia, 23233, by **July 27, 2009**. Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Emily Field wish to submit any documents for the Committee's consideration after **July 27, 2009**, such documents shall be considered only upon a ruling by the Chair of the Committee that good cause has been shown for late submission.

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 **July 24, 2009**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **July 24, 2009**, 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.

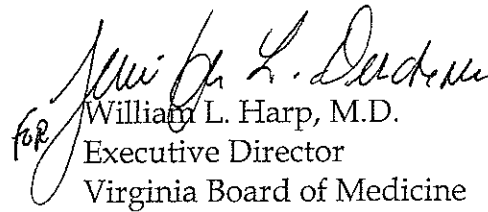
In its deliberations, the Committee may utilize the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/medicine>. You may request a paper copy from the Board office by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

Notice of Informal Conference - Daniel D. Broadhead, M.D.
July 10, 2009
Page 4

If you have any questions regarding this notice, please contact Emily Field, Adjudication Specialist, at (804) 367-4678.

Sincerely,


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

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EF/Broadhead60NIC.DOC

Enclosures:

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. Dixson, Discipline Case Manager, Board of Medicine
Emily Field, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Chris Hedrick, Esquire (*w/enclosures*)
Patricia Harte-Byers, Senior Investigator [121843, 122560]



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

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

August 28, 2009

Daniel D. Broadhead, M.D.
P.O. Box 2527
173 Happy Indian Lane
Southern Shores, North Carolina 27949

CERTIFIED MAIL

7160 3901 9848 0162 5437

RE: License No.: 0101-029436

Dear Dr. Broadhead:

This letter is official notification of the decision of the Special Conference Committee ("Committee") of the Virginia Board of Medicine ("Board"), which met on August 27, 2009, in Richmond, Virginia. Members of the Board serving on the Committee were: Roderick Mathews, J.D., Chair; William Epstein, M.D.; and Ellen Shapiro, D.P.M.

After thorough review of the matters before it, the Committee finds that it cannot resolve this matter within the limits of its authority as set forth in Section 54.1-2400(10) of the Code of Virginia (1950), as amended ("Code"), since suspension or revocation of your license may be warranted. Therefore, pursuant to Section 2.2-4020 of the Code, a formal hearing will be convened. You will receive written notice indicating the date, time and location of the hearing approximately thirty (30) days in advance of such hearing.

Pursuant to Section 54.1-2400.2 of the Code, this case decision 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.

Should you have any questions regarding the Committee's decision, you may refer them to Jennifer Deschenes, Deputy Executive Director, Discipline, at (804) 367-4513.

Sincerely,

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

cc: Jane Piness, M.D., President, Virginia Board of Medicine
Sandra Whitley Ryals, Director, Department of Health Professions
Renee S. Dixon, Discipline Case Manager, Board of Medicine
Emily Field, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Chris Hedrick, Esquire
Patricia Harte-Byers, Senior Investigator [121843, 122560]



COMMONWEALTH of VIRGINIA

Department of Health Professions

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Sandra Whitley Ryals
Director

September 22, 2009

Daniel D. Broadhead, M.D.
P.O. Box 2527
173 Happy Indian Lane
Southern Shores, North Carolina 27949

CERTIFIED MAIL
7160 3901 9848 0162 5611

P.O. Box 10040
Virginia Beach, Virginia 23450

CERTIFIED MAIL
7160 3901 9848 0162 5635

RE: License No.: 0101-029436

Dear Dr. Broadhead:

In accordance with Sections 54.1-105, 54.1-110, 54.1-2400, 2.2-4020 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), you are hereby given notice that the Virginia Board of Medicine ("Board") will convene a formal administrative hearing to receive and act upon evidence that you may have violated certain laws governing the practice of medicine and surgery in Virginia, as set forth in the attached Statement of Particulars.

The formal administrative hearing will be held in accordance with the provisions of Sections 54.1-2400(11) and 2.2-4024.F of the Code, before a panel of the Board, with a member of the Board presiding. You have been scheduled to appear before the Board on **October 29-31, 2009, in the offices of the Department of Health Professions, 9960 Mayland Drive, 2nd floor, Richmond, Virginia.** You will receive written notification at a later date regarding the specific date and time of your formal hearing. A map is enclosed for your convenience. Your presence is required thirty (30) minutes in advance of the appointed time. Please report to the 2nd floor receptionist, who will direct you to a waiting room. Please be seated in the waiting room and you will be called when the Board is ready to meet with you.

You have the following rights, among others: to be accompanied by and represented by counsel, to submit oral and documentary evidence and rebuttal proofs,

to conduct such cross-examination as may elicit a full and fair disclosure of the facts, and to have the proceedings completed and a decision made with dispatch. Should you wish to subpoena witnesses, requests for subpoenas must be made, in writing, in accordance with the enclosed Instructions for Requesting Subpoenas.

Please carefully read the following paragraphs, which contain date-sensitive and important information regarding this proceeding.

COMMONWEALTH'S EVIDENCE

You have the right to the information that will be used by the Board in reaching a decision regarding this matter; therefore, I enclose the Commonwealth's evidence. Please note that these documents are enclosed only with the original notice sent by certified mail and must be claimed at the post office. Further, if you are represented, it is your responsibility to provide the enclosed materials to your attorney. Should you wish to file objections to the Commonwealth's evidence, you must send your written objections to me, at the address on this letterhead no later than **October 1, 2009**. If you have not filed any objections by October 1, 2009, the exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. If you do file objections, the Commonwealth has until **October 6, 2009** to file a response to the objections, in writing and addressed to me at the Board office. The chairperson of the proceeding will rule on the motion.

RESPONDENT'S EVIDENCE

Further, should you wish for the Board to consider additional information relative to this proceeding, you must submit fifteen (15) copies of any such documents to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, by **October 6, 2009**. You may not submit your documents by facsimile or e-mail. The Commonwealth must file any objections to your submissions in writing, addressed to me at the Board office, no later than **October 8, 2009**. If no objections have been received by **October 8, 2009**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **October 12, 2009** to file your response to the objections, in writing and addressed to me at the Board office. The chairperson of the proceeding will rule on the motion.

OTHER PRE-HEARING MOTIONS

If you or Assistant Attorney General William Clay Garrett wish to make any pre-hearing motions regarding matters other than the exhibits, including offers of settlement, each of you is directed to file motions, in writing, addressed to me at the Board office by **October 8, 2009**. Responses to motions filed must be submitted by **October 14, 2009**. The chairperson of the proceeding will rule on the motion.

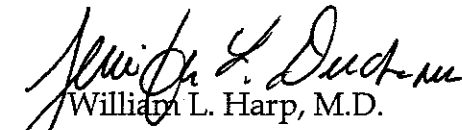
REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **October 6, 2009** will not be considered. If you plan to obtain counsel, you should do so as soon as possible, as a motion for a continuance due to the unavailability of counsel will not be considered unless received by **October 6, 2009**.

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 *Code of Virginia* for laws and *Virginia Administrative Code* for regulations.

Please indicate, by letter to this office, your intention to be present.

Sincerely,

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

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cc: Jane Piness, M.D., President, Virginia Board of Medicine
Sandra Whitley Ryals, Director, Department of Health Professions
Lorraine McGehee, Deputy Director, Administrative Proceedings Division
William Clay Garrett, Assistant Attorney General
Emily Field, Adjudication Specialist
Patricia Harte-Byers, Investigator (121843, 122560)
Renee S. Dixon, Discipline Case Manager

Enclosures:

Commonwealth's Exhibits 1-3
Statement of Particulars
Attachment I
Instructions for Requesting Subpoenas
Map

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: DANIEL D. BROADHEAD, M.D.
License No.: 0101-029436

STATEMENT OF PARTICULARS

The Virginia Board of Medicine ("Board") alleges that:

1. Daniel D. Broadhead, M.D. may have violated Sections 54.1-2915.A(3), (12), (13), (16), (18), and (19) of the Code and 18 VAC 85-20-100 of the Board of Medicine's General Regulations, in that while practicing as a psychiatrist in Virginia:

a. During an office visit for medication evaluation and management on or about August 27, 2008, Dr. Broadhead engaged in conduct of a sexual nature with Patient A that was lewd and offensive.

b. During the course of his practitioner-patient relationship with Patient B, between in or about September, 2007, and October, 2008, Dr. Broadhead engaged in a sexual relationship with her and/or otherwise engaged in conduct of a sexual nature with Patient B that was lewd and offensive. Further, between on or about October 1, 2007, and October 15, 2008, Dr. Broadhead inappropriately disclosed personal information to Patient B.

2. Dr. Broadhead may have violated Sections 54.1-2915.A(3), (8), (13), (16), and (17) and 54.1-3408 of the Code, in that prior to each sexual encounter with Patient B outside of the office, he provided her with a 10 mg Valium tablet (diazepam, schedule IV), telling Patient B that she "needed to relax."

3. Dr. Broadhead may have violated Section 54.1-2915.A(5) of the Code in that:
 - a. He entered into a Consent Order with the North Carolina Board of Medicine on January 8, 2008, in which the North Carolina Board found that his recordkeeping and documentation, as well as his authorization of benzodiazepines for patients fell below the applicable standard of care. As a result, Dr. Broadhead was reprimanded and ordered to abide by certain terms and conditions.
 - b. Dr. Broadhead entered into a Consent Order with the North Carolina Board of Medicine on September 16, 2008, in which the North Carolina Board made findings based on a professional assessment conducted by the Center for Personalized Education for Physicians ("CPEP"), to include that Dr. Broadhead had a medical condition that could affect his ability to practice medicine with a reasonable degree of skill and safety, and that he had certain clinical deficiencies. Dr. Broadhead was ordered to develop a remediation plan to address the deficiencies raised in his CPEP professional assessment and enter into a contract with the North Carolina Physicians Health Program.
 - c. Dr. Broadhead voluntarily surrendered his license to practice medicine in North Carolina on November 6, 2008.

Please see Attachment I for the identity of the patients listed above.

FOR THE BOARD

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

DATE: 9/22/2009

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: DANIEL D. BROADHEAD, M.D.
License No.: 0101-029436

ORDER

In accordance with the provisions of Sections 54.1-105, 54.1-110, 2.2-4020 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), a formal administrative hearing was convened before the Virginia Board of Medicine ("Board"), on October 31, 2009, in Richmond, Virginia, to receive and act upon evidence that Daniel D. Broadhead, M.D., may have violated certain laws and regulations governing the practice of medicine and surgery in Virginia. These matters are set forth in the Board's Notice of Hearing and Statement of Particulars dated September 22, 2009.

Pursuant to Sections 2.2-4024.F and 54.1-2400(11) of the Code, the hearing was held before a panel of the Board with a member of the Board presiding. Amy Marschean, Senior Assistant Attorney General, was present as legal counsel for the Board. The proceedings were recorded by a certified court reporter. The case was prosecuted by William Clay Garrett, Assistant Attorney General, assisted by Emily A. Field, Adjudication Specialist. Dr. Broadhead did not appear at the formal administrative hearing and was not represented by legal counsel.

FINDINGS OF FACT

Now, having properly considered the evidence and testimony presented, the Board makes the following findings of fact by clear and convincing evidence:

1. Daniel D. Broadhead, M.D., was issued license number 0101-029436 by the Board to practice medicine and surgery in the Commonwealth of Virginia on April 17, 1978. Said license expired on October 31, 2008 due to non-renewal.
2. Based on the representations of William Clay Garrett, Assistant Attorney General, and the information presented in Commonwealth's Exhibit No. 4, which includes the affidavit of mailing, the Board Chair ruled that adequate notice was provided to Dr. Broadhead and the hearing proceeded in his absence.
3. During an office visit for medication evaluation and management on August 27, 2008, Dr. Broadhead engaged in conduct of a sexual nature with Patient A that was lewd and offensive.
4. During the course of his practitioner-patient relationship with Patient B, between September, 2007, and October, 2008, Dr. Broadhead engaged in a sexual relationship with her and otherwise engaged in conduct of a sexual nature with Patient B that was lewd and offensive. Further, between October 1, 2007, and October 15, 2008, Dr. Broadhead inappropriately disclosed information about himself to Patient B.
5. Prior to each sexual encounter with Patient B outside of the office, he provided her with a 10 mg Valium tablet (diazepam, schedule IV), telling Patient B that she "needed to relax."
6. Patients A and B testified that these interactions with Dr. Broadhead occurred at extremely vulnerable points in their lives and have impacted their willingness to trust practitioners and to enter into future therapeutic relationships.

7. Dr. Broadhead entered into a Consent Order with the North Carolina Board of Medicine on January 8, 2008, in which the North Carolina Board found that his recordkeeping and documentation, as well as his authorization of benzodiazepines for patients fell below the applicable standard of care. As a result, Dr. Broadhead was reprimanded and ordered to abide by certain terms and conditions.

8. Dr. Broadhead entered into a Consent Order with the North Carolina Board of Medicine on September 16, 2008, in which the North Carolina Board made findings based on a professional assessment conducted by the Center for Personalized Education for Physicians ("CPEP"), to include that Dr. Broadhead had a medical condition that could affect his ability to practice medicine with a reasonable degree of skill and safety, and that he had certain clinical deficiencies. Dr. Broadhead was ordered to develop a remediation plan to address the deficiencies raised in his CPEP professional assessment and enter into a contract with the North Carolina Physicians Health Program.

9. Dr. Broadhead voluntarily surrendered his license to practice medicine in North Carolina on November 6, 2008.

CONCLUSIONS OF LAW

1. Findings of Fact Nos. 3 and 4 constitute violations of Sections 54.1-2915.A(3), (12), (13), (16), (18), and (19) of the Code and 18 VAC 85-20-100 of the Board of Medicine's General Regulations.

2. Finding of Fact No. 5 constitutes a violation of Sections 54.1-2915.A(3), (8), (13), (16), and (17) and 54.1-3408 of the Code:

3. Findings of Fact Nos. 7, 8, and 9 constitute violations of Section 54.1-2915.A(5) of the Code.

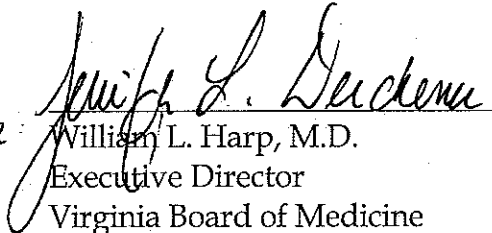
ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that the right of Daniel D. Broadhead to renew his license to practice medicine and surgery in the Commonwealth of Virginia is REVOKED.

As provided by Rule 2A:2 of the Supreme Court of Virginia, Dr. Broadhead has thirty (30) days from the date of service (the date he actually received this decision or the date it was mailed to him, whichever occurred first) within which to appeal this decision by filing a Notice of Appeal with William L. Harp, M.D., Executive Director, Board of Medicine, at 9960 Mayland Drive, Suite 300, Richmond, Virginia, 23233. In the event that this decision is served by mail, three (3) days are added to that period.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this 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: 11/5/2009