



COMMONWEALTH of VIRGINIA

Department of Health Professions Board of Medicine

John W. Haaty
Director of the Department

Warren W. Koontz, M.D.
Executive Director of the Board

September 23, 1999

6606 West Broad Street
4th Floor
Richmond, Virginia 23230-1717
(804) 682-9908
FAX (804) 682-9517

John R. Rogers, M.D.
11222 Popes Head Road
Fairfax, VA 22030

CERTIFIED MAIL
P 629 378 359

RE: License No.: 0101-029377

Dear Dr. Rogers:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Thursday, November 4, 1999, at 2:00 p.m., at the Sheraton Inn, 2801 Plank Road, Fredericksburg, Virginia.** The conference will be conducted pursuant to Sections 54.1-2919 and 9-6.14:11 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 medicine in Virginia. Specifically, you may have violated Section 54.1-2915.A(4) and (3), as further defined in Section 54.1-2914.A(10) of the Code, in that:

1. From approximately March 17, 1998, through June 7, 1998, during his hospitalization at Northern Virginia Mental Health Institute ("NVMHI"), Falls Church, Virginia, you were Patient A's treating psychiatrist. Patient A diagnoses were bipolar disorder, obsessive compulsive disorder, oppositional defiant disorder, borderline intellectual functioning, hypercholesterolemia, hypothyroidism, a history of tuberculosis, and a family history of diabetes. Patient A's medications included Olanzapine, Luvox, Lithium Carbonate, valproic acid, Synthroid, and Colace. During Patient A's hospitalization at NVMHI, he experienced rising glucose, cholesterol, and triglyceride levels. Due to your failure to recognize the significance of, and to properly address these rising levels, Patient A developed uncontrolled diabetes mellitus, exacerbating his long standing elevated triglyceride levels. As a result, Patient A developed diabetic ketoacidosis and pancreatitis resulting in his death on June 8, 1998. Specifically:

a. You failed to ensure that Patient A's eating behaviors were adequately monitored, and to develop a behavioral plan to address Patient A's continued non-compliance with his low cholesterol diet. In addition, you failed to note and address Patient A's rising cholesterol and triglyceride levels, or to recognize that coupled with his continued diet non-compliance, the increased levels presented a serious health risk factor.

b. You failed to write orders to ensure a fasting state when Patient A's blood was drawn for laboratory studies.

c. You failed to recognize that the April 6, 1998, blood glucose level of 144 mg/dl was diagnostic of diabetes mellitus, and to order a repeat fasting blood glucose. In addition, you failed to document in the patient's chart the possibility of a diagnosis of diabetes mellitus, nor did you initiate appropriate treatment.

d. You failed to recognize that the May 18, 1998, blood glucose level of 170 mg/dl was diagnostic of diabetes mellitus, and to order a repeat fasting blood glucose. In addition, you failed to document in the patient's chart the possibility of a diagnosis of diabetes mellitus, nor did you initiate appropriate treatment.

e. You failed to correlate Patient A's increases in thirst and fluid intake, and his elevated glucose levels, as indicators of diabetes mellitus.

2. On or about September 16, 1998, the Director of NVMHI sent you a copy of the September 8, 1998, report prepared by Catherine A. Leslie, M.D., Assistant Professor, Department of Psychiatric Medicine, University of Virginia Health Sciences Center, Charlottesville, Virginia, detailing her independent review of the care provided to Patient A during his hospitalization at NVMHI. The Director's letter indicated that you were under investigation, and asked for your response to said report, which you failed to provide. Subsequently, the Director concluded that disciplinary action was appropriate. You received a Group III Notice citing your failure to properly diagnose and treat Patient A's medical problems, and terminating your employment. Pursuant to your request, you were allowed to resign in lieu of termination.

In order to protect the privacy of your patient, the patient has been referred to by letter only. Please see Attachment I for the identity of this individual.

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 medicine in Virginia;
3. The Committee may reprimand or censure you, or;
4. 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 medicine in Virginia.

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. I also enclose relevant sections of the Administrative Process Act, which governs proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia.

Absent good cause shown to support a request a continuance, the informal conference will be held on November 4, 1999. A request to continue this proceeding must be made in writing and directed to me at the address listed on this letter. Such request must be received by 5:00 p.m. on October 7, 1999, and must state in detail the reason for the request. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after October 7, 1999, will not be considered.

You may be represented by an attorney at the informal conference. If you 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 7, 1999. Further, it is your responsibility to provide the enclosed materials to your attorney.

Notice of Informal Conference – John R. Rogers, M.D.


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Further, to facilitate this proceeding, the Committee requests that you provide to Patricia L. Larimer, Senior Legal Assistant, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717, eight (8) copies of any documents you intend to submit for its consideration by October 14, 1999.

Please advise the Board 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. Should you have any questions regarding this notice, please contact Patricia L. Larimer, Senior Legal Assistant, at (804) 662-7444.

Sincerely,


Warren W. Koontz, M.D.
Executive Director
Virginia Board of Medicine

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CC: Joseph A. Leming, M.D., President, Virginia Board of Medicine
John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Informal Conference Committee
Frank W. Pedrotty, Assistant Attorney General
Patricia L. Larimer, Senior Legal Assistant
Reneé Dixon, Discipline Case Manger
Charles F. Johnson, Senior Investigator (1999-00671/69459)
Judi Smith, Senior Administrative Assistant

Enclosures:

Virginia Code Sections:

54.1-2914

54.1-2915

54.1-2919

9-6.14:11

Informal Conference Package

Map

Attachment I



COMMONWEALTH of VIRGINIA

*Department of Health Professions
Board of Medicine*

November 8, 1999

John W. Hasty
Director of the Department

Warren W. Koontz, M.D.
Executive Director of the Board

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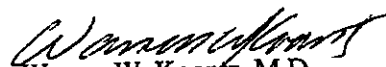
Dear Dr. Rogers:

This letter is official notification of the decision of the Informal Conference Committee ("Committee") of the Virginia Board of Medicine ("Board"), which met with you on November 4, 1999, in Fredericksburg, Virginia, to inquire into allegations that you may have violated certain laws governing the practice of medicine in Virginia, as set forth in the Board's Notice of Informal Conference dated September 23, 1999. After considering the information and statements presented, the Committee found that while your management of Patient A's medical problems was not optimal, it does not find that your care was grossly negligent or that you represent a danger to the public. Therefore, this case is dismissed.

Pursuant to Section 9-6.14:14 of the Code of Virginia (1950), as amended, 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 Karen Perrine, Deputy Executive Director, Discipline, at (804) 662-7693.

Sincerely,


Warren W. Koontz, M.D.
Executive Director
Virginia Board of Medicine

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Decision letter – John R. Rodgers, M.D.

November 8, 1999

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cc: Joseph A. Leming, M.D., President, Virginia Board of Medicine
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Informal Conference Committee
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Patricia L. Larimer, Senior Legal Assistant
Charles F. Johnson, Senior Investigator (1999-00671/69459)
Reneé Dixon, Case Manger
Judi Smith, Senior Administrative Assistant
Vicki Hutson-McCloud, APD
Tamika Barrett, Enforcement Division