



COMMONWEALTH of VIRGINIA

Department of Health Professions Board of Medicine

John W. Hasty
Director of the Department

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

August 23, 2000

6606 West Broad Street
4th Floor
Richmond, Virginia 23230-1717
(804) 662-9908
FAX (804) 662-9517

Randolph A. Frank, M.D.
6073 Arlington Blvd.
Arlington, Virginia 22044

CERTIFIED MAIL
Z 057 542 490

RE: License No.: 0101-042515

Dear Dr. Frank:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Thursday, November 2, 2000, at 9:00 a.m., at the Holiday Inn Select, 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 Sections 54.1-2915.A(4) and (3), as further defined in Section 54.1-2914.A(10) and (13) of the Code, in that:

On January 23, 1998, Patient A, an 83-year old male, was admitted to Dominion Hospital, Falls Church, Virginia, under your care for treatment of increased agitation, paranoia and sleep disturbance related to his Parkinson's disease and dementia. Patient A's physical and mental status declined during the course of his hospitalization and, on February 8, 1998, Patient A was admitted to Arlington Hospital, Arlington, Virginia, via the Emergency Room. The discharge summary from Arlington Hospital states that his admitting diagnoses included severe dehydration, acute renal failure, urosepsis, metabolic acidosis, hyperkalemia, altered mental status (stupor), Parkinson's disease with generalized rigidity, sacral decubitus, and abnormal swallowing function.

1. During Patient A's hospitalization at Dominion Hospital from January 23, 1998 to February 8, 1998, you provided substandard care to Patient A. Specifically, you failed to properly monitor Patient A's oral intake, although, by your own admission, Patient A's initial laboratory studies done on January 24, 1998 were consistent with dehydration.
2. You further provided substandard care to Patient A in that you failed to properly evaluate, diagnose and treat Patient A's urinary tract infection. Although you knew that Patient A was suffering from urinary frequency and had previously experienced a severe urinary tract

infection requiring hospitalization, you did not order urinalysis until on or about February 3, 1998 and Patient A was not treated for a urinary tract infection until February 6, 1998.

In order to protect the privacy of Patient A, he has been referred to by letter only. Please see Attachment I of this notice for the identity of the individual referenced above. 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.
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 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.

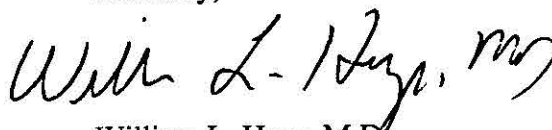
Absent good cause shown to support a request for a continuance, the informal conference will be held on November 2, 2000. A request to continue this proceeding must state **in detail** the reason for the request and must establish good cause. Such request must be made in writing to me at the address listed on this letter and must be received by 5:00 p.m. on September 6, 2000. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after September 6, 2000, will not be considered.

You may be represented by an attorney at the informal conference. Further, 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 Renee Dixon, Case Manager, Board of Medicine, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717, by **October 19, 2000**. Should you or Senior Legal Assistant Emily Wingfield wish to submit any documents for the Committee's consideration after **October 19, 2000**, 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.

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 Emily Wingfield, Senior Legal Assistant, at (804) 662-7592.

Sincerely,



William L. Harp, 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
Emily Wingfield, Senior Legal Assistant
Renee Dixon, Case Manager, Board of Medicine
Tony C. Butera, D.P.M., Senior Investigator (Case No. 75482)
Dinah Munoz, Administrative Assistant, Board of Medicine

Enclosures:

Virginia Code Sections:

54.1-2914

54.1-2915

54.1-2919

9-6.14:11

Informal Conference Package

Attachment I

Map



COMMONWEALTH of VIRGINIA

Department of Health Professions

Board of Medicine

November 8, 2000

John W. Hasty
Director of the Department

William L. Harp, M.D.
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CERTIFIED MAIL
Z 057 541 717

RE: License No.: 0101-042515

Dear Dr. Frank:

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 2, 2000 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 August 23, 2000. After considering the information and statements presented, the Committee found that while the medical care provided in this case was not optimal, it does not rise to the level of gross malpractice, nor is it sufficient to demonstrate that you conduct your practice in such a manner as to be a danger to the health and welfare of the public. Therefore, the Committee voted unanimously to dismiss the allegations and close the matter.

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,

William L. Harp, 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
Emily O. Wingfield, Assistant Attorney General
Paige A. Levy, Esquire
Tony C. Butera, DPM, Investigator (75428)
Renee S. Dixon, Case Manager, Board of Medicine
Dinah Munoz, Administrative Assistant, Board of Medicine
Trisha Henshaw, Administrative Assistant, APD