



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.virginia.gov
TEL (804) 662-9900
FAX (804) 662-9943
TDD (804) 662-7197

March 24, 2005

Alta Lois Brubaker, M.D.
3715 Hidden Meadow Lane
Keezletown, Virginia 22832

CERTIFIED MAIL
71603901 9848 3152 6391

RE: License No.: 0101-045362

Dear Dr. Brubaker:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Tuesday, April 26, 2005, at 9:15 a.m., at the Clarion Hotel, 3315 Ordway Drive, Roanoke, 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 in Virginia. Specifically:

1. You may have violated Section 54.1-2915 (1), (4), and (3), as further defined in Sections 54.1-2914.A (8) and (11) of the Code, in that during the course of your therapeutic relationship with Patients A and B, between the dates of March, 2001, and January, 2002, you mismanaged several aspects of their care and created a danger to their health and welfare. Specifically,

a. You failed to perform an appropriate initial evaluation, to include taking an adequate medical history, prior to initiating treatment with Patients A and B;

b. You failed to maintain appropriate medical records documenting your treatment of Patient A, between the dates of July 12, 2001, and November 15, 2001, and Patient B, between the dates of May 28, 2001, and December 17, 2001, in that you failed to create and document plans and courses of treatment, and failed to

Board of Audiology & Speech - Language Pathology - Board of Dentistry - Board of Funeral Directors & Embalmers - Board of Medicine - Board of Nursing
Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling
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Board of Health Professions

document your diagnoses, progress notes, consultations with outside persons involved in their care, evaluations, diagnostic reports, continuing care plans and recommendations for care, correspondence, drug screen reports, and discharge summaries relating to your care and treatment of Patients A and B;

c. You prescribed Topomax and Depakote (both Schedule VI controlled substances) to Patient A, but failed to properly monitor and manage his use of said medications. Further, you failed to address the severe weight loss that Patient A experienced while taking these medications;

d. You failed to maintain copies of, or properly document, prescriptions that you prescribed to Patient A.

2. You may have violated Section 54.1-2915 (3), as further defined in Section 54.1-2914.A (12), 54.1-3303.A and 54.1-3408.A of the Code, in that from December 23, 2000, to October 11, 2002, you prescribed the following Schedule VI controlled substances for your own personal and unauthorized use:

- 186 dosage units of Cyclobenzaprine;
- 450 dosage units of Prevacid;
- 270 dosage units of Synthroid;
- 2,160 dosage units of Topamax, 25mg;
- 1,800 dosage units of Topamax, 100mg;
- 540 dosage units of Celexa;
- 20 dosage units of Veetids; and
- 360 dosage units of Claritin.

3. You may have violated Section 54.1-2915 (3), as further defined in Sections 54.1-2914.A (8) and (11) of the Code, in that, during the course of Patient A's and Patient B's treatment with you, you violated their patient confidentiality by discussing their treatment, medications, and progress issues with other patients.

4. You may have violated Section 54.1-2915 (3), as further defined in Sections 54.1-2914.A (8) and (11) of the Code, in that, during the course of Patient A's treatment with you, you discussed your own medical condition and medications that you used, as a way to reassure Patient A's parents about your choice of medication to treat Patient A's symptoms.

Please see Attachment I for the name of the patients 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 2.2-4020 of the *Code*.

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 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. 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 René S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 6603 West Broad Street, 5th Floor, Richmond, Virginia 23230-1717, by **April 11, 2005**. Your documents may not be submitted by facsimile or e-mail. Should you or Michelle Carlton wish to submit any documents for the Committee's consideration after **April 11, 2005**, 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 April 26, 2005. 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 **April 7, 2005**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **April 7, 2005**, 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>. Please click on *Guidance Documents*, then select #85-11. You may also request a paper copy from the Board office by calling (804) 662-7009.

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 Michelle Carlton, Senior Adjudication Analyst, at (804) 662-9279.

Sincerely,


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

MC/Brubaker59NIC.DOC

Enclosures:

Attachment I
Informal Conference Package
Map

cc: Thomas B. Leecost, D.P.M., President, Virginia Board of Medicine
Robert A. Nebiker, Director, Department of Health Professions
Reneé S. Dixon, Discipline Case Manager, Board of Medicine
Michelle Carlton, Senior Adjudication Analyst
Alan McDonald, Senior Investigator [85659]

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: ALTA BRUBAKER, M.D.
License No.: 0101-045362

CONSENT ORDER

By letter dated March 24, 2005, the Virginia Board of Medicine ("Board") noticed Dr. Brubaker for an informal conference to inquire into allegations that she may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia.

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

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Special Conference Committee of the Board adopts the following findings and conclusions in this matter:

1. Dr. Brubaker was issued license number 0101-045362 by the Board to practice medicine in the Commonwealth of Virginia on June 29, 1990. Said license will expire on March 31, 2006, unless renewed or otherwise restricted.

2. Dr. Brubaker violated Section 54.1-2915 (3), as further defined in Section 54.1-2914.A (12), 54.1-3303.A and 54.1-3408.A of the Code, in that from December 23, 2000, to October 11, 2002, she prescribed the following Schedule VI controlled substances for her personal and unauthorized use:

- * 186 dosage units of Cyclobenzaprine;
- * 450 dosage units of Prevacid;
- * 270 dosage units of Synthroid;
- * 2,160 dosage units of Topamax 25 mg;
- * 1,800 dosage units of Topamax 100 mg;
- * 540 dosage units of Celexa;
- * 20 dosage units of Veetids; and

* 260 dosage units of Claritin.

3. In a letter to the Board dated June 13, 2005, Dr. Brubaker stated that she ceased prescribing medications for her personal use once she understood the Board's laws governing such acts.

4. In response to a request for records for Patients A and B from an investigator for the Department of Health Professions on or about December 9, 2002, Dr. Brubaker provided the investigator with an incomplete set of medical records for these patients, and stated that she would provide the remaining records to the Board at a later date. Dr. Brubaker provided the Board with additional records on or about June 13, 2005, after the Board issued its Notice of Informal Conference. Dr. Brubaker's failure to promptly provide medical records in a timely fashion pursuant to a request by the Department of Health Professions is considered unprofessional conduct, as set forth in 18 VAC 85-20-105 of the Regulations Governing the Practice of Medicine.

5. On or about June 13, 2005, Dr. Brubaker submitted additional medical records that she purports are related to her care and treatment of Patients A and B during the years of 2001 and 2002. Together with the records she provided to the investigator for the Department of Health Professions in 2002, Dr. Brubaker demonstrated a lack of organization to her patient records and a failure to document her treatment plans for Patients A and B in a clear and concise manner. In addition, many of the records relating to these Patients, who were minors with complex psychiatric disorders, were co-mingled to the extent that it is difficult to determine to reviewers unfamiliar with the cases which patient was being treated during the appointment.

6. In a letter to the Board dated June 13, 2005, Dr. Brubaker stated that, on occasion, she shared personal information with patients in order to further the treatment process.

CONSENT

I, Alta Brubaker, 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 and am represented by Marshall Ross, Esquire;
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;
 - b. the right to representation by counsel; and
 - c. the right to cross-examine witnesses against me.
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 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. Brubaker be issued a REPRIMAND for Finding of Fact #2. It is further ORDERED that Dr. Brubaker's license be placed on PROBATION, subject to the following terms and conditions:

1. Within 6 months of entry of this Order, Dr. Brubaker shall successfully complete a course in professional boundaries, which shall be approved in advance of registration by the Executive Director of the Board. These continuing education hours shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses that do not allow for interaction with the lecturer). Continuing education hours obtained through compliance with this term shall not be used towards licensure renewal.

2. Within 6 months of entry of this Order, Dr. Brubaker shall successfully complete a course in medical record keeping, which shall be approved in advance of registration by the Executive Director of the Board. These continuing education hours shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses that do not allow for interaction with the lecturer). Continuing education hours obtained through compliance with this term shall not be used towards licensure renewal.

3. Within 21 days of completion of each of the requirements in Terms 1 & 2 above, Dr. Brubaker shall submit a certificate or other evidence, satisfactory to the Board, of completion of all continuing education required by this Order.

4. Within 6 months, following the submission of a certificate of completion of Term #2 referenced above, Dr. Brubaker shall make her records available to an investigator for the Department of Health Professions, who will select ten current patient medical records, medication logs, and billing records. Upon review by the Executive Director of the Board, he is authorized to release Dr. Brubaker from probation and reinstate her license to a full and unrestricted status, or notice Dr. Brubaker for an administrative proceeding.

5. Dr. Brubaker shall maintain a course of conduct in her practice of medicine commensurate with the requirements of Title 54.1, Chapters 29, 33, and 34 of the Code and all laws of the Commonwealth.

6. Dr. Brubaker shall cooperate with the Virginia Board of Medicine and the Department of Health Professions in the investigation or inspection of her practice to verify that she is in compliance with this Order.

7. Dr. Brubaker shall notify the Executive Director of the Board by certified mail of any change of address within ten days of such occurrence.

8. Dr. Brubaker shall notify the Board immediately in writing should she intend to change the location of her practice.

Violation of this Consent Order shall constitute grounds for the revocation of the license of Dr. Brubaker. In the event Dr. Brubaker violates any of the terms and conditions of this Consent Order, a formal administrative hearing shall be convened to determine whether his license shall be revoked.

Pursuant to Section 54.1-2400.2(F) 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
6/29/05
ENTERED

SEEN AND AGREED TO:

Alta L. Brubaker, M.D.
Alta Brubaker, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Harrisonburg TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 27th day of June, 2005, by Alta Brubaker, M.D.

Paul H. Main
Notary Public

My commission expires: 12/31/08

MW/BRUBAKER59-PHCO

Renée S. Dixon
A TRUE COPY TESTE
RENEE S. DIXON, DISCIPLINE CASE MANAGER
VIRGINIA BOARD OF MEDICINE



COMMONWEALTH of VIRGINIA

Robert A. Nebiker
Director

Department of Health Professions
6603 West Broad Street, 5th Floor
Richmond, Virginia 23230-1712

www.dhp.virginia.gov
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FAX (804) 662-9943
TDD (804) 662-7197

March 21, 2006

Alta L. Brubaker, M.D.
3715 Hidden Meadow Lane
Keezletown, VA 22832

BY FACSIMILE
540 269-8200

RE: License No.: 0101-045362

Dear Dr. Brubaker:

The Virginia Board of Medicine ("Board") has received a report from the Compliance Division of the Department of Health Professions regarding your compliance with the terms of the Consent Order entered June 29, 2005. This report indicates that you successfully completed the continuing education requirements of Terms 1 and 2, and otherwise complied with the order. Further, a review of the ten current patient records, required by Term 3, duly notes an improvement in your recordkeeping. Therefore, under the authority conferred upon me by the Consent Order, your probation is terminated and your license is reinstated to a full and unrestricted status effective this date.

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 dark ink, appearing to read "William L. Hayp, M.D.", with a stylized flourish at the end.

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

cc: Tamika B. Hines, CCA Case [105735]
Jennie Wood, Administrative Assistant
Melony Johnson, APD
Debra Hay-Pierce, Compliance Manager

Board of Audiology & Speech - Language Pathology - Board of Dentistry - Board of Funeral Directors & Embalmers - Board of Medicine - Board of Nursing
Board of Nursing Home Administrators - Board of Optometry - Board of Pharmacy - Board of Counseling
Board of Physical Therapy - Board of Psychology - Board of Social Work - Board of Veterinary Medicine
Board of Health Professions

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: ALTA LOIS BRUBAKER, M.D.
License No.: 0101-045362

CONSENT ORDER

The Virginia Board of Medicine ("Board") and Alta Lois Brubaker, M.D., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Brubaker to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

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

1. Dr. Brubaker was issued license number 0101-045362 by the Board to practice medicine and surgery in the Commonwealth of Virginia on June 29, 1990. Said license is currently active and will expire on March 31, 2010, unless renewed or otherwise restricted.

2. Dr. Brubaker violated Sections 54.1-2915.A(16) and (18) of the Code, and 18 VAC 85-20-26.C of the Board of Medicine General Regulations, in that she failed to keep timely patient records while working at a mental health facility in or about October and November 2008.

CONSENT

I, Alta Lois Brubaker, 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 and am represented by Pierce Rucker, Esquire;

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 hereby ORDERED that the license of Alta Lois Brubaker, M.D., be subject to the following TERMS and CONDITIONS:

1. Within 6 months of the entry of this Order, Dr. Brubaker shall successfully complete 12 hours of continuing medical education ("CME") in the subject of medical record keeping. This CME shall be approved in advance of registration by the Executive Director of the Board and shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Continuing education hours obtained through compliance with this term shall not be used toward compliance with the Board's continuing education requirements for license renewal.


2. Within 21 days of completion of the required CME, Dr. Brubaker shall submit a certificate or other evidence, satisfactory to the Board, of completion such CME.

3. Upon receipt of evidence that Dr. Brubaker has complied with the terms of this Consent Order, the Committee authorizes the Executive Director to close this matter without further proceedings.

Violation of this Consent Order shall constitute grounds for the suspension or revocation of the license of Dr. Brubaker. In the event Dr. Brubaker violates any of the terms and conditions of this Consent Order, an administrative hearing shall be convened to determine whether such action is warranted.

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:



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

ENTERED: 8/20/09

SEEN AND AGREED TO:

Alta Lois Brubaker, M.D.
Alta Lois Brubaker, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Spencerburg 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 August, 2009, by Alta Lois Brubaker, M.D.



Louise A. White
Notary Public

Registration Number: 258688

My commission expires: May 31, 2010



COMMONWEALTH of VIRGINIA

Sandra Whitley Ryals
Director

Department of Health Professions

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

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

December 2, 2009

Alta L. Brubaker, M.D.
3715 Hidden Meadow Lane
Keezletown, Virginia 22832-2033

CERTIFIED MAIL

7160 3901 9845 3430 4425

RE: License No.: 0101-045362

Dear Dr. Brubaker:

The Virginia Board of Medicine ("Board") has received verification of your compliance with Terms #1 and #2 of the Consent Order entered August 20, 2009.

Therefore, pursuant to the authority granted by Term #3, 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,

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

cc: Renée S. Dixon, Discipline Case Manager [123132]
Jennie Wood, Administrative Assistant
Susan Brooks, Office Manager, APD