

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: ERROL ALAN SEGALL, M.D.
License Number: 0101-031662
Case Number: 178491

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Medicine (“Board”) held an informal conference on November 8, 2017, in Henrico County, Virginia, to inquire into evidence that Errol Alan Segall, M.D., may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia.

Dr. Segall appeared at this proceeding and was represented by Christopher E. Hassell, Esquire.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Errol Alan Segall, M.D., was issued License Number 0101-031662 to practice medicine and surgery on December 11, 1979, which is scheduled to expire on May 31, 2018. At all times relevant to the findings contained herein, said license was current and active.

2. Dr. Segall violated Virginia Code § 54.1-2915(A)(3) in the care and treatment of Patient A from late 2016 through early 2017. Specifically:

a. Following psychiatric appointments conducted via telemedicine (computer video conferencing) on November 17, 2016 and January 12, 2017, with Patient A located at an outpatient facility in Virginia Beach, Virginia, and Dr. Segall in Fairfax, Virginia, Dr. Segall

prescribed Schedule II and IV controlled substances to Patient A, as detailed below. Prior to prescribing, Dr. Segall did not see Patient A for an in-person office visit.

Date	Medication Prescribed
11/17/16 (first appt.)	#180 Dexedrine (dextroamphetamine, C-II) 10mg; #60 Xanax (alprazolam, C-IV) 2mg +2RF; #30 Restoril (temazepam, C-IV) 30mg +2RF
11/27/16	#120 Dexedrine 10mg
12/17/16	#120 Dexedrine 10mg; #120 Dexedrine 10mg (marked “Fill on or after Jan. 17, 2017”)
1/12/17 (second appt.)	#60 Xanax XR 2mg + 2RF

b. Although Patient A reported at her November 17, 2016 appointment that she had been on disability for approximately the past six years for a diagnosis of schizophrenia, and Dr. Segall noted that Patient A “has a very complex history of symptoms,” Dr. Segall failed to obtain and review records from Patient A’s primary care provider, recent prescribing providers, and/or prior mental health care provider(s) prior to prescribing amphetamines and benzodiazepines to her.

c. Dr. Segall prescribed approximately 540 dosage units of dextroamphetamine, 360 dosage units of alprazolam, and 90 dosage units of temazepam based primarily on Patient A’s self-report of current medications and a visual review of her medication bottles over video conferencing during her first telemedicine appointment. Prior to prescribing what Dr. Segall noted on November 17, 2016 was an “unusual combination” of medications, he did not obtain or document obtaining a substance abuse history, review Patient A’s Virginia Prescription Monitoring Program (“PMP”) data, and/or confer with or obtain and review records from Patient A’s recent prescribing providers.

d. Between November 2016 and January 2017, Dr. Segall provided Patient A with four prescriptions for Dexedrine based solely on her self-report of being “diagnosed with

attention deficit disorder in 2000,” and without confirming the diagnosis through a proper work-up or testing or review of records.

On January 23, 2017, Patient A was hospitalized following an intentional overdose of prescribed medications; her hospital discharge summary noted a history of heroin abuse, stimulant abuse, drug-seeking behavior, noncompliance with medication treatment, and acute exacerbation of chronic paranoid schizophrenia. Patient A also had been hospitalized for an intentional overdose of prescribed medications on October 17, 2016.

3. Dr. Segall explained to the Committee that his understanding through the Virginia Beach outpatient facility administrator was that Patient A was referred by her internist for medication management. Dr. Segall stated that the patient presented him with her current medications by showing him three bottles with labels. Dr. Segall said he continued the medications that he believed she had already been taking from her primary care provider. Dr. Segall said Patient A described past symptoms of hearing voices, but presented as stable during his meeting with her. Dr. Segall stated that Patient A called subsequent to the initial visit and claimed she had lost the prescription for Dexedrine. Dr. Segall explained that he was in the process of building a relationship with this patient and chose to believe her, and also stated he adjusted the number of dosage units prescribed in the second prescription for Dexedrine. Dr. Segall acknowledged he did not check the PMP prior to issuing the initial script or the replacement, but noted that if he had checked it, the PMP would have revealed that the patient had not filled the original script.

4. The Committee noted that Dr. Segall had records available to him from the Virginia Beach facility that showed Patient A “feels voices are real” dating from days prior to her November 17 appointment with Dr. Segall.

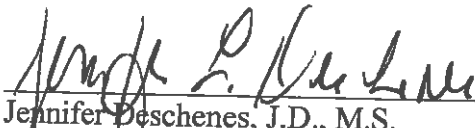
5. Dr. Segall stated he is a good doctor who only provides patients with medications that he believes are indicated. He acknowledged issues in the case that could have been worked out over time, but believes he did the best that he could with the information he had available to him at the time.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS that Dr. Segall is REPRIMANDED.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, 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



Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

ENTERED: 11/14/2017

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Dr. Segall may, not later than 5:00 p.m., on **December 19, 2017**, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on **December 19, 2017**, unless a request for a formal administrative hearing is received as described above.

DECISION:

Upon a motion by Dr. O'Connor, and duly seconded by Dr. Tuck, the Committee made certain findings of fact and conclusions of law and voted to issue Dr. Segall a reprimand.

VOTE:

The vote was unanimous.

ADJOURNMENT:

The Committee adjourned at 10:39 a.m.

As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Segall, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Segall, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.

Barbara Allison-Bryan, M.D., Chair

William L. Harp, M.D., Executive Director

Date

Date



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
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

July 26, 2017

Christopher E. Hassell, Esquire
Bonner Kiernan
1233 20th St. NW, 8th Floor
Washington, D.C. 20036

Via email and First Class Mail
chassell@bonnerkiernan.com

RE: **Errol Alan Segall, M.D.; License No. 0101-031662**
Continuance & Rescheduling of Informal Hearing

Dear Mr. Hassell:

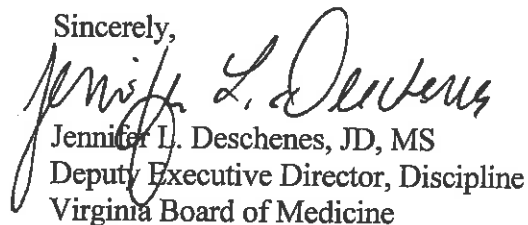
The Virginia Board of Medicine ("Board") is in receipt of your correspondence dated July 19, 2017, indicating representation and requesting a continuance of Dr. Segall's informal conference which is currently scheduled to convene on Wednesday, August 16, 2017.

After careful consideration, it has been determined that your request should be granted since it was timely and demonstrates good cause. Dr. Segall's informal conference is rescheduled for **Wednesday, November 8, 2017, at 9:00 a.m.**

Should Dr. Segall wish to submit additional information for consideration by the Committee, you must submit eight (8) copies to the attention of Jennie F. Wood, Discipline Case Manager, Virginia Board of Medicine, Perimeter Center, 9960 Mayland Drive, 3rd Floor, Henrico, Virginia 23233, by **October 25, 2017**. Your documents may not be submitted by facsimile or e-mail.

If you have any further questions regarding this matter, please contact Tracy Robinson, Adjudication Specialist, at (804) 367-4694.

Sincerely,


Jennifer L. Deschenes, JD, MS
Deputy Executive Director, Discipline
Virginia Board of Medicine

cc: Errol A. Segall, M.D.
Tracy Robinson, Adjudication Specialist (178491)
Lorraine McGehee, Deputy Director, APD
Tamika Hines, Case Manager - FOIA



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
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

July 6, 2017

Errol Alan Segall, M.D.
8500 Executive Park Avenue
Suite 200
Fairfax, VA 22031

UPS OVERNIGHT MAIL

RE: Case Number 178491

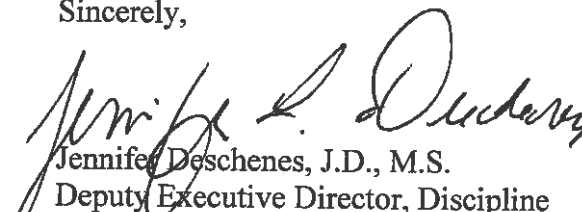
Dear Dr. Segall:

Attached is a Notice of Informal Conference and Statement of Allegations.

For information regarding this type of proceeding, including Frequently Asked Questions regarding Disciplinary Proceedings, directions to the Department of Health Professions Conference Center, instructions for requesting subpoenas, the Board's Sanctioning Reference Points, the text of the Administrative Process Act and other statutes and regulations cited herein, and other related information, please see www.dhp.virginia.gov/medicine/medicine_Hearings.htm. If you do not have Internet access, you may request a hard copy of any of this information by calling Jennie Wood at (804) 367-4571.

If you have any questions, you may contact Tracy E. Robinson, Adjudication Specialist, at (804) 367-4694 or tracy.robinson@dhp.virginia.gov. Please notify the Board office of your intent to attend this proceeding.

Sincerely,


Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

cc: Tracy E. Robinson, Adjudication Specialist, Administrative Proceedings Division
Lorraine McGehee, Deputy Director, Administrative Proceedings Division
Kimberly H. Martin, Senior Investigator, Division of Enforcement

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: ERROL ALAN SEGALL, M.D.
License Number: 0101-031662
Issue Date: December 11, 1979
Expiration Date: May 31, 2018
Case Number: 178491

**NOTICE OF INFORMAL CONFERENCE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an Informal Conference has been scheduled before the Board of Medicine ("Board") regarding your license to practice medicine and surgery in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
DATE AND TIME:	August 16, 2017 11:00 AM
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2 nd Floor - Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.

2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:

- Exonerate you;
- Reprimand you;
- Require you to pay a monetary penalty;
- Place you on probation and/or under terms and conditions; or
- Refer the matter to the Board of Medicine for a formal administrative hearing.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you fail to appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

RESPONDENT'S LEGAL RIGHTS:

You have the right to the information on which the Committee will rely in making its decision, to be represented by counsel at this proceeding, to subpoena witnesses and/or documents, and to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

Enclosed is a copy of the documents that will be distributed to the members of the Committee and will be considered by the Committee when discussing any allegations with you and when deliberating on your case. **These documents are enclosed only with the notice sent by UPS overnight mail. Please bring these documents with you to the informal conference.**

FILING DEADLINES:

Deadline for filing materials: **August 2, 2017**. Submit (8) copies of all documents you want the Board to consider to Jennie Wood, Discipline Case Manager, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233. Exhibits may not be sent by facsimile or e-mail.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, a request for a continuance after **July 20, 2017**, will not be considered. 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 **July 20, 2017**.

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Errol Alan Segall, M.D., was licensed to practice medicine and surgery in the Commonwealth of Virginia.

2. Dr. Segall violated Virginia Code §§ 54.1-2915(A)(3), (13), (16), and (18) and 54.1-3303(A), and 18 VAC 85-20-26(C) of the Regulations Governing the Practice of Medicine, in the care and treatment of Patient A from late 2016 through early 2017. Specifically, following psychiatric appointments conducted via telemedicine (computer video conferencing) on November 17, 2016 and January 12, 2016, with Patient A located in Virginia Beach, Virginia, and Dr. Segall in Fairfax, Virginia, Dr. Segall prescribed Schedule II and IV controlled substances to Patient A, as detailed below. Prior to such prescribing, Dr. Segall did not see Patient A for an in-person office visit, and he did not conduct an appropriate physical examination, to include measuring blood pressure and pulse, nor did he have or document having obtained such information from another practitioner. Additionally, although Patient A reported at her November 17, 2016 appointment that she had been on disability for approximately the past six years for a diagnosis of schizophrenia, and Dr. Segall noted that Patient A “has a very complex history of symptoms,” Dr. Segall failed to obtain and review records from Patient A’s primary care provider, recent prescribing providers, and/or prior mental health care provider(s) prior to prescribing amphetamines and benzodiazepines to her.

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On January 23, 2017, Patient A was hospitalized following an intentional overdose of prescribed medications; her hospital discharge summary noted a history of heroin abuse, stimulant abuse, drug-seeking behavior, noncompliance with medication treatment, and acute exacerbation of chronic paranoid schizophrenia. Patient A also had been hospitalized for an intentional overdose of prescribed medications on October 17, 2016.

3. Dr. Segall violated Virginia Code § 54.1-2915(A)(3), (13), (16), and (18) and 18 VAC 85-20-26(C) of the Regulations Governing the Practice of Medicine in the care and treatment of Patient A, between November 2016 and January 2017, in that:

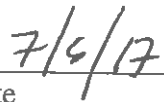
a. Dr. Segall prescribed approximately 540 dosage units of dextroamphetamine, 360 dosage units of alprazolam, and 90 dosage units of temazepam based primarily on Patient A's self-report of current medications and a visual review of her medication bottles over video conferencing during her first telemedicine appointment. Prior to prescribing what Dr. Segall noted on November 17, 2016 was an "unusual combination" of medications, he did not obtain or document obtaining a substance abuse history, review Patient A's Virginia Prescription Monitoring Program data, conduct a urine drug screen, and/or confer with or obtain and review records from Patient A's recent prescribing providers.

b. Between November 2016 and January 2017, Dr. Segall provided Patient A with four prescriptions for dextroamphetamine based on her self-report of being "diagnosed with attention deficit disorder in 2000," but without performing or documenting a proper work-up or testing to establish a medical condition for which this medication would be appropriately prescribed.

See Confidential Attachment for the name of the patient referenced above.



Jennifer Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine



Date