

**BEFORE THE VIRGINIA BOARD OF MEDICINE**

**IN RE:       NICOLAS A EMILIANI, M.D.**  
**License Number:   0101-028833**  
**Case Number:      180228**

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**CONSENT ORDER**

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**JURISDICTION AND PROCEDURAL HISTORY**

The Virginia Board of Medicine (“Board”) and Nicolas A Emiliani, M.D., as evidenced by their signatures hereto, in lieu of proceeding to an informal conference, enter into the following Consent Order affecting Dr. Emiliani’s license to practice medicine and surgery in the Commonwealth of Virginia.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

1.       Nicolas A Emiliani, M.D., was issued License Number 0101-028833 to practice medicine and surgery on December 5, 1977, which is scheduled to expire on November 30, 2018.

2.       Dr. Emiliani violated Virginia Code § 54.1-2915(A)(17) and (18), 18 VAC 85-20-27(A) of the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic; and §54.1-3411.1 in that:

a.       During an inspection of his office on July 20, 2017, located at 3236 B. Boulevard, Colonial Heights, Virginia, Dr. Emiliani maintained numerous prescriptions medications, including Schedule II and IV controlled substances, in his office in an unlocked cabinet that was visible to patients and staff, and accessible to patients and staff. These medication bottles still had prescription labels affixed containing confidential patient information, and several bottles of medications were long expired (e.g., since at least 2006).

b.       Dr. Emiliani stated that he redispensed surrendered medications to patients unable to afford prescription medications due to a lack of financial resources or insurance in violation of § 54.1-3411.1.

## CONSENT

Nicolas A Emiliani, M.D., by affixing his signature to this Consent Order, agrees to the following:

1. I have been advised to seek advice of counsel prior to signing this document;
2. I am fully aware that without my consent, no legal action can be taken against me or my license except pursuant to the Virginia Administrative Process Act, Virginia Code § 2.2-4000 *et seq.*;
3. I acknowledge that I have the following rights, among others: the right to an informal fact-finding conference before the Board; and the right to representation by counsel;
4. I waive my right to an informal conference;
5. I admit to the Findings of Fact and Conclusions of Law contained herein and waive my right to contest such Findings of Fact and Conclusions of Law and any sanction imposed hereunder in any future judicial or administrative proceeding in which the Board is a party;
6. I consent to the entry of the following Order affecting my licensure to practice medicine and surgery in the Commonwealth of Virginia.

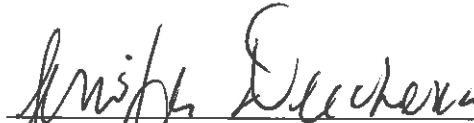
## ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS the following:

1. Nicolas A. Emiliani, M.D., is REPRIMANDED.
2. Within 30 days of the date of entry of this Order, Dr. Emiliani shall certify to the Board, in writing, that he has properly disposed of all medications surrendered to him.

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  
Virginia Board of Medicine

ENTERED: \_\_\_\_\_

2/16/18

SEEN AND AGREED TO:



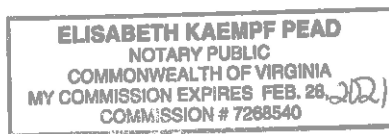
Nicolas A Emiliani, M.D.


COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF Colonial Heights, TO WIT:

Subscribed and sworn to before me, a notary public in and for the Commonwealth of Virginia at large,

on this 12 day of February, 2018.



  
Notary Public

My commission expires: \_\_\_\_\_

2-28-2021

Registration No.: \_\_\_\_\_

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