

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: NICOLAS A EMILIANI, M.D.
License Number: 0101-028833
Case Number: 190638

CONSENT ORDER

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, 2020.
2. Dr. Emiliani violated Virginia Code § 54.1-2915(A)(4) and (14) in that he is unable to practice with reasonable skill and safety. Specifically:
 - a. – d. See Confidential Exhibit.
 - e. Individual A, who stated he has known Dr. Emiliani his whole life, reported to the Board's investigator that Dr. Emiliani did not recognize him on a recent visit to his practice, which was alarming.
 - f. Dr. Emiliani expressed concern about his memory to his primary care physician in 2017. His physician offered to order a neurology consult or a brain MRI, but Dr. Emiliani declined.
 - g. During interviews with the Board's investigator on October 2 and 17, 2018, Dr. Emiliani had difficulty recalling where he held hospital privileges, could not recall how to spell his daughter's name, how old his daughter was, or where he had gone when he was out of town in July and August 2018. Dr. Emiliani consulted his wife throughout the interviews for answers to the investigator's

questions. At the conclusion of his second interview, Dr. Emiliani claimed to have developed the psychological testing tool, the MMPI.

3. Pursuant to Virginia Code § 54.1-2400.2(K), the Board considered whether to disclose or not disclose Dr. Emiliani's health records or health services.

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 and am represented by Richmond Wollstein, Esq.;

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 license 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 accepts the VOLUNTARY PERMANENT SURRENDER of the license of Nicolas A. Emiliani, M.D., to practice medicine and surgery in the Commonwealth of Virginia.

The license of Nicolas A. Emiliani, M.D., will be recorded as SURRENDERED, effective March 8, 2019. Dr. Emiliani will not be eligible for reinstatement of his license at any future date.

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: 2/27/2019

SEEN AND AGREED TO:

Nicolas A. Emiliani
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 20th day of February, 2019.

Angela L Hundley
Notary Public

My commission expires: Sept. 30, 2022

Registration No.: 7596369

