



# COMMONWEALTH of VIRGINIA

Department of Health Professions  
Board of Medicine

John Hasty  
Director of the Department

Warren W. Koontz, M.D.  
Executive Director of the Board

January 5, 1996

6606 West Broad Street  
4th Floor  
Richmond, Virginia 23230-1717  
(804) 662-9908  
FAX (804) 662-9943

Thomas G. Fernando, M.D.  
110 Maycox Avenue  
Norfolk, Virginia 23505

**CERTIFIED MAIL**  
**Z 100 414 592**

RE: License No.: 0101-027718

Dear Dr. Fernando:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on Thursday, February 8, 1996, at 1:30 p.m., at the Department of Health Professions, 6606 West Broad Street, Fourth Floor, Richmond, 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 Section 2915.A(3) of the Code, as further defined in Section 2914.A(9), (10) and (16), in that:

From on or about January 25, 1995 to May 31, 1995, you diagnosed and treated Patient A for bipolar disorder. Such treatment included monitoring of Patient A's medication. During your treatment of Patient A, on or about May 31, 1995:

1. By your own admission, while maintaining a physician-patient relationship with Patient A, you engaged in improper sexual contacts with her, to-wit: oral sodomy.
2. You failed to document in Patient A's record that you prescribed any medications for her, yet pharmacy records reveal that you prescribed both Lithium and Mellaril.

In order to protect the privacy of Patient A, she has been referred to by letter only. Please see Attachment I of this notice for the identity of the individual referenced above. You may be represented by an attorney at the informal conference. 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 in Virginia;
3. The Committee may reprimand or censure you, or;
4. 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 Board 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. If you have additional documents for review which are not contained in this package, please bring at least six copies with you to the meeting.


You may be represented by an attorney at the informal conference. If you obtain counsel, it will be your responsibility to provide the enclosed materials to your attorney.

Should you fail to appear at the informal conference the Board may proceed to a formal administrative hearing in order to impose sanctions. Please inform this office whether you intend to appear at the conference at least ten (10) days prior to the scheduled date above. Also, please provide the Board with a telephone number where you may be reached.

I enclose for your reference copies of the 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.

Should you have any questions regarding this notice, please contact Karen W. Perrine, Deputy Executive Director, Discipline, at (804) 662-7693.

Sincerely,

  
Warren W. Koontz, M.D.  
Executive Director  
Virginia Board of Medicine

Notice of Informal Conference - Dr. Fernando  
January 5, 1996  
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PHM/vh1219N2.NOTICE

cc: Charles H. Crowder, Jr., M.D., President  
John W. Hasty, Director, Department of Health Professions  
James L. Banning, Director, Administrative Proceedings  
Michael L. Goodman, Esquire  
Patricia H. Munroe, Senior Legal Assistant  
Informal Conference Committee  
Nan R. Dunaway, Division of Enforcement (95-01925)  
Kelli Moss, Senior Administrative Assistant

Enclosures:

Virginia Code Sections:

54.1-2914

54.1-2915

54.1-2919

9-6.14:11

Informal Conference Package

Attachment I

Map

**VIRGINIA:**

**BEFORE THE BOARD OF MEDICINE**

**IN RE: THOMAS G. FERNANDO, M.D.  
License No.: 0101-027718**

**ORDER**

In accordance with the provisions of Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Thomas G. Fernando, M.D., on February 8, 1996, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the informal conference committee ("Committee") were: Paul M. Spector, Chairperson; Karen E. Knapp, M.D.; and David E. Brown, D.C. Dr. Fernando appeared personally and was represented by legal counsel, Michael L. Goodman, Esquire. The purpose of the informal conference was to inquire into allegations that Dr. Fernando may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia, as set forth in a notice of informal conference dated January 5, 1996.

**FINDINGS OF FACT**

Now, having properly considered the evidence and testimony presented, the Committee makes the following Finding of Fact:

1. From on or about January 25, 1995 to May 31, 1995, Dr. Fernando diagnosed and treated Patient A for bipolar disorder. Such treatment included monitoring of Patient A's medication. During Dr. Fernando's treatment of Patient A, on or about May 31, 1995, by his own admission, while maintaining a physician-patient relationship with Patient A, he engaged in improper sexual contact with her, to-wit: oral sodomy.

**CONCLUSIONS OF LAW**

Based on the foregoing Finding of Fact, the Committee concludes that Dr. Fernando is in violation of Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(9), (10) and (16) of the Code.

Dr. Fernando

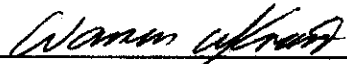
**ORDER**

WHEREFORE, it is hereby ORDERED that Thomas G. Fernando, M.D., be, and hereby is, issued a REPRIMAND.

Pursuant to Section 54.1-2919 of the Code of Virginia, 1950, as amended, any request for a hearing before the Board must be filed within 30 days upon receipt of this Order.

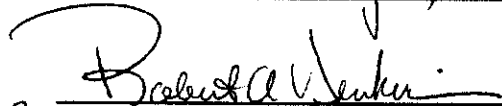
Pursuant to Section 9-6.14:14 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD

  
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Warren W. Koontz, M.D.  
Executive Director  
Virginia Board of Medicine

Entered: 2/14/96

RECEIVED: February 15, 1996

  
\_\_\_\_\_  
for John W. Hasty, Director  
Department of Health Professions

PHM/vh021301.ORDER