



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

September 15, 1997

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

Jacob H. Berman, M.D.
448 Viking Drive, Suite 230
Virginia Beach, Virginia 23452

CERTIFIED MAIL
Z 356 167 678

Re: License No.: 0101-040895

Dear Dr. Berman:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on November 14, 1997, at 1:00 p.m., at the Williamsburg Hospitality House, 415 Richmond Road, Williamsburg, 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 54.1-2915.A(3), as further defined in Section 54.1-2914.A(9), (10), (14), (15), and (16), and Sections 54.1-3303(A) and 54.1-3408(A) of the Code, in that:

1. From about December 1990, to July 1992, while providing psychiatric treatment to Patient A, you acted unprofessionally and in a manner that endangered the patient's mental health and welfare in that you failed to maintain appropriate therapeutic boundaries. Specifically, after Patient A's divorce, you began physically hugging her after therapy sessions, telling her that she was your favorite patient, and disclosing details of your personal life, spending up to one-third of your session time with her talking about your own personal matters. Further, you displayed inappropriate anger toward the patient when she terminated the physician-patient relationship.

2. From about July 1994, to April 1995, while providing psychiatric treatment to Patient B, you acted unprofessionally and in a manner that endangered the patient's mental health and welfare. Specifically:

- a. You unlawfully and indiscriminately dispensed the following drugs to Patient B that were not prescribed by written prescriptions and were not dispensed by a pharmacy: Ambien, Valium, and Xanax, Schedule IV controlled substances, butalbital and Tylenol with Codeine, Schedule III controlled substances, and meclizine HCl, a Schedule VI controlled substance. These drugs were provided to the patient in addition to the drugs Ativan, Xanax and Prozac that were prescribed by you for the patient during this period.

b. In approximately April 1995, you entered into a sexual relationship with Patient B concurrent with and by virtue of your physician-patient relationship.

3. By your own admission, in approximately June and July 1995, you indiscriminately issued the following prescriptions to Individual C, the roommate of Patient B, with whom you did not have a bona fide physician-patient relationship and for whom you have no treatment records:

a. Propoxyphene-N 100, 60 tablets, a Schedule IV controlled substance.

b. Diazepam, 5 mg, 60 tablets, a Schedule IV controlled substance.

4. From about January 1993, to June 1996, you issued the following prescriptions to your wife, Individual D, with whom you did not have a bona fide physician-patient relationship and for whom you have no treatment records:

a. Fiorinal with Codeine, 30 mg, 60 capsules, a Schedule III controlled substance.

b. Tylenol (acetaminophen) with Codeine, 180 tablets, a Schedule III controlled substance.

c. Propoxyphene N-100, 30 tablets, a Schedule IV controlled substance.

d. Propoxyphene, 60 capsules, a Schedule IV controlled substance.

e. Diflucan, 200 mg, 6 tablets, a Schedule VI controlled substance.

f. Cyclobenzaprine, 10 mg, 10 tablets, a Schedule VI controlled substance.

g. Biaxin, 500 mg, 40 tablets, a Schedule VI controlled substance.

h. Monistat 3 vaginal suppositories, five prescriptions, Monistat 3 Dual-Pak, five prescriptions, and Terazol 3 vaginal cream, one prescription, Schedule VI controlled substances.

5. From about February 1994, to July 1995, you self-prescribed the following medications:

a. Beconase AQ nasal spray, a Schedule VI controlled substance.

b. Tilade inhaler, a Schedule VI controlled substance.

c. Amoxicillin, 250 mg, 40 capsules, a Schedule VI controlled substance.

d. D-chlorphenir, 6 mg, 60 tablets, a Schedule VI controlled substance.

e. Lorabid, 200 mg, 80 capsules, a Schedule VI controlled substance.


f. PPA w/Guaifensin, 60 tablets, a Schedule VI controlled substance.

A request to continue this proceeding must be made in writing and directed to me at the address listed on this letter. Such request must be received by 5:00 p.m. on September 29, 1997. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after September 29, 1997, will not be considered.

You may be represented by an attorney at the informal conference. 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 September 29, 1997. Further, it is 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. 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

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cc: Paul M. Spector, D.O., President
John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Virginia A. Scher, Senior Legal Assistant
Informal Conference Committee
Patricia Stigall, Regional Investigative Supervisor (96-00152, 96-00174, 96-00665)
Kelli Moss, Senior Administrative Assistant

Enclosures:

Virginia Code Sections:

54.1-2914
54.1-2915
54.1-2919
54.1-3303
54.1-3408
9-6.14:11

Informal Conference Package
Attachment I
Map

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: JACOB H. BERMAN, M.D.
License No.: 0101-040895

ORDER

In accordance with Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Jacob H. Berman, M.D., on December 12, 1997, in Williamsburg, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Informal Conference Committee ("Committee") were: Michael Stutts, Ph.D., Chairman; Clarke Russ, M.D.; and J. Kirkwood Allen. Dr. Berman appeared personally and was represented by legal counsel, Julia Krebs-Markrich, Esquire. The purpose of the informal conference was to inquire into allegations that Dr. Berman 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 September 15, 1997.

FINDINGS OF FACT

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

1. In approximately April 1995, Dr. Berman entered into a sexual relationship with Patient B concurrent with and by virtue of the physician-patient relationship. Further, by his admission, Dr. Berman dispensed Tylenol 3 (Schedule III) and other unspecified medications to Patient B from his own personal supply of prescribed medications.
2. By his admission, in approximately June and July 1995, Dr. Berman indiscriminately issued the following prescriptions to Individual C, the roommate of Patient B, with whom he did not have a bona fide physician-patient relationship and for whom he had no treatment records:
 - a. Propoxyphene-N 100, 60 tablets (Schedule IV)
 - b. Diazepam, 5 mg, 60 tablets (Schedule IV)
3. From approximately March 1993, to March 1995, Dr. Berman issued the following prescriptions to his wife, Individual D, with whom he did not have a bona fide physician-patient relationship and for whom he had no treatment records:

Dr. Berman

- a. Fiorinal with Codeine, 30 mg, 60 capsules (Schedule III)
 - b. Tylenol (acetaminophen) with Codeine, 180 tablets (Schedule III)
 - c. Propoxyphene N-100, 30 tablets (Schedule IV)
 - d. Propoxyphene, 60 capsules (Schedule IV)
4. In approximately May and June 1995, Dr. Berman issued prescriptions to his office manager, Individual E, with whom he did not have a bona fide physician-patient relationship. Further, Dr. Berman instructed Individual E to have the prescriptions filled and to return the drugs to him. By his own admission, Dr. Berman intended these drugs for his own use, and he took these drugs during his office hours. Specifically, Dr. Berman issued the following prescriptions:
- a. Fioricet with Codeine, 30 capsules (Schedule III)
 - b. Fiorinal (butalbital, aspirin, and caffeine), 60 tablets (Schedule III)
 - c. Valium, 5 mg, 180 tablets (Schedule IV)
 - d. Ativan, 0.5 mg, 60 tablets, (Schedule IV)
5. Since August 1995, Dr. Berman has undergone analysis, three times per week, with William F. Greer, Jr., Ph.D., who provided a letter of support for Dr. Berman.
6. The Committee dismissed allegations # 1 and # 5 of the September 15, 1997, Notice of Informal Conference.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee concludes that Dr. Berman is in violation of Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(9), (10), (14) and (16), and Sections 54.1-3303(A) and 54.1-3408(A) of the Code.

ORDER

WHEREFORE, it is hereby ORDERED that the matter of Jacob H. Berman, M.D., be CONTINUED GENERALLY on the following terms and conditions:

Dr. Berman

1. Dr. Berman shall undergo a comprehensive, multi-day, multi-disciplinary assessment by the Professional Assessment Program at Abbott Northwestern Hospital in Minneapolis, Minnesota, or other Board-approved equivalent assessment program, with a detailed written report to be submitted to the Board within 120 days of entry of this order. The assessment program shall be provided a copy of the Board's complete record of this matter. Further, Dr. Berman shall be responsible for all costs associated with this assessment.
2. Dr. Berman shall submit to a quality assurance audit of his office practice by a Board-approved psychiatrist, with a detailed written report to be submitted to the Board within 120 days of entry of this order.
3. After receipt of the written reports required by Terms # 1 and # 2 of this order, Dr. Berman shall be noticed to appear before an informal conference committee of the Board. Said committee shall be responsible for reviewing and approving all information relative to the terms and conditions of this order, except as noted above.
4. Dr. Berman shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.


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.

Dr. Berman may, not later than 5:00 p.m., on February 16, 1998, notify Warren W. Koontz, M.D., Executive Director, at 6606 West Broad Street, Richmond, Virginia 23230, in writing that he desires a hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this order shall be vacated.

Dr. Berman

Therefore, this order shall become final on February 16, 1998, unless a request for a hearing is received as described above.

FOR THE BOARD



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

ENTERED: Jan 13, 1998

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VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: JACOB H. BERMAN, M.D.
License No.: 0101-040895

CONSENT ORDER

In accordance with Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code"), an informal conference of the Virginia Board of Medicine ("Board") was held with Jacob H. Berman, M.D., on December 12, 1997, in Williamsburg, Virginia. The purpose of the informal conference was to inquire into allegations that Dr. Berman may have violated certain laws governing the practice of medicine in Virginia, as set forth in the Board's Notice of Informal Conference dated September 15, 1997. The informal conference committee ("Committee") made findings of fact and conclusions of law and, by order entered January 12, 1998, continued the matter generally under certain terms and conditions. Pursuant to that order, Dr. Berman underwent a comprehensive, multi-disciplinary assessment by the Professional Assessment Program at Abbott Northwestern Hospital in Minneapolis, Minnesota ("PAP"). On August 4, 1998, the Board met in accordance with Section 54.1-2408.1 of the Code, to receive and act upon the final report of the PAP, and determined that the continued practice of Dr. Berman constituted a substantial danger to the public health and safety. By order entered August 4, 1998, the Board summarily suspended Dr. Berman's license to practice medicine in the Commonwealth of Virginia. Now comes the Board and Dr. Berman, and in lieu of proceeding to a formal administrative hearing in this cause, agree to enter into this Consent Order affecting the license of Dr. Berman to practice medicine in the Commonwealth of Virginia.

FINDINGS OF FACT

The Board adopts the following Findings of Fact:

1. On May 4-7, 1998, Dr. Berman underwent a comprehensive, multi-disciplinary assessment by the Professional Assessment Program at Abbott Northwestern Hospital in Minneapolis, Minnesota. The assessment team identified ongoing boundary vulnerabilities, concluded that Dr. Berman is not safe to practice psychiatry at this time, and unanimously recommended that Dr. Berman complete an intensive residential treatment program at the Sante Center in Argyle, Texas, that addresses personal responsibility and maintaining

professional boundaries in psychotherapy, prior to resuming the practice of psychiatry.

2. On or about August 6, 1998, following the summary suspension of his license by the Board, Dr. Berman asked the Board to permit him to attend the intensive residential treatment program for professionals offered by the C. F. Menninger Memorial Hospital, Topeka, Kansas ("Menninger"), in lieu of attending the residential program offered at the Sante Center. On August 7, 1998, the Board, acting through its Executive Director, Warren W. Koontz, M.D., approved Dr. Berman's participation in the Menninger program.

3. Dr. Berman underwent treatment at the Professionals in Crisis Residential Program at Menninger from August 10, 1998 to September 11, 1998. Dr. Richard R. Irons, M.D., reported that the treatment team concluded that Dr. Berman could return to the practice of medicine with reasonable safety for himself and his patients under specific conditions that could be defined by the Board.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, and the Findings of Fact of the order of the Board entered January 12, 1998, the Board concludes that Dr. Berman is in violation of Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(9), (10), (14) and (16), and Sections 54.1-3303.A and 54.1-3408.A of the Code.

CONSENT

I, Jacob H. Berman, 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;
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, § 9-6.14:1 et seq. of the Code;
3. I have the following rights, among others:
 - a. the right to a formal fact-finding hearing 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 a formal hearing;
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

Based on the foregoing findings of fact, conclusions of law, and with the consent of the licensee, the Board hereby orders that the SUSPENSION of the license of Jacob H. Berman, M.D., be, and hereby is, LIFTED, and that his license be placed on INDEFINITE PROBATION upon the following terms and conditions:

1. Dr. Berman shall be prohibited from treating female patients or female partners of his patients during the period of probation. Dr. Berman shall be prohibited from meeting with any female alone during the course of his business.

2. Dr. Berman shall arrange proper follow up treatment for his female patients where indicated, and facilitate the transfer of their care.

3. Dr. Berman's patient records shall be reviewed on at least a monthly basis by a licensed practitioner approved by the Executive Director of the Board. The purpose of this review shall be to ensure Dr. Berman's compliance with the terms of this Consent Order. Dr. Berman shall provide the reviewing practitioner with a copy of this Consent Order. Dr. Berman shall cause the reviewing practitioner to submit reports to the Board on a calendar quarterly basis, which shall evaluate Dr. Berman's compliance with the terms of this Consent Order, and shall include a list of records reviewed. Dr. Berman shall not engage in practice until such reviewing practitioner has been approved by the Executive Director of the Board, and Dr. Berman receives authorization from the Board to practice. Should Dr. Berman choose to change reviewing practitioners, he must submit a request for approval to the Executive Director of the Board at least thirty (30) days prior to such change.

4. Dr. Berman shall be responsible for all costs associated with the review of his patient records.

5. At such time as he receives additional information regarding his ability to practice psychiatry, Dr. Berman may petition the Board for and be noticed to appear before an informal conference committee of the Board to reconsider the terms of this Consent Order. The informal conference committee shall evaluate Dr. Berman's fitness and competency to resume the treatment of female patients, and shall provide the ongoing monitoring of Dr. Berman's Consent Order, determine the frequency of further appearance by Dr. Berman

before it, and shall serve as the instrument of the Board responsible for reviewing and approving all information relative to the terms and conditions of this Consent Order, except as noted.

6. If Dr. Berman does not petition the Board for an informal conference, then in approximately one (1) year, Dr. Berman shall be noticed to appear before an informal conference committee of the Board. Said committee shall have the duties as noted in Term # 5, above.

7. Within one year of entry of this Consent Order, Dr. Berman shall successfully complete at least fifty (50) hours of Continuing Medical Education ("CME"), fifty percent (50%) of which shall be credit hours in the areas of medical ethics and boundary violations. All CME shall be approved in advance of registration by the Executive Director of the Board.

8. Dr. Berman shall continue in therapy with his treating therapist, and shall cause his therapist to provide reports to the Board on a calendar quarterly basis. Dr. Berman shall provide his treating therapist with a copy of this Consent Order. If Dr. Berman decides to change therapists, he must obtain the approval of the Board for such change within thirty (30) days.

9. Dr. Berman shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code, and all laws of the Commonwealth.

10. Dr. Berman shall cooperate with the Board and the Department of Health Professions in the investigation or inspection of his practice to verify that he is in compliance with this Consent Order.

11. Dr. Berman shall allow an inspector of the Department of Health Professions to perform a quarterly audit and inspection of his records to ensure compliance with the terms of this Consent Order.

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

Violation of this Consent Order shall constitute grounds for the revocation of the license of Dr. Berman. In the event Dr. Berman 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 9-6.14:14 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:

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

Feb 13, 1999
ENTERED

SEEN AND AGREED TO:

Jacob H. Berman
Jacob H. Berman, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Virginia Beach, TO WIT:

Jan 9 8 Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this day of February, 1999, by Jacob H. Berman, M.D.

Stephanie Form
Notary Public

My commission expires: My Commission Expires July 31, 1999

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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

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

August 4, 1998

Jacob H. Berman, M.D.
448 Viking Drive, Suite 230
Virginia Beach, Virginia 23452

SERVICE BY HAND

Re: License No.: 0101-040895

CERTIFIED MAIL
Z 356 168 085

Dear Dr. Berman:

I enclose a certified copy of the Virginia Board of Medicine's Order of Summary Suspension entered August 4, 1998, affecting your license to practice medicine in the Commonwealth of Virginia. Effective immediately, it shall be unlawful for you to treat patients, prescribe medications, or otherwise practice medicine, or hold yourself out as a licensed physician in the Commonwealth of Virginia. Further, in accordance with Sections 54.1-105, 54.1-110, 54.1-2408.1, 54.1-2920 and 9-6.14:12 of the Code of Virginia (1950), as amended ("Code"), you are hereby given notice that the Virginia Board of Medicine ("Board") will convene a formal administrative hearing to receive and act upon evidence that you may have violated certain laws governing the practice of medicine in Virginia, and that your continued practice may constitute a substantial danger to public health and safety, as set forth in the attached Statement of Particulars.

The formal administrative hearing will be held in accordance with the provisions of Sections 54.1-2400 (11) and 9-6.14:14.1F of the Code, before a panel of the Board, with a member of the Board presiding. You have been scheduled to appear before the Board on September 10, 1998, at 9:00 a.m., in the offices of the Department of Health Professions, 6606 West Broad Street, Richmond, Virginia. A map is enclosed for your convenience. Please register with the receptionist on the 4th floor, who will direct you to the exact location of the hearing.

You have the following rights, among others: to be represented by legal counsel, to have witnesses subpoenaed on your behalf, to present documentary evidence and to cross-examine adverse witnesses. Should you wish to subpoena witnesses, request for subpoenas must be made in writing in accordance with the enclosed Instructions for Requesting Subpoenas.

Should you or Assistant Attorney General Patricia H. Munroe wish to make prehearing motions, each of you is directed to file motions in writing, addressed to me at the Board office, at least ten (10) business days prior to this hearing. Further, to facilitate this hearing, the Board requests that you provide to Virginia Scher, Senior Legal Assistant, Department of Health Professions, 6606 West Broad Street, Richmond, Virginia 23230, copies of any documents you intend to introduce into evidence at least (10) business days

Notice of Formal Administrative Hearing - Dr. Berman

August 4, 1998

Page 2

before the hearing. If Assistant Attorney General Patricia H. Munroe has no objection to these documents, please provide the Board with fifteen (15) copies for distribution.

Please indicate, by letter to this office, your intention to be present.

Sincerely,



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

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cc: Clarke Russ, M.D., President, Virginia Board of Medicine
John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Patricia H. Munroe, Assistant Attorney General
Lynne R. Fleming, Assistant Attorney General
Julia Krebs-Markrich, Esquire
Virginia A. Scher, Senior Legal Assistant
Tonya Higgins, Investigator (96-00152, 96-00174)
Judi Smith, Senior Administrative Assistant

Enclosures:

Order of Summary Suspension entered August 4, 1998

Virginia Code Sections:

54.1-105
54.1-110
54.1-2400
54.1-2408.1
54.1-2914
54.1-2915
54.1-2920
54.1-3303
54.1-3408
9-6.14:12
9-6.14:14.1F

Statement of Particulars

Attachment I

Instructions for Requesting Subpoenas

Map

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: JACOB H. BERMAN, M.D.
License No.: 0101-040894

ORDER OF SUMMARY SUSPENSION

In accordance with Section 54.1-2408.1 of the Code of Virginia (1950), as amended ("Code"), the Virginia Board of Medicine ("Board") met on August 4, 1998, to receive and act upon the final report of a multi-disciplinary assessment, indicating that Jacob H. Berman, M.D., may have violated certain laws relating to the practice of medicine in Virginia. Prior to this meeting, a good faith effort to assemble a quorum of the Board in person was made, but failed, and a majority of the Board unanimously agreed, on August 3, 1998, that the continued practice of medicine by Dr. Berman may be a substantial danger to the public health and safety.

Therefore, the meeting was convened by telephone conference call, with fourteen (14) members of the Board participating. The matter was presented by Patricia H. Munroe, Assistant Attorney General. Also participating in the conference call were Warren W. Koontz, M.D., Executive Director of the Board, and Assistant Attorney General Lynne R. Fleming, counsel for the Board. Upon hearing the evidence presented, a majority of the Board determined that the continued practice of Dr. Berman constitutes a substantial danger to the public health and safety, in that on May 4-7, 1998, Dr. Berman underwent an intensive assessment by the Professional Assessment Program at Abbott Northwestern Hospital in Minneapolis, Minnesota. The assessment team identified ongoing boundary vulnerabilities, concluded that Dr. Berman is not safe to practice psychiatry at this time, and unanimously recommended that Dr. Berman complete an intensive residential treatment program at the Sante Center in Argyle, Texas, that addresses personal responsibility and maintaining professional boundaries in psychotherapy, prior to resuming the practice of psychiatry.

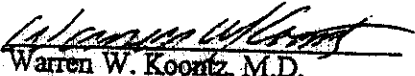
Dr. Berman

ORDER

WHEREFORE, it is hereby ORDERED that the license of Jacob H. Berman, M.D., to practice medicine the Commonwealth of Virginia be, and hereby is, SUMMARILY SUSPENDED, simultaneously with the institution of proceedings for a formal administrative hearing in this matter. Said hearing shall be scheduled within a reasonable time from the date of this summary suspension.

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


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

ENTERED: Aug 4, 1998

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COMMONWEALTH of VIRGINIA

Department of Health Professions Board of Medicine

John W. Hasty
Director of the Department

William L. Harp, M.D.
Executive Director of the Board

June 8, 2000

6606 West Broad Street
4th Floor
Richmond, Virginia 23230-1717
(804) 662-9908
FAX (804) 662-9517

Jacob H. Berman, M.D.
522 South Independence Blvd., Suite 105
Virginia Beach, Virginia 23452

CERTIFIED MAIL
Z 057 542 404

Jacob H. Berman, M.D.
1300 Mozart Drive
Virginia Beach, Virginia 23454

CERTIFIED MAIL
Z 057 542 405

RE: License No.: 0101-040895

Dear Dr. Berman:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Friday, July 28, 2000, at 9:00 a.m., at the Williamsburg Marriott, 50 Kingsmill Road, Williamsburg, 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 review your compliance with the terms and conditions of indefinite probation imposed upon your license to practice medicine in Virginia, as set forth in a Consent Order entered February 12, 1999, including information that you may have failed to complete fifty hours of Board approved Continuing Medical Education within one year of entry of the Consent Order, as required by Term #7.

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. In the event the Committee finds that you have violated the terms of your probation, the Committee may reprimand or censure you, or;
3. The Committee may modify the previous Board Order to include continuing 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 your profession in violation of the provisions of Chapter 29, Title 54.1 of the Code, which governs the practice of medicine and other healing arts in Virginia.

June 8, 2000

Page 2

You have the right to information which will be relied upon by the Committee 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. I also enclose 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.

Absent good cause shown to support a request for a continuance, the informal conference will be held on July 28, 2000. 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 5:00 p.m. on June 22, 2000. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after June 22, 2000, will not be considered.

You may be represented by an attorney at the informal conference. Further, 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 Renee Dixon, Case Manager, Board of Medicine, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717, by July 14, 2000. Should you or Senior Legal Assistant Virginia Scher wish to submit any documents for the Committee's consideration after July 14, 2000, such documents shall be considered only upon a ruling by the Chair of the informal conference committee that good cause has been shown for late submission.

Please advise the Board 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. Should you have any questions regarding this notice, please contact Virginia Scher, Senior Legal Assistant, at (804) 662-7135.

Sincerely,



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

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cc: Joseph A. Leming, M.D., President, Virginia Board of Medicine
John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Virginia A. Scher, Senior Legal Assistant
Informal Conference Committee
Nan R. Dunaway, Inspector (74930)
Katherine Wax, Probation Analyst (74930)
Renee Dixon, Case Manager, Board of Medicine
Senior Administrative Assistant, Board of Medicine

Notice of Informal Conference – Jacob H. Berman, M.D.

June 8, 2000

Page 3

Enclosures:

Virginia Code Sections:

54.1-2919

9-6.14:11

Informal Conference Package

Map

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: JACOB H. BERMAN, M.D.
License No.: 0101-040895

STATEMENT OF PARTICULARS

The Board alleges that Jacob H. Berman, M.D., may have violated Section 54.1-2915.A(3), as further defined in Section 54.1-2914.A(9), (10), (14), (15) and (16), and Sections 54.1-3303(A) and 54.1-3408(A) of the Code, and that his continued practice may constitute a substantial danger to the public health and safety, in that:

1. From about July 1994 to April 1995, while providing psychiatric treatment to Patient A, Dr. Berman acted unprofessionally and in a manner that endangered the patient's mental health and welfare. Specifically:

a. Dr. Berman unlawfully and indiscriminately dispensed the following drugs to Patient A that were not prescribed by written prescriptions and were not dispensed by a pharmacy: Ambien, Valium and Xanax, Schedule IV controlled substances, and butalbital and Tylenol with Codeine, schedule III controlled substances. Dr. Berman provided these drugs to Patient A in addition to the drugs Ativan, Xanax and Prozac that he prescribed for the patient during this period.

b. In approximately April 1995, Dr. Berman entered into a sexual relationship with Patient A concurrent with and by virtue of the physician-patient relationship.

2. By his admission, in approximately June and July 1995, Dr. Berman indiscriminately issued the following prescriptions to Individual B, the roommate of Patient A, with whom he did not have a bona fide physician-patient relationship and for whom he had no treatment records:

Dr. Berman

- a. Propoxyphene-N 100, 60 tablets (Schedule IV)
- b. Diazepam, 5 mg, 60 tablets (Schedule IV)

3. From approximately March 1993, to March 1995, Dr. Berman issued the following prescriptions to his wife, Individual C, with whom he did not have a bona fide physician-patient relationship and for whom he had no treatment records:

- a. Fiorinal with Codeine, 30 mg, 60 capsules (Schedule III)
- b. Tylenol (acetaminophen) with Codeine, 180 tablets (Schedule III)
- c. Propoxyphene N-100, 30 tablets (Schedule IV)
- d. Propoxyphene, 60 capsules (Schedule IV)

4. In approximately May and June 1995, Dr. Berman issued prescriptions to his office manager, Individual D, with whom he did not have a bona fide physician-patient relationship. Further, Dr. Berman instructed Individual D to have the prescriptions filled and to return the drugs to him. By his own admission, Dr. Berman intended these drugs for his own use, and he took these drugs during his office hours. Specifically, Dr. Berman issued the following prescriptions:

- a. Fioricet with Codeine, 30 capsules (Schedule III)
- b. Fiorinal (butalbital, aspirin, and caffeine), 60 tablets (Schedule III)
- c. Valium, 5 mg, 180 tablets (Schedule IV)
- d. Ativan, 0.5 mg, 60 tablets, (Schedule IV)


5. On May 4-7, 1998, Dr. Berman underwent a comprehensive, multi-disciplinary assessment by the Professional Assessment Program at Abbott Northwestern Hospital in Minneapolis, Minnesota. The assessment team identified ongoing boundary vulnerabilities, concluded that Dr. Berman is not safe to practice psychiatry at this time, and unanimously recommended that Dr. Berman complete an intensive residential treatment program at the Sante

Dr. Berman

Center in Argyle, Texas, that addresses personal responsibility and maintaining professional boundaries in psychotherapy, prior to resuming the practice of psychiatry.

Please refer to Attachment I for the identities of the individuals referenced above.

FOR THE BOARD


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

DATE: Aug 4, 1995

VAS/BERMANSOP.DOC

COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
STATE BOARD OF MEDICINE

Commonwealth of Pennsylvania :
Bureau of Professional and :
Occupational Affairs :

Docket No. 0280-49-98
File No. 98-49-01370

vs. :

Jacob Henry Berman, M.D., :
Respondent :


ORDER

NOW, this 14th day of June, 2000, upon consideration of the foregoing findings of fact, conclusions of law and discussion, it is hereby **ORDERED** that the license to practice medicine and surgery issued to Respondent, Jacob Henry Berman, M.D., license no. MD-031469-E, is **REVOKED**.

Respondent is to cease practicing medicine and surgery and to return all licensure documents, including wall certificates and wallet card to the following address:

State Board of Medicine
Attn: Board Counsel
P.O. Box 2649
Harrisburg, PA 17105-2649

This order shall be effective 20 days from the date of mailing unless otherwise ordered by the State Board of Medicine.


John F. Alcorn
Chief Hearing Examiner

Respondent:

Jacob Henry Berman, M.D.
4929 Willow Pointe Lane
Virginia Beach, Virginia 23464

Prosecuting Attorney:

Andrew B. Kramer, Esquire
Bureau of Professional and
Occupational Affairs
116 Pine Street, P.O. Box 2649
Harrisburg, PA 17105-2649

Date of Mailing:

6/14/00

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: JACOB H. BERMAN, M.D.
License No.: 0101-040895

ORDER

In accordance with Sections 54.1-2919 and 9-6.14:11 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Jacob H. Berman, M.D., on July 28, 2000, in Williamsburg, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Informal Conference Committee ("Committee") were: J. Kirkwood Allen, Chairman; Harry C. Beaver, M.D.; and Virginia VanDeWater, Ed.D. Dr. Berman appeared personally and was not represented by legal counsel. The purpose of the informal conference was to review Dr. Berman's compliance with the terms and conditions of indefinite probation imposed upon his license to practice medicine, by Consent Order with the Board entered February 12, 1999, as set forth in a Notice of Informal Conference dated June 8, 2000.

FINDINGS OF FACT

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact:

1. By Consent Order with the Board entered February 12, 1999 ("Consent Order"), the suspension of Dr. Berman's license was stayed, and his license was placed on indefinite probation on terms and conditions.
2. Pursuant to Term #3 of the Consent Order, Dr. Berman obtained Board approval of Joseph J. Allen, M.D., as his supervising physician. Dr. Allen submitted quarterly reports to the Board, and reported that Dr. Berman was providing appropriate treatment to his patients, all of whom are male. By letter dated July 11, 2000, Dr. Allen reported that he believed Dr. Berman has matured in his capacity to be sensitive to boundary and interpersonal matters regarding physician-patient relationships.
3. Dr. Berman failed to obtain fifty hours of Board approved Continuing Medical Education ("CME") within one year of entry of the Consent Order, as required by Term #7. However, Dr. Berman did

Jacob H. Berman, M.D.

attend the American Psychiatric Association 2000 Annual Meeting on May 13-18, 2000 and obtained fifty-five hours of Category 1 CME. Many of the courses were in the domain of ethics and boundary issues. After reviewing course materials provided by Dr. Berman and considering mitigating circumstances, the Committee determined that Dr. Berman was in substantial compliance with Term #7.

4. Pursuant to Term #8 of the Consent Order, Dr. Berman has continued in treatment with William F. Greer, Jr., Ph.D., who has submitted quarterly reports to the Board. Dr. Greer opined that Dr. Berman should be allowed to resume the unrestricted practice of medicine.

5. According to reports by Dr. Allen and by a Department inspector, Dr. Berman appears to have had no clinical contact with females, in compliance with Term #1 of the Consent Order.

CONCLUSIONS OF LAW

Based on the foregoing Findings of Fact, the Committee concludes that Dr. Berman is properly before the Board, and that he is in substantial compliance with the Consent Order with the Board entered February 12, 1999.

ORDER

WHEREFORE, it is hereby ORDERED that the terms and conditions imposed upon the license of Jacob H. Berman, M.D., are TERMINATED and his license is REINSTATED to a full and unrestricted status with all attendant rights and privileges.

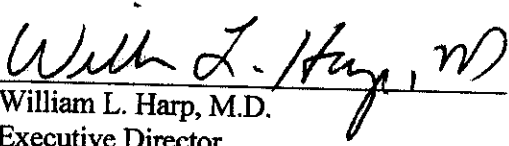
Pursuant to Section 9-6.14:14 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2919 of the Code, Dr. Berman may, not later than 5:00 p.m., on September 3, 2000, notify William L. Harp, M.D., Executive Director, Board of Medicine, 6606 West Broad Street, Richmond, Virginia 23230, 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.

Jacob H. Berman, M.D.

Therefore, this Order shall become final on September 3, 2000, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD



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

Entered: 8/2/2000

JB:km\BERMAN30ORD.DOC

VIRGINIA:

BEFORE THE DEPARTMENT OF HEALTH PROFESSIONS

IN RE: JACOB H. BERMAN, M.D.
License No.: 0101-040895

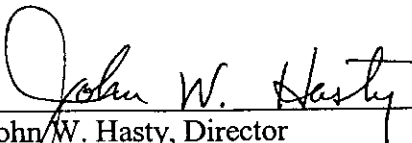
ORDER

In accordance with Section 54.1-2409 of the Code of Virginia (1950), as amended, ("Code"), I, John W. Hasty, the Director of the Virginia Department of Health Professions, received and acted upon evidence that the license of Jacob H. Berman, M.D., was revoked by the Commonwealth of Pennsylvania, State Board of Medicine. A certified copy of the Adjudication and Order is attached to this Order and is marked as Commonwealth's Exhibit No. 1.

WHEREFORE, by the authority vested in the Director of the Department of Health Professions pursuant to Section 54.1-2409 of the Code, it is hereby ORDERED that the license of Jacob H. Berman, M.D., to practice medicine and surgery in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order, the license of Jacob H. Berman, M.D., will be recorded as suspended and no longer current. In the event that Dr. Berman seeks reinstatement of his license pursuant to Section 54.1-2409 of the Code, he shall be responsible for any fees that may be required for the reinstatement and renewal of his license prior to issuance of his license to resume practice.

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.



John W. Hasty, Director
Department of Health Professions

ENTERED: 2/22/01



COMMONWEALTH of VIRGINIA

Department of Health Professions

6606 West Broad Street, Fourth Floor
Richmond, Virginia 23230-1717

John W. Hasty
Director

<http://www.dhp.state.va.us/>
TEL (804) 662-9900
FAX (804) 662-9943
TDD (804) 662-7197

CERTIFICATION OF DUPLICATE RECORDS

I, John W. Hasty, Director of the Department of Health Professions, hereby certify that the attached Adjudication and Order, entered June 14, 2000, regarding Jacob H. Berman, M.D., is a true copy of the records received from the Commonwealth of Pennsylvania, State Board of Medicine.

John W. Hasty

Date: 2/22/01

John W. Hasty

**COMMONWEALTH OF PENNSYLVANIA
DEPARTMENT OF STATE
STATE BOARD OF MEDICINE**

**Commonwealth of Pennsylvania
Bureau of Professional and
Occupational Affairs**

v.

**Jacob Henry Berman, M.D.,
Respondent**

**Docket No. 0280-49-98
File No. 98-49-01370**

2000 JUN 14 PM 12: 27

ADJUDICATION AND ORDER

**John F. Alcorn
Chief Hearing Examiner**

**124 Pine Street, Suite 200
Harrisburg, PA 17101
(717) 772-2686**

HISTORY

This case comes before a hearing examiner on an order to show cause (OSC) filed on May 11, 1998 charging Jacob Henry Berman, M.D., Respondent, with violation of section 41(4) of the Medical Practice Act of 1985 (MPA), Act of December 20, 1985, P.L. 457, 63 P.S. §422.41 (4).

The Commonwealth charged that Respondent's license was limited by the Virginia Board of Medicine, in violation of section 41(4), in that Respondent has had his license disciplined by the proper licensing authority of another state.

Respondent filed an answer denying the Commonwealth's factual allegations and denying violation of the MPA, in that no final order has been entered by the Virginia Board of Medicine..

A formal hearing was scheduled for September 25, 1998. On September 21, 1998, Respondent's counsel sent a letter to the hearing examiner stating that Respondent was withdrawing his answer and that he would not appear on September 25, 1998. On September 22, 1998, the Commonwealth filed a Motion for Continuance because of the withdrawal of the answer and because the Virginia action was not yet final.. The motion was granted on September 24, 1998 by the hearing examiner. A formal hearing was held on September 22, 1999 in Harrisburg, PA. Andrew B. Kramer, Esquire represented the Commonwealth and Respondent did not appear.

FINDINGS OF FACT

1. Respondent holds a license to practice medicine and surgery in the Commonwealth of Pennsylvania, license number MD-031469-E (OSC, ¶ 1; Board records)
2. Respondent's license expired on December 31, 1988 but may be continually renewed thereafter upon the filing of the appropriate documentation and payment of the necessary fees.. (OSC, ¶ 2)
3. At all times pertinent to the Commonwealth's Factual Allegations, Respondent held a license to practice medicine and surgery in the Commonwealth of Pennsylvania. (OSC, ¶ 3; Board records)
4. The Respondent's last known address on file with the Board is 4929 Willow Pointe Lane South, Virginia Beach, Virginia 23464. (Board records)
5. On January 12, 1998, the Virginia Board of Medicine entered an Order which ordered that the matter of Respondent be continued generally and placed terms and conditions on Respondent's license. (OSC, ¶ 6; Commonwealth's Exhibit C-2)
6. In an Order dated February 9, 1999, the Virginia Board of Medicine entered a Consent Order placing Respondent's license to practice medicine on indefinite probation, subject to terms and conditions. (Commonwealth's Exhibit C-2; NT 4).

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter. (Findings of Fact 1-3)
2. Respondent was provided an opportunity to be heard in accordance with Administrative Agency Law, 2 Pa. C.S. §504.
3. Respondent is subject to disciplinary action under section 41(4) of the MPA, 63 P.S. §422.41(4), in that Respondent has had disciplinary action taken against his license by the proper licensing authority of another state. (Findings of Facts 5, 6).

DISCUSSION

This action is brought under section 41(4), which provides as follows:

§ Reasons for refusal, revocation, suspension or other corrective actions against a licensee or certificate holder

The Board shall have authority to impose disciplinary or corrective measures on a board-regulated practitioner for any or all of the following reasons:

* * *

(4) Having a license or other authorization to practice the profession revoked or suspended or having other disciplinary action taken, or an application for a license or other authorization refused, revoked or suspended by a proper licensing authority of another state, territory, possession or country, or a branch of the Federal Government. (63 P.S. § 422.41(4))

The Commonwealth alleges that Respondent is subject to disciplinary action under section 41(4) of the Act, in that disciplinary action has been taken in another state against Respondent. The Commonwealth presented a certified copy that demonstrates that, on February 9, 1999, the Virginia Board of Medicine issued a Consent Agreement in which Respondent's license to practice medicine in the State of Virginia was placed on indefinite probation. Respondent has withdrawn his answer and withdrawn his denial that the Virginia Board of Medicine disciplined him, giving no reason for such. In addition, Respondent failed to make an appearance at the hearing.

In cases of reciprocal disciplinary action, it is often appropriate that the sanction mirrors that imposed in the state from which the action arose. Here, Virginia placed Respondent's license on indefinite probation. This was the result of several instances of unprofessional conduct. In April 1995, Respondent entered into a sexual relationship with one of patients. Respondent

dispensed unspecified medications to this patient from his own personal supply of prescribed medications. Respondent issued prescriptions to the patients roommate and his own wife, with whom he did not have a physician-patient relationship. Also, Respondent issued prescriptions for his office manager, who he instructed to fill the prescriptions and then return them for his own personal use.

Given that Respondent's Virginia license is limited, that Respondent has not renewed his Pennsylvania license since 1988 and that he has not responded to the charges against him, a permanent deprivation of his license is appropriate. Therefore, based on the foregoing findings of fact, conclusions of law and discussion, and in the absence of mitigation, the following order shall issue.

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: JACOB H. BERMAN, M.D.
License No. 0101-040895

CONSENT ORDER

Now come the Virginia Board of Medicine ("Board") and Jacob H. Berman, M.D., and as evidenced by their signatures below, enter into this Consent Order affecting the license of Dr. Berman to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT

The Board adopts the following findings in this matter:

1. Pursuant to a Consent Order entered February 12, 1999, Jacob H. Berman, M.D., was placed on indefinite probation, with terms and conditions, subsequent to the review of a comprehensive, multi-disciplinary assessment, which concluded that he was not safe to practice psychiatry at that time.
2. Pursuant to an Order entered August 2, 2000, the terms and conditions imposed upon the license of Dr. Berman were terminated and his license was reinstated to a full and unrestricted status.
3. On June 14, 2000, the Commonwealth of Pennsylvania, State Board of Medicine, entered an order revoking the license of Dr. Berman, based solely on the underlying issues considered by the Virginia Board of Medicine in 1999.
4. Pursuant to § 54.1-2409 of the Code of Virginia, (1950), as amended ("Code"), Dr. Berman's license was mandatorily suspended by Order of the Department of Health Professions entered February 22, 2001, due to the revocation of his license by the Pennsylvania Board of Medicine.

CONCLUSIONS OF LAW

The Board concludes that Finding of Fact #3 constitutes a violation of Section 54.1-2915.A(6) of the

Code. Further, this matter is properly before the Board, and the Board may order reinstatement of his license upon such terms and conditions as it deems appropriate.

CONSENT

I, Jacob H. Berman, 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;
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, § 9-6.14:1 et seq. of the Code of Virginia;
3. I have the following rights, among others:
 - a. the right to a formal fact-finding hearing 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 a formal hearing;
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, on the basis of the foregoing, the Virginia Board of Medicine, hereby ORDERS that effective upon entry of this Consent Order, and in lieu of further proceedings, that the license of Jacob H. Berman, M.D., to practice medicine and surgery in the Commonwealth of Virginia be, and hereby is, REINSTATED to a full and unrestricted status with all attendant rights and privileges, effective February 22, 2001. Dr. Berman shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Chapter 29, Title 54.1 of the Code, as well as all other laws of the Commonwealth.

Pursuant to Section 9-6.14:14 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, MD
William L. Harp, M.D.
Executive Director
Virginia Board of Medicine
3/1/01
ENTERED

SEEN AND AGREED TO:

Jacob H. Berman, M.D.
Jacob H. Berman, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Virginia Beach, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 28th day of February, 2001, by Jacob H. Berman, M.D.

Oleena D. Galden
Notary Public

My commission expires: Feb. 28, 2003

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