



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

Gene A. Germano, M.D.
3338-2L Circlebrook Drive, SW
Roanoke, Virginia 24014

April 25, 2000

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

CERTIFIED MAIL
Z 057 542 358

RE: Application for Licensure

Dear Dr. Germano:

In accordance with Sections 54.1-110, 54.1-2400 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 consider your Application to Practice Medicine and Osteopathy in the Commonwealth of Virginia. In considering this application, the Board will receive information which may indicate that grounds exist for the denial of your application in that you may be in violation of certain laws governing the practice of medicine in Virginia, 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 **Thursday, June 8, 2000, at 1:00 p.m., in the offices of the Department of Health Professions, 6606 West Broad Street, Richmond, Virginia.** A map is enclosed for your convenience. Your presence is required thirty (30) minutes in advance of the appointed time. Please report to the 4th floor receptionist, who will direct you to a waiting room. Please be seated in the waiting room and you will be called when the Board is ready to meet with you.

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, requests for subpoenas must be made in writing in accordance with the enclosed Instructions for Requesting Subpoenas.

Should you or Senior Legal Assistant Lorraine McGehee 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. You have the right to the information which will be used by the Board in reaching a decision regarding this matter; therefore, I enclose Commonwealth's Exhibits 1-5 and Respondent's Exhibit A for your review. Please note that these documents are enclosed only with the original notice sent by certified mail, and must be claimed at the post office. If you have any questions or objections regarding the content of this package, you should contact Lorraine McGehee, Senior Legal Assistant, at (804) 662-7440. If you have not raised any objections by May 9, 2000, these exhibits will be distributed to the Board members for their review prior to your hearing, and will be considered by the Board as evidence when it deliberates upon your case. Further, to facilitate this hearing, the Board requests that you provide to Ms. McGehee, Senior Legal Assistant, Department of Health Professions, 6606 West Broad Street, 4th floor, Richmond, Virginia 23230, fifteen (15) copies of any documents you intend to introduce into evidence at least (10) business days before the hearing.

April 25, 2000

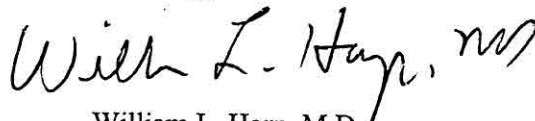
Page 2

Since you have been noticed of an alleged violation of Section 54.1-2914.A(9) of the Code, enclosed in these documents are specific Opinions from the Code of Medical Ethics of the American Medical Association. The Board may consider these Opinions when determining whether you have maintained an appropriate standard of ethics in the practice of medicine.

Absent good cause shown to support a request for a continuance, the formal administrative hearing will be held on June 8, 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 May 9, 2000. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after May 9, 2000, will not be considered.

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

Sincerely,



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
Lorraine McGehee, Senior Legal Assistant
Sam Garrison, Esquire (with enclosures)
Renee S. Dixson, Discipline Case Manager (76320)
Senior Administrative Assistant, Board of Medicine
Senior Administrative Assistant, APD

Enclosures:

Statement of Particulars

Virginia Code Sections:

54.1-105

54.1-110

54.1-111

54.1-2400

54.1-2914

54.1-2915

54.1-2916

9-6.14:12

9-6.14:14.1F

Instructions for Requesting Subpoenas

Commonwealth's Exhibits 1 – 5

Respondent's Exhibit A

Map

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: GENE ANDREW GERMANO, M.D.

STATEMENT OF PARTICULARS

The Virginia Board of Medicine ("Board") alleges that grounds exist for the denial of the Application for a License to Practice Medicine/Osteopathy ("Application") of Gene A. Germano, M.D., in that Dr. Germano may be in violation of Section 54.1-111.A(4), (6), (8), Section 54.1-2915.A(1), (5), (3), as further defined in Section 54.1-2914.A(3), (7), (9), (11), (13), (14), (15), and Sections 54.1-2916.A(1) and 54.1-2916.B of the Code of Virginia (1950), as amended. Specifically:

1. From June 23, 1996 through December 31, 1996, Dr. Germano was a member of the training program at MetroHealth Medical Center, Case Western University, Cleveland, Ohio. Michael McFarlane, M.D., Internal Medicine Residency Program Director at MetroHealth, submitted an Activity Questionnaire and accompanying letter to the Board wherein he stated that Dr. Germano was ". . . relieved of [his] duties on December 31, 1996," and rated Dr. Germano's performance poor to fair, with the recommendation that he not be licensed. Dr. McFarlane further explained that Dr. Germano had difficulties with the stresses and rigors of internship, had difficulty with prioritizing problems, and had difficulty with physician/patient interactions. For these reasons, Dr. Germano was ". . . referred for professional assistance for his illness."

2. By his own admission, when Dr. Germano was discharged from the training program at MetroHealth in 1996, he took with him a prescription pad and other items from the clinic. According to O. T. Dilullo, Investigator with the Mahoning Valley Law Enforcement Task Force in Ohio, Dr. Germano wrote prescriptions for his personal and unauthorized use for Prednisone on two occasions, Minocycline on one occasion, Indomethacin on one occasion, Prozac on one occasion, and Cylert on two occasions using prescription blanks from MetroHealth.

3. On September 5, 1997, in the Court of Common Pleas, Trumbull County, Ohio, Dr. Germano entered a plea of guilty to the crime of attempted illegal processing of drug documents. By Order dated January 29, 1998, Dr. Germano was sentenced to incarceration for six months, which was suspended, required to pay the cost of court, and placed on probation for two years commencing January 29, 1998. This action was based on Dr. Germano's admission that he wrote a prescription for Cylert in his own name using a prescription pad that was the property of MetroHealth

