



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

November 7, 1997

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

Antony Joseph, M.D.
700 West Grace Street
Richmond, Virginia 23220

CERTIFIED MAIL
Z 356 167 826

Re: License No.: 0101-030069

Dear Dr. Joseph:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on Thursday, December 11, 1997, at 2:00 p.m., at the Department of Health Professions, 6606 West Broad Street, 4th 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 54.1-2915.A(3), as further defined in Section 54.1-2914.A(9), (10) and (16) of the Code, in that:

1. From approximately 1984 to on or about March 21, 1993, you provided individual treatment in the form of hypnotic therapy to Patient A for smoking.
 - a. During hypnotic treatment sessions:
 - i. On one occasion, you proceeded to unbutton the patient's blouse; and
 - ii. On one occasion, well into the therapeutic relationship, you checked to see if your secretary had left for the evening, told Patient A to sit beside you, and you made sexual advances towards her.
 - b. On or about March 21, 1993, you terminated your therapeutic relationship so that you and Patient A could pursue a personal relationship. Subsequently, the personal relationship ended when the patient learned of your marriage and family after she became pregnant and you instructed her to "get rid of it."

- c. By your own admission, you had sex with Patient A while pursuing a personal relationship with the patient that began four (4) to five (5) months after the termination of the physician-patient relationship. You also stated that you met the patient about ten (10) or eleven (11) times.
2. From on or about March 12, 1982, to May 20, 1982, you provided individual in-patient treatment to Patient B on two occasions while she was a patient at Virginia Commonwealth University Medical College of Virginia Hospital, Richmond, Virginia. During the in-patient treatment, you kissed the patient, held hands with her, and rubbed her leg from her knee up to her thigh. After the patient was discharged, you did not continue your treatment on an out-patient basis as agreed upon in the patient's hospital discharge summary. You made this decision based upon your desire to have a personal relationship with the patient. Subsequent to discharge, you dated the patient, and frequently provided dinner and alcoholic beverages to the patient, although the patient was under age to consume alcoholic beverages. You also frequently attempted to have sexual intercourse with Patient B.
3. From on or about February 13, 1992, to April 2, 1992, you provided individual in-patient and out-patient treatment to Patient C for major depression. During the in-patient treatment sessions, you asked several inappropriate questions relating to her attraction to dark skinned men and whether her attraction was because dark skinned men were "bigger down there," or words to that effect. During the out-patient treatment sessions you inappropriately focused the treatment sessions around Patient C's boyfriends, sex life, experience as a rape victim, interracial baby, and other personal information when the patient's depression centered around the recent death in her fiancée's family and her act of cleaning her fiancée's deceased father's blood off of a floor. You also reached out and grabbed Patient C's tank top in an attempt to view a tattoo on her chest.
4. From on or about March 8, 1993, to December 13, 1993, you provided individual in-patient and out-patient treatment to Patient D for major depression.
 - a. During the in-patient treatment sessions, you visited for a maximum of fifteen minutes at a time. During the out-patient treatment sessions, you asked the patient how she was feeling, gave the patient prescriptions and ended the treatment sessions without initiating any other substantive dialogue with regard to the patient's progress. On several occasions, you also nodded off to sleep during the therapy. Subsequent to these sessions, you billed the patient for individual treatment sessions ranging between 20-50 minutes.
 - b. On one occasion, the patient telephoned you with complaints of shaking hands, dizziness, and feeling light headed. You failed to attempt to diagnose the patient, to set-up an appointment or refer the patient to another medical provider. The next scheduled appointment the patient was still suffering from these same symptoms and you again failed to diagnose or refer the patient.

In order to protect the privacy of your patients, the individuals have been referred to by letter only. Please see Attachment I of this notice for the identity of the individuals references above.

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 medicine 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 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. 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. 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.

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 November 20, 1997. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after November 20, 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 November 20, 1997. Further, it is your responsibility to provide the enclosed materials to your attorney.


Notice of Informal Conference - Dr. Joseph

November 7, 1997

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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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SRD/JOSEPH83NIF.DOC

cc: Paul M. Spector, D.O., President
John W. Hasty, Director, Department of Health Professions
James L. Banning, Director, Administrative Proceedings Division
Frank Pedrotty, Assistant Attorney General
Shena R. Dixon, Senior Legal Assistant
Informal Conference Committee
Katherine G. Wax, Investigator (96-00683)
Charles C. Holt, III, Investigator (92-00815, 92-01926 and 94-01915)
Michelle L. Yancey, Office Services

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: ANTONY JOSEPH, M.D.
 License No.: 0101-030069**

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 Antony Joseph, M.D., on February 5, 1998, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Informal Conference Committee ("Committee") were Jeffrey Vaughn, M.D., Chairman; Jerry R. Willis, D.C.; and Karen Knapp, M.D. Dr. Joseph appeared personally and was represented by counsel, Thomas Williamson, Jr., Esquire. The purpose of the informal conference was to inquire into allegations that Dr. Joseph may have violated certain laws and regulations governing the practice of medicine in Virginia, as set forth in the Board's notice of informal conference dated November 7, 1997.

FINDINGS OF FACT

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

1. From approximately December 8, 1982 to on or about March 21, 1983, Dr. Joseph provided individual treatment in the form of hypnotic therapy to Patient A for smoking.
 - a. During hypnotic treatment sessions:
 - i. On one occasion, Dr. Joseph proceeded to unbutton the patient's blouse; and
 - ii. On one occasion, well into the therapeutic relationship, Dr. Joseph checked to see if his secretary had left for the evening, told Patient A to sit beside him, and he made sexual advances towards her.

Dr. Joseph

- b. On or about March 21, 1983, Dr. Joseph terminated his therapeutic relationship so that he and Patient A could pursue a personal relationship. Subsequently, the personal relationship ended when the patient learned of his marriage and family after she became pregnant and he instructed her to "get rid of it."
- c. By Dr. Joseph's own admission, he had sex with Patient A while pursuing a personal relationship with the patient that began four (4) to five (5) months after the termination of the physician-patient relationship. Dr. Joseph also stated that he met with the patient about ten (10) or eleven (11) times.

2. Based on testimony from Patient B, which this committee finds credible, from on or about March 12, 1982, to May 20, 1982, Dr. Joseph provided individual in-patient treatment to Patient B on two (2) occasions while she was a patient at Virginia Commonwealth University Medical College of Virginia Hospital, Richmond, Virginia. During the in-patient treatment, Dr. Joseph kissed the patient, held hands with her, and rubbed her leg from her knee up to her thigh. After the patient was discharged, Dr. Joseph did not continue his treatment on an out-patient basis as agreed upon in the patient's hospital discharge summary. Dr. Joseph made this decision based upon his desire to have a personal relationship with the patient. Subsequent to discharge, Dr. Joseph dated the patient, and frequently provided dinner and alcoholic beverages to the patient, although the patient was not of legal age to consume alcoholic beverages. Dr. Joseph also frequently attempted to have sexual intercourse with Patient B.

3. Dr. Joseph stated he has a long standing problem with alcohol, particularly since the 1980's. Dr. Joseph entered into the Medical Society of Virginia's Physician Health and Effectiveness Committee ("PHEC") program in 1994 and has been in treatment with Dr. Peter Coleman. Dr. Joseph stated he had a relapse; however, he stated his current sobriety date is April 1, 1995. By letter dated December 1, 1997, Ms.

Dr. Joseph

Betty Bois, Executive Director of PHEC stated that Dr. Joseph successfully completed a three (3) year contract with PHEC.

4. Dr. Joseph acknowledged that he violated physician-patient boundary relationships with Patients A and B.

CONCLUSIONS OF LAW

Based on the forgoing Findings of Fact, the Committee concludes that Dr. Joseph is in violation of Section 54.1-2915.A(3), 54.1-2914.A(9) and 54.1-2914.A(10).

ORDER

WHEREFORE, after careful consideration and based on the findings of the Committee, it is hereby ORDERED that the license of Dr. Joseph is hereby placed on INDEFINITE PROBATION with the following terms and conditions:

1. Dr. Joseph shall obtain 25 hours of Board approved continued education in the subject of professional ethics, with an emphasis on physician-patient boundary relationships.
2. Dr. Joseph shall continue to attend Caduceus and Alcoholics Anonymous meetings each on a weekly basis. He shall provide proof of attendance to the Board on a quarterly basis.
3. Dr. Joseph shall continue in treatment with Peter Coleman, M.D., and take no medications other than those prescribed by Dr. Coleman. Dr. Joseph shall make quarterly progress reports from Dr. Coleman available to the Board.
4. Dr. Joseph 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.
5. Dr. Joseph shall appear before this Committee in approximately one (1) year.


Dr. Joseph

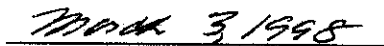
Pursuant to Section 9-6.14:14 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

Pursuant to Section 54.1-2919 of the Code of Virginia, 1950, as amended, Dr. Joseph may, not later than 5:00 p.m., on April 6, 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.

Therefore, this Order shall become final on April 6, 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

SRD/Joseph.FORD



COMMONWEALTH of VIRGINIA

*Department of Health Professions
Board of Medicine*

John W. Hasty
Director of the Department

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

April 20, 1999

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

Antony Joseph, M.D.
13830 Mounthill Court
Midlothian, Virginia 23113

CERTIFIED MAIL
Z 057 544 690

RE: License No. 0101-030069

Dear Dr. Joseph:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Wednesday, June 23, 1999, at 9:30, a.m., at the Department of Health Professions, 6606 West Broad Street, 4th 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 review your compliance with the terms and conditions of probation imposed upon your license to practice medicine in Virginia, as set forth in an Order of the Board entered March 3, 1998. Particularly, the Committee will review your attendance at Caduceus and Alcoholics Anonymous meetings to determine whether you have satisfied the requirements of Term No. 2 of the March 3, 1998, Order.

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.

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.


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 May 4, 1999, and must state in detail the reason for the request. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after May 4, 1999, 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 May 4, 1999. Further, it is your responsibility to provide the enclosed materials to your attorney.

To facilitate this proceeding, the Committee requests that you provide to Kelli Moss, Senior Legal Assistant, Department of Health Professions, 6606 West Broad Street, 4th Floor, Richmond, Virginia 23230-1717, eight (8) copies of any documents you intend to submit for its consideration by June 9, 1999.

I enclose for your reference copies of the relevant statutes and the Board's March 3, 1998, Order. 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 Kelli Moss, Senior Legal Assistant, at (804) 662-7593.

Sincerely,


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

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Enclosures:

Virginia Code Sections:

54.1-2919

9-6.14:11

Order entered March 3, 1998
Informal Conference Package
Map

Notice of Informal Conference – Dr. Joseph

April 20, 1999

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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
Kelli Moss, Senior Legal Assistant
Renee Dixon, Case Manager, Board of Medicine (96-00683)
Informal Conference Committee
Katherine Wax, Acting Probation Analyst, (P99AJ)
Vicki Gwaltney Garrison, R.Ph., Senior Inspector
Judi Smith, Senior Administrative Assistant

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: ANTONY JOSEPH, M.D.
License No.: 0101-030069

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 Antony Joseph, M.D., on June 23, 1999, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Informal Conference Committee ("Committee") were: Brian R. Wright, D.P.M., Chairman; Cheryl Jordan, M.D.; and Harry C. Beaver, M.D. Dr. Joseph appeared personally and was represented by legal counsel, Tom Williamson, Esquire. The purpose of the informal conference was to review Dr. Joseph's compliance with the terms and conditions of indefinite probation imposed upon his license to practice medicine pursuant to an Order of the Board entered March 3, 1998, as set forth in a Notice of Informal Conference dated April 20, 1999.

FINDINGS OF FACT

Now, having properly considered the evidence and statements presented, the Committee finds that Dr. Joseph is properly before it, and that he has complied with the terms of the Board's March 3, 1998 Order.

ORDER

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

Further, in the event that the New York medical board suspends or revokes Dr. Joseph's medical license based solely upon this Board's orders, this Committee will recommend to the full Board that it should immediately stay the suspension or revocation required by statute and enter into a Consent Order with Dr. Joseph to reinstate his license to practice medicine to a full and unrestricted status.


Dr. Joseph

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. Joseph may, not later than 5:00 p.m., on July 28, 1999, notify Warren W. Koontz, 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.

Therefore, this Order shall become final on July 28, 1999, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD


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

Entered: Jan 25, 1999

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