



COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.
Director

Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

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TEL (804) 367- 4400
FAX (804) 527- 4475

August 30, 2012

Thomas J. Cantwell, M.D.
18 Trail Road
Bristol, Virginia 24201

UPS OVERNIGHT &
1st CLASS

RE: License No.: 0101-044130

Dear Dr. Cantwell:

I enclose a certified copy of the Virginia Board of Medicine's Order of Summary Suspension entered August 30, 2012, affecting your license to practice medicine and surgery in the Commonwealth of Virginia.

Effective immediately, it shall be unlawful for you to treat patients, prescribe medications, or otherwise practice medicine and surgery, 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, 2.2-4020 and 2.2-4021 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 and surgery 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 2.2-4024F 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 **Friday, September 21, 2012, at 10:00 a.m., in the offices of the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Henrico, Virginia.** A map is enclosed for your convenience. Please register with the receptionist on the 2nd floor and be seated in the waiting area. You will be called when the Board is ready to meet with you.

You have the following rights, among others: to be accompanied by and represented by counsel, to submit oral and documentary evidence and rebuttal proofs, to conduct such

Board of Audiology & Speech-Language Pathology – Board of Counseling – Board of Dentistry – Board of Funeral Directors & Embalmers
Board of Long-Term Care Administrators – Board of Medicine – Board of Nursing – Board of Optometry – Board of Pharmacy
Board of Physical Therapy – Board of Psychology – Board of Social Work – Board of Veterinary Medicine
Board of Health Professions

cross-examination as may elicit a full and fair disclosure of the facts, and to have the proceedings completed and a decision made with dispatch. Should you wish to subpoena witnesses, requests for subpoenas must be made, in writing, in accordance with the enclosed Instructions for Requesting Subpoenas.

Please carefully read the following paragraphs, which contain date-sensitive and important information regarding this proceeding.

COMMONWEALTH'S EVIDENCE

You have the right to the information that will be used by the Board in reaching a decision regarding this matter; therefore, I enclose the Commonwealth's evidence. Please note that these documents are enclosed only with the original notice sent by UPS overnight mail. Further, if you are represented, it is your responsibility to provide the enclosed materials to your attorney. If you have any questions regarding the content of this package, you must contact Corie E. Tillman Wolf, Assistant Attorney General, at (804) 786-9593.

Should you wish to file any objections to the Commonwealth's evidence, you must send your written objections to me, at the address on this letterhead, no later than **September 10, 2012**. If you have not filed any objections by September 10, 2012, the 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. If you do file objections, the Commonwealth has until **September 12, 2012**, to file a response to the objections, in writing and addressed to me at the Board office. The chairperson of the proceeding will rule on the motion.

RESPONDENT'S EVIDENCE

Should you wish for the Board to consider additional information relative to this proceeding, you must submit fifteen (15) copies of any such documents to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia, 23233, by **September 12, 2012**. You may not submit your documents by facsimile or e-mail.

The Commonwealth must file any objections to your submissions in writing, addressed to me at the Board office, no later than **September 14, 2012**. If no objections have been received by **September 14, 2012**, the evidence will be distributed to the Board members for their review, and will be considered by the Board as evidence when it deliberates upon your case. If the Commonwealth raises objections, you have until **September 17, 2012**, to file your response to the objections, in writing and addressed to me at the Board office. The chairperson of the proceeding will rule on the motion.

OTHER PRE-HEARING MOTIONS

If you or Ms. Wolf wish to make any pre-hearing motions regarding matters other than the exhibits, including offers of settlement, each of you is directed to file motions, in writing, addressed to me at the Board office by **September 10, 2012**. Responses to motions filed must be submitted by **September 12, 2012**. The chairperson of the proceeding will rule on the motion.

REQUEST FOR A CONTINUANCE

Absent exigent circumstances, such as personal or family illness, unavailability of counsel, a request for a continuance will not be considered unless received by **September 7, 2012**.

Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found at <http://leg1.state.va.us>. To access this information, please click on *Code of Virginia* for laws and *Virginia Administrative Code* for regulations.

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

Sincerely,



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

Enclosures:

Order of Summary Suspension entered August 30, 2012
Statement of Particulars
Commonwealth's Exhibits 1 & 2 (1 volume)
Instructions for Requesting Subpoenas
Map

cc: Corie E. Tillman Wolf, Assistant Attorney General [w/enclosures]
Gerald A. Milsky, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Denise Sexton, R.N., B.S.N., Senior Investigator [143823]

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: THOMAS J. CANTWELL, M.D.
License No.: 0101-044130

STATEMENT OF PARTICULARS

The Virginia Board of Medicine ("Board") alleges that:

1. Dr. Cantwell may have violated Sections 54.1-2915.A (1), (8), (13), (16), (17) and 54.1-3303.A, and 54.1-3408 of the Code of Virginia, as amended ("Code"); and Section 54.1-2915.A(10) of the Code, to include the felonies contained in Sections 18.2-258.1(A) and (E) of the Code, in that on at least two (2) occasions, with the intent to evade the law with respect to the sale, use, or disposition of narcotics, he wrote prescriptions for hydrocodone/ APAP (C-III) in the names of two (2) fictitious patients and, with respect to one such fictitious patient, Dr. Cantwell forged the signature of another physician on the prescription. In all cases, such prescriptions were written and the scheduled medications were diverted by Dr. Cantwell for his personal and unauthorized use. Specifically:

a. On or about February 4, 2011, Dr. Cantwell prescribed 60 dosage units of hydrocodone/ APAP (10 mg) in the name of *Carlos Alvarez*. Pharmacy records indicate that the prescription was filled on February 7, 2011, and was refilled on April 1, 2011, July 3, 2011, and August 3, 2011. There is no record of an individual by the name of *Carlos Alvarez* as a patient of Dr. Cantwell or of the Highlands Community Services Center for Behavioral Health, where Dr. Cantwell practiced at that time.

b. On March 13, 2012, Dr. Cantwell attempted to fill a prescription for 60 dosage units of hydrocodone/APAP (10 mg) at the Wal-Mart Pharmacy in Bristol, Virginia. The prescription presented by Dr. Cantwell, which included two (2) refills, was written in the name of *Lorenzo Abarca*. The address and telephone number provided to the pharmacy for *Mr. Abarca* was the same as Dr. Cantwell's residence address and residence telephone number. While the prescribing physician's signature purported to be that of Dr. X, the pharmacy technician, Individual A, recognized that the signature appeared to be in Dr. Cantwell's handwriting. Before filling the prescription, Individual A contacted Dr. X's office, at which time she verified that Dr. X had not written the prescription in question. Pharmacy staff returned the prescription to Dr. Cantwell when he returned to pick up the order, informing Dr. Cantwell that Dr. X had not written the prescription. Individual B, the Loss Prevention Officer for the Wal-Mart store, immediately contacted the Abingdon Police Department, Abingdon, Virginia, which conducted a criminal investigation of the matter.

c. The following items, among others, were found during the course of execution of a search warrant at Dr. Cantwell's residence on March 14, 2012:

- One (1) empty pill bottle with a label indicating it had contained 60 dosage units of 10 mg Lortab (i.e. hydrocodone/APAP), with the prescriber shown as Dr. Cantwell and the patient shown as *Carlos Alvarez*;

- One copy (blue - patient copy - found crumpled in a waste basket) of the written prescription that Dr. Cantwell had attempted to fill on March 13, 2012, bearing the name of *Lorenzo Abarca*;
- One copy (yellow copy) of the written prescription that Dr. Cantwell had attempted to fill on March 13, 2012, bearing the name of *Lorenzo Abarca*; and
- A prescription in the name of *Carlos Alvarez* for hydrocodone.

d. As a result of the conduct described above, the matter was referred to the Washington County Grand Jury, which returned a direct indictment of Dr. Cantwell on April 24, 2012. The indictment included 8 counts of prescription fraud - §18.2-258.1(A) of the Code - and 3 counts of uttering a false or forged prescription - §18.2-258.1(E) of the Code.

e. Dr. Cantwell reported to the investigator from the Department of Health Professions that he entered a guilty plea on August 6, 2012. Dr. Cantwell was sentenced in the Washington County Circuit Court to three (3) years of supervised probation with terms and conditions, including substance abuse screening, assessment, testing, and treatment as indicated. Dr. Cantwell was treated as a first offender and received a deferred finding of guilt for six (6) felony counts of prescription fraud and two (2) felony counts of uttering a forged prescription, contingent upon his completion of the terms and conditions of probation.

2. Dr. Cantwell may be in violation of Sections 54.1-2915.A(2), (4), and (14) of the Code, in that he is impaired or unfit to practice medicine with reasonable skill and safety because of illness and/or substance abuse. Specifically, Dr. Cantwell may suffer from substance abuse or other illness, as evidenced by the incidents described above in paragraph 1.

Please see Attachment I for the identities of the individuals and physician listed above.

FOR THE BOARD

A handwritten signature in black ink, appearing to read "William L. Harp MD", written over a horizontal line.

William L. Harp, M.D.

Executive Director

Virginia Board of Medicine

DATE: 8/30/12

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: THOMAS J. CANTWELL, M.D.
License No.: 0101-044130

ORDER OF SUMMARY SUSPENSION

Pursuant to § 54.1-2408.1 of the Code of Virginia (1950), as amended ("Code"), a quorum of the Virginia Board of Medicine ("Board") met on August 30, 2012, by telephone conference call after a good faith effort to convene a regular meeting of the Board failed. The purpose of the meeting was to receive and act upon information indicating that Thomas J. Cantwell, M.D., may have violated certain laws relating to the practice of medicine and surgery in the Commonwealth of Virginia, as more fully set forth in the Statement of Particulars, which is attached hereto and incorporated by reference herein.

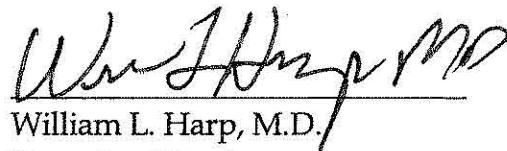
WHEREUPON, pursuant to its authority under § 54.1-2408.1 of the Code, the Board concludes that a substantial danger to the public health or safety warrants this action and ORDERS that the license of Thomas J. Cantwell, M.D., to practice medicine and surgery in the Commonwealth of Virginia be, and hereby is, SUSPENDED.

Upon entry of this Order of Summary Suspension, the license of Thomas J. Cantwell, M.D., will be recorded as suspended and no longer current.

It is further ORDERED that a hearing will be convened forthwith to receive and act upon evidence in this cause, and that the Executive Director of the Board shall be authorized to execute this Order and all other documents, notices, and Orders on behalf of the Board necessary to bring this matter to hearing.

Pursuant to § 54.1-2400.2 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

A handwritten signature in black ink, appearing to read "W. L. Harp MD", is written over a horizontal line.

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

ENTERED: 8/30/12

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: THOMAS J. CANTWELL, M.D.
License No.: 0101-044130

CONSENT ORDER

By Order entered August 30, 2012, the Virginia Board of Medicine ("Board") summarily suspended the license of Thomas J. Cantwell, M.D., to practice medicine and surgery in the Commonwealth of Virginia. Simultaneously, the Board noticed the matter for a formal administrative hearing to address allegations set forth in the Notice of Formal Hearing and Statement of Particulars, dated August 30, 2012.

In lieu of proceeding to this formal administrative hearing, the Board and Dr. Cantwell, as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting Dr. Cantwell's license to practice medicine and surgery in Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Thomas J. Cantwell, M.D., was issued license number 0101-044130 by the Board to practice medicine and surgery in Virginia on August 1, 1989. By Order of the Board entered August 30, 2012, Dr. Cantwell's license was summarily suspended.
2. Dr. Cantwell violated Sections 54.1-2915.A (1), (8), (13), (16), and (17) of the Code of Virginia, as amended ("Code"); Section 54.1-2915.A(10) of the Code, to include the felonies contained in Sections 18.2-258.1(A) and (E); 54.1-3303.A; and 54.1-3408.A of the Code in that on at least two (2) occasions, with the intent to evade the law with respect to the sale, use, or

disposition of narcotics, he wrote prescriptions for hydrocodone/APAP (C-III) in the names of two (2) fictitious patients and, with respect to one such fictitious patient, Dr. Cantwell forged the signature of another physician on the prescription. In all cases, such prescriptions were written and the scheduled medications were diverted by Dr. Cantwell for his personal and unauthorized use. Specifically:

- a. On or about February 4, 2011, Dr. Cantwell prescribed 60 dosage units of hydrocodone/APAP (10 mg) in the name of Carlos Alvarez. Pharmacy records indicate that the prescription was filled on February 7, 2011, and was refilled on April 1, 2011, July 3, 2011, and August 3, 2011. There is no record of an individual by the name of Carlos Alvarez as a patient of Dr. Cantwell or of the Highlands Community Services Center for Behavioral Health, where Dr. Cantwell practiced at that time.
- b. On March 13, 2012, Dr. Cantwell attempted to fill a prescription for 60 dosage units of hydrocodone/APAP (10 mg) at the Wal-Mart Pharmacy in Bristol, Virginia. The prescription presented by Dr. Cantwell, which included two (2) refills, was written in the name of Lorenzo Abarca. The address and telephone number provided to the pharmacy for Mr. Abarca was the same as Dr. Cantwell's residence address and residence telephone number. While the prescribing physician's signature purported to be that of Dr. X, the pharmacy technician, Individual A, recognized that the signature appeared to be in Dr. Cantwell's handwriting. Before filling the prescription, Individual A contacted Dr. X's office, at which time she verified that Dr. X had not written the prescription in question. Pharmacy staff returned the prescription to Dr. Cantwell when he returned to

pick up the order, informing Dr. Cantwell that Dr. X had not written the prescription. Individual B, the Loss Prevention Officer for the Wal-Mart store, immediately contacted the Abingdon, Virginia Police Department, which conducted a criminal investigation of the matter.

c. The following items, among others, were found during the course of execution of a search warrant at Dr. Cantwell's residence on March 14, 2012:

- One (1) empty pill bottle with a label indicating it had contained 60 dosage units of 10 mg Lortab (hydrocodone/APAP), with the prescriber shown as Dr. Cantwell and the patient shown as Carlos Alvarez;
- One copy (blue – patient copy – found crumpled in a waste basket) of the written prescription that Dr. Cantwell had attempted to fill on March 13, 2012, bearing the name of Lorenzo Abarca;
- One copy (yellow copy) of the written prescription that Dr. Cantwell had attempted to fill on March 13, 2012, bearing the name of Lorenzo Abarca; and
- A prescription in the name of Carlos Alvarez for hydrocodone.

d. As a result of the conduct described above, the matter was referred to the Washington County Grand Jury, which returned a direct indictment of Dr. Cantwell on April 24, 2012. The indictment included 8 counts of prescription fraud - §18.2-258.1(A) of the Code - and 3 counts of uttering a false or forged prescription - §18.2-258.1(E) of the Code.

e. Dr. Cantwell reported to the investigator from the Department of Health Professions that he entered a guilty plea on August 6, 2012. Dr. Cantwell was sentenced in the Washington County Circuit Court to three (3) years of supervised probation with terms and conditions, including substance abuse screening, assessment, testing, and treatment as indicated. Dr. Cantwell was treated as a first offender and received a deferred finding of guilt for six (6) felony counts of prescription fraud and two (2) felony counts of uttering a forged prescription, contingent upon his completion of the terms and conditions of probation.

3. Dr. Cantwell violated Sections 54.1-2915.A(2), (4), and (14) of the Code, in that he is impaired or unfit to practice medicine with reasonable skill and safety because of illness and/or substance abuse. Specifically, Dr. Cantwell may suffer from substance abuse or other illness, as evidenced by the incidents described above in paragraph 2.

CONSENT

I, Thomas J. Cantwell, 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, § 2.2-4000.A et seq. of the Code of Virginia;

3. I have the following rights, among others:

a. the right to a formal hearing before the Board;

- b. the right to appear in person or by counsel, or other qualified representative before the agency; and
- 4. I waive all rights to a formal hearing;
- 5. I admit the truth of the above Findings of Fact contained herein and agree not to contest the Findings of Fact, Conclusions of Law or any sanction in any future judicial or administrative proceedings where the Board is a party; and
- 6. I consent to the following Order affecting my license to practice medicine and surgery in the Commonwealth of Virginia.

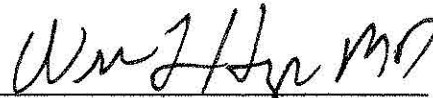
ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, the Board hereby accepts the PERMANENT SURRENDER of Dr. Cantwell's license to practice medicine and surgery in the Commonwealth of Virginia.

Upon entry of this Consent Order, the license of Thomas J. Cantwell, M.D., will be recorded as SURRENDERED and no longer current. Dr. Cantwell will not be eligible for reinstatement of his license at any future date.

Pursuant to Section 54.1-2400.2 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:



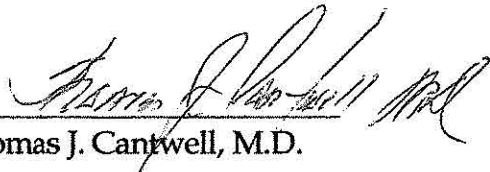
William L. Harp, M.D.

Executive Director

Virginia Board of Medicine

ENTERED: 9/18/12

SEEN AND AGREED TO:

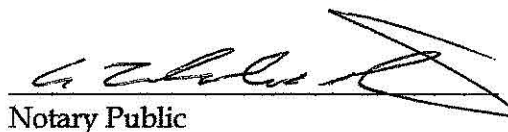
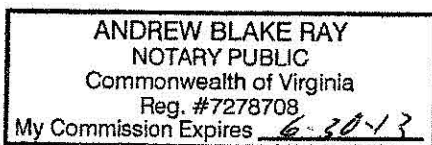


Thomas J. Cantwell, M.D.

COMMONWEALTH OF VIRGINIA

COUNTY/CITY OF Washington TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia of Washington Co. at large, this 17th day of September, 2012, by Thomas J. Cantwell, M.D.



Notary Public

My commission expires: 6-30-13

Registration No.: 7278708