

# Virginia Board of Medicine Investigations and Hearings

The Virginia Board of Medicine is the regulatory arm of the Virginia Department of Health Professions and investigates any complaints made against a physician licensed in Virginia. As a physician, if you receive a notice in the mail, an email or call from the Virginia Board of Medicine, this notice must be given priority and it is advisable to contact a lawyer with experience before the Virginia Board of Medicine. The Virginia Board of Medicine has the ability to issue disciplinary action against physicians on a variety of grounds and failure to respond to an inquiry from an investigator for the Virginia Board of Medicine can have serious consequences.

The Virginia Board of Medicine typically acts upon complaints filed by patients, other providers including hospitals and other physicians, or information received from another state's medical board concerning a Virginia licensed physician. The investigation process begins after a complaint is received by the Board. Complaints can be anonymous or they can name the individual filing the complaint. The Board will determine a rank for the complaint in terms of its significance. If the Board's initial review of the complaint deems the complaint of a serious nature, the Board will immediately investigate the complaint and may take action such as suspending the license of the physician while an investigation occurs. As a physician licensed by the Board, you should receive notice of such a suspension at the time that it occurs with an opportunity for you or your lawyer to respond promptly. More routine complaints are handled by investigators from the Department of Health Professions who work for various regulatory boards, including the Board of Nursing, Psychology, etc. Often these investigations can take months to complete due to the backlog at the various health regulatory boards.

If you receive a notice from the Virginia Board of Medicine indicating that a complaint has been filed against you, it would be advisable to consider retaining a lawyer to assist with the investigation

response at that time. Any response that you make to the investigation can be used against you as the Board proceeds with its investigation of the complaint. Investigators from the Virginia Department of Health Professions are used to dealing with lawyers representing physicians and will generally allow legal counsel to participate in the response to the investigation, including interviews.

Once the investigator has completed their investigation, they will file a report with the Virginia Board of Medicine. This report will be reviewed by the Board, which will determine whether the complaint merits further investigation or whether it should be dismissed. If the Board determines further information is needed concerning the complaint, they will notify the impacted physician that an informal hearing is necessary. The physician will be entitled to representation by a lawyer at the informal hearing. At the informal hearing, the physician will be able to respond to allegations made against the physician and have an opportunity to present additional information to the Board in writing or through testimony. The informal hearing can result in the investigation being completed with no action taken (investigation dismissed), a reprimand, or further review by the full Board if the Committee determines that a physician's license may need to be suspended or revoked.

A Full Board hearing involves multiple members of the Board of Medicine, an attorney who represents the Board's case against the physician and the physician who is being investigated as well as their lawyer. The proceedings involve testimony from both sides as well as cross-examination of witnesses, much like a courtroom trial. The Board may dismiss the investigation, issue a reprimand, require the physician to be monitored or take further continuing medical education training, or suspend or revoke a physician's license. A decision by the Board at a formal hearing may be appealed to a Virginia Circuit Court.

---

For additional information, contact:  
Jonathan M. Joseph, Esq. | Health Law  
jjoseph@cblaw.com | 804.697.4125

©Christian & Barton, LLP 2021 All Rights Reserved



CHRISTIAN & BARTON, LLP  
ATTORNEYS AT LAW

*This article is provided as an informational service and does not constitute legal counsel or advice, which can only be rendered in the context of specific factual situations. If a legal issue should arise, please contact an attorney listed in this article, or retain the assistance of other competent legal counsel. Case results depend on a variety of factors unique to each case and results do not guarantee or predict a similar result in any future case undertaken.*