



# 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

April 13, 2001

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

Anthony A. Dunkwu, M.D.  
2807 Duke Street  
Alexandria, Virginia 22314

**CERTIFIED MAIL**  
**P 973 189 586**

RE: License No. 0101-035063

Dear Dr. Dunkwu:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Thursday, June 14, 2001, at 11:00 a.m., at the Holiday Inn Select, 2801 Plank Road, Fredericksburg, 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 Sections 54.1-2915.A(4) and (3); as further defined in Section 54.1-2914.A(10), and (13) of the Code, in that:

1. On or about March 17, 2000, Patient A presented to you at your office in Alexandria, Virginia, for a pregnancy test and checkup. Patient A reported her last known menstrual period was December 1, 1999, when she "past (*sic*) blood." You performed a pelvic examination and estimated Patient A to be approximately ten (10) weeks pregnant. You failed to perform, or cause to be performed, a sonogram to confirm the gestational age of the fetus.

2. Patient A indicated to you she wanted to proceed with an abortion. On or about March 21, 2000, in your office, you began the termination procedure with Patient A under local anesthesia. During the procedure, you were unable to retrieve a satisfactory amount of tissue and encountered a significant amount of bleeding. Additionally, the dilators you inserted proceeded to approximately the entire length, leading you to believe you perforated the uterus. You terminated the procedure, and a member of your staff transported Patient A to INOVA Alexandria Hospital, Alexandria, Virginia ("Alexandria Hospital") for completion of the procedure under general anesthesia. Upon reexamination of Patient A in Alexandria Hospital, you estimated her pregnancy at twelve (12) to thirteen (13) weeks. By your own admission, you could feel a separate mass, which you identified as a fibroid. You performed a laparotomy and the mass that you originally thought was a fibroid was in fact Patient A's uterus. You then performed a hysterotomy and removed a lifeless fetus weighing approximately 1200 grams.

3. At the time of delivery you estimated the fetus to be twenty (20) to twenty-two (22) week size. An autopsy performed on or about April 14, 2000, revealed a male fetus with no phenotypic abnormalities, of a gestational age of thirty (30) weeks by weights and measures, which was stillborn secondary to termination of pregnancy procedure. As a result of this incident, your clinical privileges at Alexandria Hospital were placed on probation for twenty-nine (29) days. The conditions of your probation included the requirement that you submit written criteria for the use of ultrasound to the Chairman of Obstetrics and Gynecology; perform an ultrasound prior to all termination procedures; document the use of sonography on all patients seeking termination of pregnancy during your probation period; and make available for review records of all terminations you performed at the hospital or in your office.

In order to protect the privacy of Patient A, she has been referred to by letter only. Please see Attachment I of this notice for the identity of the individual referenced 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.
4. The Committee may impose a monetary penalty pursuant to Section 54.1-2401 of the Code.
5. 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 that will be relied upon by the Committee in making a decision. Therefore, I enclose a copy of the documents that 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 June 14, 2001. 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 31, 2001**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **May 31, 2001**, 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 31, 2001**. 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, 4<sup>th</sup> Floor, Richmond, Virginia 23230-1717, by **May 31, 2001**. Should you or Senior Legal Assistant Kelli Moss wish to submit any documents for the Committee's consideration after **May 31, 2001**, 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 Kelli Moss, Senior Legal Assistant, at (804) 662-7593.

Sincerely,



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

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Enclosures:

Virginia Code Sections:

54.1-2914

54.1-2915

54.1-2919

9-6.14:11

Informal Conference Package

Attachment I

Map

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  
Kelli Moss, Senior Legal Assistant  
Renee Dixon, Case Manager, Board of Medicine  
Susan Jo Tokarski, Senior Investigator (76693)  
Dinah Munoz, Senior Administrative Assistant