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| Edition: FINALSection: FRONTPage: A1 |

Topics:

**Index Terms:**
PHYSICIANS DOCTORS MEDICAL MALPRACTICE

**PATIENTS IN PERIL. HOW VIRGINIA'S MEDICAL SYSTEM LETS DANGEROUS**

**DOCTORS CONTINUE TO PRACTICE**

**AN INVESTIGATIVE REPORT**

Author: *LIZ SZABO THE VIRGINIAN-PILOT*

Article Text:

More than 250 doctors are licensed by the Virginia **medical** board despite records of serious mistakes or misconduct, a review of board actions since 1990 shows.

They work **in** every corner of the state, **in** virtually every specialty. Their ranks include sex offenders, swindlers, tax evaders, felons, former drug dealers and even a convicted murderer. Some have been rejected by a string of hospitals or insurance companies.

Among those still licensed:

- A Norfolk physician who injected cancer **patients** with medicine made with tiny amounts of their own feces.

- An Abingdon surgeon who accidentally cut out most of a woman's bladder and lost another **patient** just hours after a hysterectomy.

- A Winchester ear, nose and throat specialist who fondled six young boys during office visits.

- An Army doctor imprisoned for sexual battery of two underage girls during examinations.

- A Norfolk doctor imprisoned for murdering his wife with a .22-caliber rifle.

An analysis of the National Practitioner Data Bank, which tracks physicians, found at least 70 Virginia doctors who have been disciplined five or more times by state and federal authorities, hospitals or professional societies. Only 28 of them lost their licenses.

The Board of Medicine's executive director, Dr. William L. Harp, said state law forbids him or any board member from discussing individual cases or decisions.

Robert Nebiker, director of the Virginia Department of Health Professions, which includes the Board of Medicine, said he does not feel comfortable second guessing'' past decisions without reviewing all the evidence.

He said the board takes its responsibility for policing doctors seriously and revokes licenses only after careful consideration.

"A lot of money goes into making a health-care professional, and there aren't enough of them to go around,'' Nebiker said. "So when you kill one off, you are potentially losing a scarce resource.''

The Virginia Board of Medicine, a state body whose 18 members are appointed to four-year terms by the governor, licenses more than 25,000 physicians and osteopaths. It can vote to reprimand doctors, fine them, place them on probation, suspend them or revoke their licenses.

Nebiker noted that the worst examples of physician misconduct represent a small fraction of the total number of cases that the board reviews.

Although **patient** advocates stress that the vast majority of doctors are capable and honest, they compare impaired or unethical practitioners to drunken drivers -- few **in** number but a threat to many people.

The General Assembly this month is considering a bill introduced by Del. Winsome E. Sears of Norfolk and another by Gov. Mark R. Warner that address **how** the state **medical** board operates.

"We're trying to rein **in** the bad doctors, but at the same time you have to rein **in** the Board of Medicine and the hospitals,'' said Sears, a Republican. "This is about saving lives.''

Sears, who became interested **in** the issue last year after reading a report **in** The Virginian-Pilot about an incompetent Virginia Beach surgeon, said there have been wide-ranging problems with doctor discipline for years.

"It's not just about one doctor,'' she said. "It's a whole host of people.''

**In** 1999, an audit by the Joint Legislative Audit and Review Commission, the watchdog arm of the General Assembly, concluded that the Board of Medicine does not adequately protect the public from substandard care by physicians.''

For too long, critics say, the **medical** **system** has focused on protecting careers rather than consumers.

"The **patient** should always be put first,'' said Dr. AlanLevinstone, an internist on the ethics committee at Inova Fair Oaks Hospital **in** Northern Virginia. "It's not just the Board of Medicine. It's the politicians and the people **in** Virginia who have not demanded a better **system**.''

BOARD RARELY REVOKES LICENSES FOR INCOMPETENCE

Goettert case

Dr. Judith Goettert of Abingdon

Practice area: Family practice and gynecology

**Medical** school: University of Health Sciences, College of Osteopathic Medicine, Kansas City, Mo.

Year completed: 1984

Virginia law makes it difficult for the Board of Medicine to revoke a physician's license.

Nurses, dentists and others can lose their licenses for "simple'' negligence, such as a single careless act. But doctors must be found guilty of "gross'' negligence, such as a pattern of several serious mistakes.

A dozen **patients** suffered serious complications and another died after surgery by Dr. Judith Goettert, according to a board order, a formal document **in** which **medical** officials record their legal findings and disciplinary actions.

The October 2000 order catalogs Goettert's mistakes:

- Accidentally removing most of a woman's bladder.

- Operating on a pregnant woman after "overlooking'' her pregnancy test.

- Accidentally tying off a woman's ureter, the tube that carries urine from the kidney to the bladder.

- Perforating the uteruses of three **patients**.

- Dropping a uterus on the floor during a hysterectomy, then contaminating her gloves and sterile instruments by picking up the organ and placing it on a table, according to a hospital incident report. When meeting with the **medical** board, Goettert later said that she caught the uterus **in** her lap.

One of the doctor's **patients**, Sharon Raye Santolla, died just hours after surgery.

**In** 1999, Goettert settled a civil lawsuit filed by relatives of Santolla, who died after a hysterectomy at Russell County **Medical** Center **in** Lebanon, Va. Goettert agreed to pay the woman's family $225,000.

"People like this should not be allowed to practice medicine,'' said Charles Inlander, president of a national consumer group called the People's **Medical** Society. "It certainly isn't very reassuring to people like you and me. There should be no room for this **in** medicine.''

**In** 2000, the **medical** board placed Goettert on probation and allowed her to continue practicing, with the exception of obstetric and gynecology surgeries.

Last year, Goettert told the board that she had given up obstetric and gynecological surgery, no longer had hospital privileges and planned to see **patients** only **in** her office. She said she was pursuing not only conventional medicine but homeopathy, a widely disputed type of treatment **in** which minute quantities of natural substances are administered to improve the body's defense against disease.

Goettert declined to be interviewed for this story.

On Aug. 6, 2002, the board ended her probation and restored her license to "full and unrestricted status.''

Sen. Janet Howell of Reston said such stories demonstrate the need for change.

"It has been clear for some time now that Virginia is protecting physicians more than **patients**,'' said Howell, a Democrat. "The upshot has been true horror stories of **patients** suffering from actions of physicians. . . . It always seemed that the department bent over backward to defend the doctor.''

DOCTORS CAN PRACTICE EVEN AFTER "GROSS" CARELESSNESS.

The Dunkwu case

Dr. Anthony A. Dunkwu of Alexandria

Practice area: Obstetrics and gynecology

**Medical** school: University of Florida College Of Medicine, Gainesville Fla.

Year completed: 1973

Even doctors whose records meet the gross negligence'' standard are sometimes allowed to keep practicing.

Dr. Anthony A. Dunkwu of Alexandria received only a public reprimand -- the mildest type of sanction -- after botching an abortion.

Dunkwu scheduled the procedure **in** March 2000 after estimating that his **patient** was about 10 weeks pregnant.

Although he performed a pelvic examination, he did not order a sonogram, according to a board order. **Medical** experts say sonograms are not required **in** the first trimester, although Hampton Roads abortion providers say they perform them routinely. Experts say the procedures are recommended **in** the second trimester.

Dunkwu began the procedure **in** his office using a local anesthetic.

The abortion quickly went wrong.

The board order states that Dunkwu believed he might have perforated the woman's uterus and stopped the procedure. A member of his staff took the **patient** to Inova Alexandria Hospital so that he could complete the abortion under general anesthesia.

Dunkwu examined the woman again. This time, he estimated her pregnancy at 12 to 13 weeks. According to the board order, Dunkwu could feel a separate mass, which he identified as a fibroid,'' a common type of benign uterine tumor.

He cut open the woman's abdomen and, according to the board order, discovered that the mass'' he had mistaken for a tumor was actually the uterus. He cut open the woman's uterus and removed a lifeless male fetus weighing about 2.7 pounds. Dunkwu estimated that it was 20 to 22 weeks old.

**In** fact, the fetus was 30 weeks old. Babies delivered prematurely at that age and size usually survive.

Alexandria Hospital placed Dunkwu's clinical privileges on probation for 29 days, the board order shows.

Punishments that last 30 days or longer generally have to be reported to the National Practitioner Data Bank, a registry created by Congress **in** 1990. Only about 40 percent of hospitals have ever filed a report.

**In** 2001, when Dunkwu faced the Board of Medicine, he admitted to making "an unintentional mistake.'' He also noted that he had begun routinely performing sonograms for more of his **patients** considering abortion, according to the board order.

An informal board committee found Dunkwu to have been "grossly careless,'' according to the board order, and reprimanded him.

Dunkwu did not return telephone calls for this story.

Some state officials have questioned the **medical** board's decision.

"**In** cases like this, the public is not being protected at all,'' said Del. Robert G. Marshall, a Manassas Republican. "We are elected to be guardians of the public good. If we are not going to pay attention when the public is not being protected, then we bear responsibility and we should pay.''

SEX ABUSE OF CHILDREN FAILS TO TRIGGER REVOCATION

The Timberlake case

Dr. Byron B. Timberlake of Winchester

Practice area: Otolaryngology (ear, nose and throat)

**Medical** school: Ohio State University College of Medicine and Public Health, Columbus, Ohio

Year completed: 1964

**Virginia's** **medical** board is not limited to disciplining doctors for incompetence. Only 3 percent of investigations involve **medical** care alone, according to the 1999 state audit.

The board also can act **in** cases of unprofessional conduct. For example, doctors can lose their licenses for selling drugs or assaulting **patients**.

A review of the cases of more than 600 doctors and thousands of pages of records, however, found that the agency allows more than 40 doctors to practice medicine despite offenses such as sleeping with **patients**, seducing teenage girls or sexually harassing co-workers. About 90 doctors hold licenses **in** spite of substance abuse or improperly prescribing drugs.

According to board orders:

- Dr. Daniel M. Calhoun Jr. struck a surgical **patient** at Riverside Regional **Medical** Center **in** Newport News **in** 1992. **In** 1994, he struck a surgical **patient**, swore and knocked surgical instruments to the floor.

- Dr. Fang S. Horng, a Luray surgeon, fathered a child with a **patient**.

- Dr. Antony Joseph, a Richmond psychiatrist, impregnated a former **patient** and then told her to get rid of it.''

And then there is the case of Dr. Byron B. Timberlake.

Board members concluded that he fondled six boys between the ages of 6 and 13.

The board could have taken Timberlake's license but instead allowed the Winchester ear, nose and throat specialist to continue practicing.

The abuse began nearly a decade before Timberlake appeared at a formal hearing of the **medical** board **in** 1985, according to an official board order.

Timberlake saw an adolescent boy 22 times between 1975 and 1977, according to the board order. On nearly every visit, he took the child to an operating room alone. Out of sight of the boy's parents or his staff, he fondled the boy's genitals and, on one occasion, placed his ear on the child's belly below the navel.

Timberlake got another child alone by telling his mother that he planned to check the boy's lungs **in** a different room.

Board officials ruled that Timberlake's bizarre behavior had nothing to do with a legitimate exam. Officials found that he routinely examined boys' genitals behind closed doors while a nurse or other staff member waited outside.

At his hearing, Timberlake testified that he preferred not to examine children **in** front of their mothers or chaperones because the male adolescent **patient** would feel awkward and embarrassed.''

Timberlake did not return telephone calls for this story.

He was arrested **in** December 1983 and charged with committing aggravated sexual battery on a child under 13. A jury found him not guilty **in** June 1984.

The family of an 11-year-old boy filed a civil suit against Timberlake **in** 1985. The doctor settled the suit two years later.

**In** the lawsuit, filed **in** Winchester Circuit Court, the boy's family charged that the "conduct of the defendant was of such a nature as to shock the conscience of reasonable men.''

Yet the board was forgiving.

**Medical** officials found Timberlake "guilty of fraud or deceit'' and unprofessional conduct, ruling that his treatment of the six children was "contrary to the standard of ethics,'' according to the board order. He was further found to have practiced medicine "**in** such a manner as to make his practice a danger to the health and welfare of his **patients**.''

Authorities revoked Timberlake's license but immediately"stayed'' the revocation, placing the doctor on indefinite probation, according to the board order. Officials ordered him not to treat boys under 18 and to see a psychiatrist.

The board commonly issues one sanction and replaces it with another if it believes there are mitigating circumstances, director Nebiker said.

The next year, **in** 1986, the board allowed Timberlake to begin treating young boys again. Officials required that such visits take place "**in** the presence of an appropriate chaperone, preferably a parent,'' according to a board order.

To protect the identity of her son, the mother who sued Timberlake asked that her name not be used. She is still angry that the board allows Timberlake to practice and worries that other parents may not be aware of his history.

"We had such a sound case,'' she said. "It's just astounding.''

**In** 1990 -- five years after the board found him guilty -- Timberlake was taken off probation, and his license was "reinstated with all attendant rights and privileges,'' a board order shows.

There are no restrictions on his ability to see children.

PHYSICIANS ALLOWED TO USE DISCREDITED TREATMENTS

The Speckhart case

Dr. Vincent J. Speckhart of Norfolk

Practice area: Internal medicine and oncology

**Medical** school: New York **Medical** College, Valhalla, N.Y.

Year completed: 1958

Dr. Vincent J. Speckhart's unusual brand of medicine has attracted the attention of state investigators.

At one time, the Norfolk oncologist treated cancer **patients** with vaccines made with minute quantities of their own urine and feces, a board order shows. He also has used a non-standard, experimental procedure called "electro-acupuncture of vol,'' **in** which machines are supposed to measure **patients**' electrical activity as a way to diagnose disease.

**In** 1993, the board concluded that some of Speckhart's treatments had no "accepted therapeutic purpose'' and were "contrary to sound **medical** judgment,'' according to an official order.

The board found that Speckhart, who declined to comment, violated Virginia law, conducted his practice unethically and endangered **patients**, according to the order. He was instructed to stop using the unusual vaccines and to use the acupuncture procedure only as part of formal clinical trials.

The board voted to arrange an audit of Speckhart's practice and placed him on probation, which lasted until 1998.

Speckhart was quoted **in** The Virginian-Pilot after his 1993 hearing as saying, "I am grateful to the board for its concern, patience and diligence **in** looking after their **patients**. I feel vendicated . . . I am a good physician."

The family of Navy Cmdr. Robert A. Rizzi, a 48-year-old cancer **patient** who died after being treated by Speckhart, filed suit against the physician **in** Norfolk Circuit Court. **In** 1996, a jury **in** 1996 found **in** the family's favor.

The lawsuit asserted that Rizzi, a Hampton Roads father of three, was "deprived of a substantial chance of a better result" and that he died as a direct result of Speckhart's "failure to comply with the applicable standards of care.''

Rizzi's widow said she's shocked that Speckhart is still practicing.

"When you have a family member with cancer, you're pretty desperate,'' said Victoria Rizzi. "He sure had us fooled.''

DOCTOR'S **MEDICAL** LICENSE TAKEN ONLY AFTER INCOME TAX EVASION

The Zamzam case

Dr. Salih M. Zamzam of Grundy

Practice areas: Otolaryngology, orthopedic surgery, gynecology

**Medical** school: American University of Beirut, Lebanon

Year completed: 1967

The Internal Revenue Service accomplished what the Board of Medicine had long refused to do -- keep Dr. Salih M. Zamzam away from **patients**.

Zamzam had been investigated repeatedly throughout the 1990s. For years, the board chose not to suspend his license, even after concluding that he may have contributed to a **patient**'s death.

The Grundy, Va., surgeon was finally removed from practice **in** 1997 when he was incarcerated after his conviction for felony tax evasion.

Yet charges about his ethics and competence date to 1990.

That's when Zamzam groped three female **patients** under the pretext of legitimate **medical** exams, according to an official board notice that spelled out the charges against him. **In** one of the cases, prosecutors charged, Zamzam pulled a woman's pants down to her knees and, while standing behind her, reached under her clothes to grope her breast and pressed his penis against her buttocks.

**In** 1993, Zamzam -- whose practice ranged from gynecology to orthopedic surgery to ear, nose and throat operations -- signed a consent order, which is somewhat like a no-contest plea. The board placed his license on indefinite probation.

**In** its final order, however, the board deleted all of the graphic details of Zamzam's behavior toward the three women. Instead, it recorded only that he "acted unprofessionally and **in** a sexually inappropriate manner.''

The terms of Zamzam's probation required him to use a female chaperone when treating women and to comply with other restrictions.

**In** the same consent order, the board found that Zamzam had improperly prescribed Methadone -- used as a substitute for heroin when treating addicts -- along with a barbiturate called Butalbital.

"This treatment was without accepted therapeutic purpose and injurious'' to the **patient**, who died two days later of "multiple drug poisoning,'' the board order states.

Two years later, board prosecutors accused Zamzam of performing a mastectomy on a woman's right breast based partly on the results of a mammogram without performing a biopsy to verify that the woman really had cancer, according to an official notice.

Fewer than 30 percent of women with suspicious mammograms actually have the disease.

The woman was cancer-free, and Zamzam had needlessly cut off a healthy breast, the notice states.

**In** 1995, the board issued an order faulting Zamzam **in** his administration of drugs but postponed a decision about the mastectomy. Board officials voted to allow an audit committee to review the case and decided that Zamzam should remain on probation.

**In** a recent telephone interview, Zamzam said he offered to perform the mastectomy **in** part because the woman was small-chested and a biopsy would have "deformed'' her breast. The woman already had lost one breast to cancer.

"I said, 'If you **let** me do the mastectomy, you don't have to worry about further follow-ups or breast exams every year,' '' Zamzam said. "The board won't listen to the facts. This lady was sort of money hungry. She would have been happy to have had cancer so she could collect money from the insurance company.''

Authorities **in** New York, where Zamzam also held a license, were far more severe than their Virginia counterparts.

When one **medical** board disciplines a doctor, officials **in** other states where he or she holds a license typically sanction the practitioner as well.

Based on **Virginia's** findings, a hearing committee **in** New York voted to revoke Zamzam's license, ruling that "the serious nature of the offenses and the absence of mitigating factors made revocation the only appropriate sanction.''

**Virginia's** board finally suspended Zamzam's license **in** 1997, after the doctor was convicted of tax evasion **in** U.S. District Court **in** the Western District of Virginia.

Zamzam said he served two years **in** jail because of the conviction. He blamed his tax problems on his accountant, who has since died.

Zamzam petitioned the board for reinstatement **in** 1999. By then, a board order states, he was on supervised release from prison.

The board -- which had finally made a decision on the mastectomy case, finding Zamzam negligent -- rejected his request.

Zamzam applied for reinstatement most recently **in** 2000.

The board turned him down.

He said he hasn't given up hope, however. He plans to take a standardized competency exam for practicing doctors to prove his fitness to Virginia officials.

"If they really cared for the public and the **patients**, they would almost immediately reinstate my license,'' Zamzam said. "Almost every day I get 20 calls from **patients** asking me,'When are you coming back?' ''

EVEN CONVICTED FELONS CAN PRACTICE MEDICINE

The Schorr case

Dr. Julian B. Schorr of Scarsdale, N.Y., formerly of Norfolk

Practice areas: Pediatrics, blood banking, hematology, oncology, sports medicine

**Medical** school: Columbia University College of Physicians and Surgeons, New York, N.Y.

Year fellowship completed: 1951

Current Virginia law allows doctors whose licenses have been revoked to apply for reinstatement after only one year.

**In** some cases, that leniency allows even those convicted of violent crimes to quickly return to practice.

A review of public board documents turned up more than 30 convicted felons licensed by the state of Virginia.

State law requires health officials to suspend the license of any doctor convicted of a felony, Nebiker said. But Virginia also demands that the board give the doctor a fair hearing at its next meeting, where the practitioner can ask to be reinstated.

"Obviously, when anyone is convicted of a felony it's serious, and it indicates conduct that you may not want **in** someone providing you health care,'' Nebiker said. "I could certainly understand why someone might be concerned about it.''

The majority of felons licensed by the Virginia **medical** board committed nonviolent offenses such as tax evasion.

Dr. Julian B. Schorr's license was revoked **in** 1979 after a Norfolk Circuit Court jury convicted him of second-degree murder.

Schorr was sentenced to eight years **in** prison after shooting his wife twice **in** the chest with a .22-caliber rifle **in** their Edgewater home. Schorr admitted to the January 1978 shooting but claimed he fired **in** self-defense after his wife attacked him with a knife during an argument.

The couple had played a prominent role **in** the community. Schorr, who had directed the Tidewater Regional Red Cross Blood Program, was also a professor at Eastern Virginia **Medical** School and sometimes served as a consultant for **medical** cases around the world.

Board members voted to revoke Schorr's license shortly after his conviction.

At the hearing, some doctors said they were sensitive to criticism that -- even then -- the board was too lenient with physicians. Dr. Eugene O.S. Stevenson of Fairfax was quoted **in** The Virginian-Pilot at the time as saying that the board should send a message that it was committed to rooting out bad doctors.

"We have child molesters, murderers and frauds whose licenses have not been revoked,'' Stevenson said. "This is one of the reasons that this board has received criticism for not taking strong positive action.''

Schorr served two years **in** prison. Nine years after his wife's murder, however, the board voted to reinstate his license and place him on probation.

**In** 1990, the state board voted to end Schorr's probation and reinstate him without restriction.

**In** an interview, Schorr said he now works part time practicing sports medicine **in** Scarsdale, N.Y., an affluent Manhattan suburb, and also serves as a pediatrician for a foster-care agency **in** Irvington, N.Y. He said the board made the right decision.

"The crime I committed was a domestic crime which has an almost zero rate of recidivism, and it was not connected to my **medical** career,'' Schorr said. "I paid my penalty to the community. I was a good physician.''

A DOCTOR CONVICTED OF FELONIES DIRECTLY RELATED TO **PATIENT** CARE IS ALLOWED TO KEEP WORKING

The Talbot case

Dr. Asa Talbot, Jolivert, Haiti

Surgery: Head and neck, allergy, ophthalmology, otolaryngology, plastic surgery within the head and neck, facial plastic surgery, general practice, pediatrics, allergy

**Medical** school: Indiana University School of Medicine, Indianapolis

Year completed: 1965

Unlike Timberlake and Zamzam, who were never found guilty **in** a criminal court of harming **patients**, Dr. Asa Talbot was convicted of sexually abusing those **in** his care during exams.

**In** 1988, Talbot was convicted by a U.S. District Court **in** Tennessee of one count of aggravated sexual battery and another count of sexual battery, according to court records.

Talbot pleaded guilty to fondling two underage girls from May to June 1985 while serving as an Army **medical** officer at Fort Campbell, Ky., according to a board order. Talbot fondled a 17-year-old girl during an examination after a tonsillectomy. He also groped the pubic area of an 11-year-old girl during an ear, nose and throat examination.

This wasn't the first time Talbot had been accused of sexual misconduct.

A board order reports that he was accused of kissing a **patient** as she came out of anesthesia **in** 1977 while he was **in** private practice **in** Harrisonburg. Talbot denied the allegations, which were never proven.

**In** 1979, executives at Rockingham Memorial Hospital **in** Harrisonburg found that Talbot conducted himself "**in** an inappropriate and unprofessional manner'' with two female **patients**, according to the board order. The hospital placed his privileges on probation for a year and required him to have a chaperone when examining women or girls.

Talbot was reprimanded by the commanding officer at Fort Campbell for his behavior toward three female subordinates **in** 1984 and 1985, according to the board order. He repeatedly made offensive sexual comments to the women, solicited sexual favors, and kissed and fondled them.

After his conviction, Talbot was dismissed from the Army with a "less than honorable'' discharge, according to the board order.

The Virginia Board of Medicine revoked Talbot's license **in** 1988, then restored it two years later and ordered him to undergo counseling and fulfill other requirements. A board order shows that Talbot's probation ended **in** 1994.

Today, Talbot works **in** Jolivert, Haiti, at Missions of Love Inc., a religious charity.

Dr. Robert Johnson, the mission's president, said he's aware of Talbot's conviction. Talbot uses a chaperone when treating children, Johnson said.

"We count him to be a real asset to our mission,'' Johnson said. "He has a very special place **in** his heart for Haitians, especially the children.''

EVEN WHEN DOCTORS LOSE THEIR LICENSES, IT MAY NOT BE FOR LONG

The Tanksley case

Dr. Marion H. Tanksley, Fulton, Texas, formerly of Saluda, Va.

Practice areas: Osteopathic medicine

**Medical** school: Des Moines University, Osteopathic **Medical** Center, Des Moines, Iowa

Year completed: 1968

The Virginia Board of Medicine heard the case of Dr. Marion H. Tanksley only after a military court-martial had found him guilty of several serious crimes.

While the Navy's sanction was permanent, the Virginia board reversed itself after only five months.

**In** March 1995, Tanksley, a Navy captain, was court-martialed and convicted of taking indecent liberties with a minor, according to a board order. The child was his 6-year-old daughter.

Tanksley, an osteopathic physician, was convicted of two other felonies, including lying on official military documents and obstructing justice. A seven-member Navy panel found that he intimidated witnesses and lied about prior charges that he had driven drunk, physically abused his wife and sexually abused his daughters, had his **medical** privileges suspended and had been sued for malpractice, a board order shows.

Tanksley, now 65, had served as the administrative director of the Oceana Branch **Medical** Clinic. He spent eight months before trial **in** the brig at the Norfolk Naval Station and 19 more **in** the federal penitentiary at Fort Leavenworth. He was dismissed from the Navy.

At the court-martial, military prosecutors argued that Tanksley's crimes began years earlier.

Tanksley's ex-wife, Loni Kemp, said he terrorized her and kept her from speaking out about his abuse of their daughters. Kemp said Tanksley has four daughters with her and a fifth daughter with a later wife.

Tanksley's two older daughters had run away from home as teenagers, according to a decision by the U.S. Court of Appeals for the Armed Forces. One of those daughters testified during the appeal that Tanksley began molesting her **in** the bathtub **in** the 1960s, when she was 3 or 4 years old, and raping her when she was 9 or 10. The abuse continued, she testified, until she ran away from home at age 17 **in** 1978.

This daughter contacted Virginia authorities **in** 1993 after learning that Tanksley had taken a shower with her 6-year-old half-sister, according to documents from the appeal.

**In** September 1996, the Board of Medicine automatically suspended Tanksley's license based on his felony conviction, as required by state law.

At a formal administrative hearing five months later, the board found Tanksley guilty of unprofessional conduct. **In** particular, he was found to have practiced medicine unethically and endangered his **patients**, the board order shows.

The board voted to stay his earlier suspension and forbid Tanksley from practicing medicine until he complied with a number of terms, including taking a test of **medical** knowledge and being examined by a psychiatrist.

Just a few months after that, **in** October 1997, the board placed Tanksley on indefinite probation. The board's order allowed him to resume practicing medicine as long as the **medical** board's executive director approved of the setting.

Tanksley's ex-wife said she was shocked by the board's leniency.

Kemp said she's frustrated that the board was not swayed by her repeated appeals. State officials, she said, seemed more interested **in** protecting Tanksley's livelihood than anything else.

"If they are going to **let** him keep his license, then I just wouldn't trust anyone with a **medical** license **in** Virginia,'' Kemp said. "And that's unfair to all the good doctors out there.''

The Navy upheld Tanksley's conviction and denied his appeal **in** September 2000.

North Carolina's **medical** board reprimanded him **in** 1999. **In** 2000, Florida revoked his license. Tanksley is included on sex offender registries **in** Georgia and Virginia. The Virginia Sex Offender Registry lists Tanksley's last known address as Fulton, Texas.

Tanksley's attorney, Allen P. Fancher of Virginia Beach, said the doctor is now living **in** China, where he is teaching English. When contacted by e-mail, Tanksley said, "I have always felt that the Virginia Board of Medicine was very fair **in** all aspects of my situation. I hope that the **medical** board will continue giving physicians the same professional fair play that was given to me.''

Today, his license is active, "with all attendant rights and privileges.''

Nothing **in** the board's order forbids him from treating women or little girls.

Reach Liz Szabo at 446-2286