



COMMONWEALTH of VIRGINIA

Department of Health Professions

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Sandra Whitley Ryals
Director

July 22, 2009

Sarah E. Forbes, M.D.
12420 Warwick Boulevard, Suite 5B
Newport News, Virginia 23606

CERTIFIED MAIL
7160 3901 9845 3426 7065

RE: License No. 0101-012203

Dear Dr. Forbes:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Wednesday, September 2, 2009, at the office of the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, 2nd Floor, Richmond, Virginia.** You will receive written notification at a later date regarding the specific time of your informal conference. The conference will be conducted pursuant to Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code").

A Special Conference Committee ("Committee") will inquire into allegations that you may have violated certain laws and regulations governing the practice of medicine and surgery in the Commonwealth of Virginia. Specifically:

1. You may have violated Sections 54.1-2915.A(1) and (16) of the Code, in that from January, 2005, through March, 2006, you engaged in fraudulent and deceptive insurance billing practices with Patients A-BB, in which you routinely upcoded office visits and falsified medical records to support higher levels of billing and/or billing for services not rendered, specifically using Current Procedural Terminology Code 99354.

2. You may have violated Sections 54.1-2915.A(3), (12), (13), and (16) of the Code, and 18 VAC 85-20-26(C) of the Board of Medicine General Regulations, in that, from approximately November 7, 2006, to December 11, 2007, you treated Patient CC on multiple occasions, to include prescribing medications and ordering diagnostic studies and laboratory work, but failed to perform or document a physical examination

or assessment, note patient complaints or symptoms, formulate a diagnosis or treatment plan, and/or provide appropriate follow-up care. For example:

- a. On or about September 17, 2007, you ordered laboratory work for Patient CC in response to her complaints of tingling in her arm and other symptoms suggestive of high blood pressure, none of which is documented in Patient CC's chart. By your own admission, you never reviewed or discussed with Patient CC the results of this lab work or otherwise appropriately followed up on the lab results. Subsequently, another physician diagnosed Patient CC with, and treated her for, high blood pressure.
 - b. On or about December 11, 2007, in response to Patient CC's request for medication for a reported thyroid condition, and without performing any examination of Patient CC, you prescribed Levothyroxine (Schedule VI) 0.3 mg to be taken three times daily. Said encounter and the foregoing prescription were not documented in Patient CC's chart.
3. You may have violated Sections 54.1-2915.A(3), (13), (16), and (17); Section 54.1-3303.A; and Section 54.1-3408.01 of the Code, in that, prior to March 11, 2008, you routinely pre-signed blank prescription forms to be used by your nurse practitioner, often leaving them in unsecured areas in the office.
 4. You may have violated Sections 54.1-2915.A(1) and (16) of the Code in that, by your own admission, you provided the Board with a false birthdate on documents related to your medical license, and also provided a false birthdate on a Reappointment Application for May 2007 - May 2008 for Riverside Regional Medical Center.
 5. You may have violated Sections 54.1-2915.A(3), (13), and (16) of the Code in that during your care and treatment of Patients DD and EE, from February, 2005, through December, 2008:
 - a. You prescribed controlled substances, including narcotics, benzodiazepines, barbituates, antidepressants, and sleep aids, to Patients DD and EE without first performing a proper physical examination, evaluation, or assessment. Further, you regularly prescribed narcotics to Patients DD and EE on dates when the patients did not present to your office for an examination, often in response to telephonic requests from the patients. By your own admission, you sometimes provided prescriptions for pain medication to Patient DD when you saw him "out and about." You regularly failed to document these prescriptions or the reasons for them in the patients' medical records.

b. Prior to prescribing medications to Patients DD and EE, you did not discuss or document discussing with them information concerning the risks and benefits of the medications being prescribed, nor did you document your reasons for selecting the types and doses of medications prescribed.

c. On a continuous basis from in or about May, 2007, through August, 2008, you prescribed Vicoprofen (Schedule III) to treat Patient DD's reports of "back pain" without performing diagnostic tests to determine the etiology of the pain.

d. You failed to develop a comprehensive treatment plan and/or to review and monitor the efficacy of treatment for patients, including monitoring and managing Patient DD and EE's usage of narcotic medications. Specifically:

i. You did not employ pain rating scales or other appropriate measures to determine the effect of prescribed medications on patients' activities of daily living.

ii. You did not have a pain management or similar contracts in place with Patients DD and EE, for whom you regularly prescribed narcotic medications.

iii. You failed to order any drug urine/serum screens, conduct pill counts, or take other appropriate measures to determine whether your patients were taking their medications as prescribed and were otherwise compliant with their medication regimen.

e. You prescribed controlled substances to Patient EE, who you knew or should have known had become addicted to or dependent upon her medications. Further, you failed to address or document that you had addressed signs and symptoms of escalation or abuse of medication therapies, nor did you appropriately treat or refer her for treatment of substance abuse. For example:

i. You authorized a replacement of Percocet (schedule II) for Patient EE in January, 2008, who claimed that she had lost her prior prescription.

ii. You continued to prescribe narcotics for Patient EE even after you were alerted by a pharmacy in January, 2006, that she was filling prescriptions for narcotic medications from another physician.

iii. Between February, 2005, through December, 2008, you increased the dosage of Xodol (schedule III) for Patient EE, and continuously added

new medications to her regimen, to include butalbital (schedule VI), Vicoprofen (schedule III), Dilaudid (schedule II), and Norco (schedule III).

f. By your own admission, you failed to consult and coordinate treatment with other physicians or consistently obtain medical records from other physicians involved in the care of Patients DD and EE.

g. You failed to appropriately recommend or prescribe treatment modalities to Patient DD other than the prescription of controlled substances.

Please see Attachment I for the name of the patients referenced above.

After consideration of all information, the Committee may:

1. Exonerate you;
2. Place you on probation with such terms it deems appropriate.
3. Reprimand you;
4. Impose a monetary penalty pursuant to Section 54.1-2401 of the Code.

Further, the Committee may refer this matter for a formal administrative proceeding when it has failed to dispose of a case by consent pursuant to Section 2.2-4019 of the Code.

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 Committee for its consideration 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. These materials have been provided this date to your counsel, Veronica Meade Sheppard, Esquire.

To facilitate this proceeding, you must submit eight (8) copies of any documents you wish for the Committee to consider to Reneé S. Dixon, Discipline Case Manager, Virginia Board of Medicine, Perimeter Center, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233-1463, by **August 19, 2009**. Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Emily Field wish to submit any documents for the Committee's consideration after **August 19, 2009**, such documents shall be considered only upon a ruling by the Chair of the Committee that good cause has been shown for late submission.

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 **August 3, 2009**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **August 3, 2009**, will not be considered

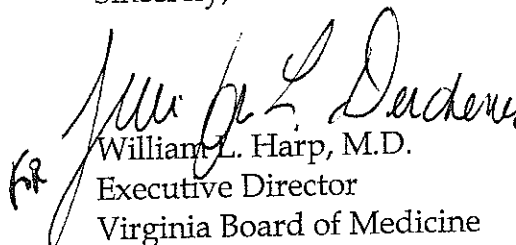
Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click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

In its deliberations, the Committee may utilize the Sanction Reference Points System, as contained in the Sanction Reference Manual. The manual, which is a guidance document of the Board, may be accessed at <http://www.dhp.virginia.gov/medicine>. You may request a paper copy from the Board office by calling (804) 367-4513.

Please advise the Board, in writing, 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.

If you have any questions regarding this notice, please contact Emily Field, Adjudication Specialist, at (804) 367-4678.

Sincerely,


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

EF/ifcnotice/09

Enclosures:

Attachment I
Informal Conference Package
Map

cc: Jane E. Piness, M.D., President Virginia Board of Medicine
Sandra Whitley Ryals, Director, Department of Health Professions
Reneé S. Dixon, Discipline Case Manager, Board of Medicine
Emily Field, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Veronica Sheppart, Esquire [w/enclosures].
Kim Martin, R.N., Senior Investigator [118066, 122086]