

BEFORE THE BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

In the Matter of the Complaint
and Statement of Charges
against
Virginia A. Calderon, M. D.,
Respondent

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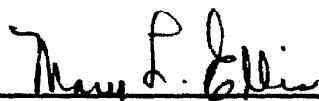
O R D E R
02-85-435

Now on this 14th day of January, 1987, the above entitled matter having been filed with the Director of Public Health, of the State of Iowa, and the said Director of Public Health having reviewed the file, and being fully advised in the premises FINDS:

1. That the Respondent, Virginia A. Calderon, M. D., was issued license number 20373 to practice medicine and surgery in the State of Iowa, on September 3, 1976, as evidenced in Book 4, Page 939, of the permanent records in the Office of the Iowa State Board of Medical Examiners.
2. A Complaint and Statement of Charges was filed against the Respondent, Virginia A. Calderon, M. D., on the 29th day of May, 1986, and a hearing on the said Complaint and Statement of Charges was held before a three member panel of the Iowa State Board of Medical Examiners on August 27, 1986. A Proposed Decision of the Panel was presented to, and accepted by, the Iowa State Board of Medical Examiners on November 20, 1986.
3. Pursuant to Rule 470-135.301 (28), of the Iowa Administrative Code, a copy of the Proposed Decision of the Panel was furnished to the Respondent, and her counsel of record, via U. S. First Class Mail, on November 25, 1986.
4. Pursuant to Rule 470-135.301 (29), of the Iowa Administrative Code, the Proposed Decision of the Panel became a final decision on December 25, 1986.
5. The Iowa State Board of Medical Examiners has jurisdiction of the parties and subject matter herein.
6. Pursuant to Sections 148.6 (1) and 148.7 (7)(c) of the Code of Iowa, and Rule 470-135.301(31), of the Iowa Administrative Code, the Director of Public Health is authorized to enter an Order herein.

7. THEREFORE IT IS HEREBY ORDERED:

1. That license number 20373 issued to the Respondent, Virginia A. Calderon, M. D., on September 3, 1976, to practice medicine and surgery in the State of Iowa, is hereby revoked.



Mary L. Ellis, Director
Iowa Department of Health
Lucas State Office Building
Des Moines, Iowa 50319

IOWA BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF COMPLAINT
AND STATEMENT OF CHARGES

AGAINST

VIRGINIA A. CALDERON, M.D.,
RESPONDENT.

PROPOSED DECISION OF THE PANEL
NO. 02-85-435

On May 29, 1986, Ronald V. Saf, Executive Director of the Iowa State Board of Medical Examiners (hereinafter referred to as the "Board"), issued a Complaint and Statement of Charges against Virginia Calderon, M.D. (hereinafter referred to as "Respondent"). The Complaint and State of Charges alleges the following that:

1. The Respondent is a resident of Nashville, Tennessee, and was issued license number 20373 to practice medicine and surgery in the State of Iowa on September 3, 1976, as recorded in Book 4, Page 939 of the permanent records in the office of the Iowa Board of Medical Examiners.
2. The Respondent's license to practice medicine and surgery in the State of Iowa expired on June 30, 1978.
3. On April 2, 1985, the Tennessee Board of Medical Examiners filed a Notice of Charges against the Respondent. The Notice of Charges contained, in part, the following allegations:

- a. Respondent, Virginia Calderon, M.D., violated the provisions of T.C.A. 63-6-101 et seq., including, but not limited to, the following provisions:
- (1) Unprofessional, dishonorable, or unethical conduct. T.C.A. 214(a)(1);
 - (2) Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of T.C.A. 63-6-101 et seq., or any lawful order of the board issued pursuant thereto, or any criminal statute of the State of Tennessee. T.C.A. 63-6-214(a)(2);
 - (3) Gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice. T.C.A. 63-6-214(a)(4);
 - (4) Dispensing, prescribing, or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease. T.C.A. 63-6-214(a)(12).
 - (5) Dispensing, prescribing or otherwise distributing to any person a controlled substance or other drug if such person is addicted to the habit of using said controlled substances without making a bona

fide effort to cure the habit of the patient.
T.C.A. 63-6-214(a)(13); and

(6) Dispensing, prescribing, or otherwise distributing any controlled substance or any other drug to any person in violation of any law, of the State or of the United States of America. T.C.A. 63-6-214(a)(13).

b. The Respondent has violated the provisions of the law set out in the preceding paragraphs [a.(1) through(6)] of this Notice on a series of occasions. These violations include, but are not limited to:

(1) Prescribing, dispensing or otherwise distributing controlled substances to various persons addicted to the habit of using said controlled substances in violation of state and federal law;

(2) Prescribing, dispensing or otherwise distributing controlled substances to various persons in such a manner as to create or maintain addiction to the habit of using said drugs; and

(3) Treating patient ailments and prescribing, dispensing or otherwise distributing controlled substances in such a manner as to constitute gross negligence, continuing negligence, ignorance or incompetence.

c. The violations alleged in this Notice of Charges

constitute grounds for the disciplining of Respondent pursuant to the authority of T.C.A. 63-6-101 et seq.

As a result of the aforementioned allegations issued by the Tennessee authority and the Notice for Hearing, advising the Respondent of her rights and obligations, an Order was issued on July 23, 1985 from the State of Tennessee, Department of Health and Environment (Before the Board of Medical Examiners Docket No. 17.18-D-85-0536-A). The Conclusions of Law found the Respondent in violation of the laws of the Tennessee Code Annotated and the United States of America, specifically, Tennessee Code Annotated Section 63-6-214(a)(14) and Tennessee Code Annotated Section 63-6-214(a)(4).

It was thereby Ordered that:

- a. Respondent surrender her Drug Enforcement Administration prescribing privileges for schedules 2, 2N, and 3.
- b. Respondent shall not engage in the practice of detoxifying drug abusing patients on an out-patient basis.
- c. Respondent shall keep a ledger book, for a period of five (5) years, showing the names, dates, strengths and quantities of all controlled substances that she may prescribe or dispense for her private practice out-patients. Said ledger book shall be made available,

upon request, to agents of the Board of Medical Examiners.

d. The Respondent's license to practice medicine be thereby placed on a probationary status for a period of five (5) years, at the end of which time, the probation shall be lifted automatically unless there has been some new violation of the Medical Practice Act.

e. Respondent was required to purchase a copy of "AMA Drug Evaluation", published by the American Medical Association for her use in her practice of medicine and show proof of such service within one hundred eighty (180) days of the entry of this order.

f. Respondent shall attend the annual seminar on treatment and evaluation of mental and chemical disease and disorders sponsored by the Tennessee Department of Mental Health at its next offering and show proof of same.

4. That the Respondent did not report the aforementioned and cited Tennessee disciplinary action to the Iowa State Board of Medical Examiners.

5. That Respondent is guilty of a violation of section 148.6 of the Code Of Iowa which states, in part:

1...[T]he medical examiners after due notice and hearing may direct the commissioner of health to issue an order to revoke or suspend a license to practice medicine and surgery...or to discipline a person licensed to practice medicine and surgery...for any of

the grounds set forth in section 147.55 or if, after a hearing, the medical examiners determine that a physician licensed to practice medicine and surgery...is guilty of any of the following acts or offenses: [d.] Having the license to practice medicine and surgery...revoked, suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

6. That the Respondent is guilty of a violation of rule 470-135.204(10) of the Iowa Administrative Code which states:

Iowa Administrative Code 470-135.204(258A) Grounds for discipline. The board may impose any of the disciplinary sanctions set forth in rule 135.202(258A), including civil penalties in an amount not to exceed \$1,000, when the Board determines that the licensee is guilty of any of the following acts or offenses:
(10) Failure to report a license revocation, suspension or other disciplinary action taken by a licensing authority of another state, territory or country.

The Complaint and Statement of Charges asserted that Respondent's violation of the statutes and regulations as set forth in Paragraphs five (5) and six (c) of this document constitute grounds for revocation of the Respondent's license to practice medicine and surgery issued to her on September 3, 1970. The Board, in its Complaint and Statement of Charges asked that a time be fixed for hearing and further prayed that upon final hearing, the Board would enter its findings of fact and decision to suspend or revoke the Respondent's license to practice medicine and surgery in the State of Iowa, as well as such other relief as may be deemed just in the premises.

On June 24, 1986, an Order for Hearing on this matter under consideration, was issued by James H. Bruson, the Board's Acting Executive Director. The hearing was continued from 9:00 o'clock A.M. on July 23, 1986, to August 27, 1986 at 10:00 o'clock A.M., such hearing to be held in the conference room of the Board Offices, 1209 East Court, Des Moines. The Respondent was served with an Order for Hearing, setting forth the time, date and location of the Hearing.

A Hearing on the above-referenced Complaint and Statement of Charges was held on August 27, 1986, at approximately 11:30 o'clock A.M. The postponement of the commencement of the Hearing, as scheduled in the Order was not due to neglect on the part of the Respondent. In fact, the Board had previous Hearings scheduled and did not allow enough time to accommodate all parties involved. The Respondent appeared, on time, pursuant to the Order and cooperated with the Board in accepting the imposed delays.

Pursuant to Iowa Administrative Code 470-135.301(22), the following three-member Hearing Panel was appointed by the Board and present at the Hearing: Richard Carruthers, D.O., Dorothy Gildea, M.D. and Robert Sticler, M.D. Julie Pottorff, Assistant Attorney General, was present to represent the Board. The Respondent was present along with her legal counsel, Timothy

McCarthy II, Attorney at Law. William S. Vanderpool, the Board's Executive Director, the Respondent's husband, Victor Calderon, a certified court reporter and the undersigned Independent Administrative Hearing Officer were also present.

After hearing the testimony and examining the exhibits, the Board Panel conferenced in closed session. William Vanderpool was present during the deliberations but had no part in the Panel's ultimate decision. Upon completion of deliberation, the Administrative Hearing Officer was instructed to prepare the Findings of Fact, Conclusions of Law, Proposed Decision and Order.

EVIDENTIARY RECORD

The record includes a Complaint and Statement of Charges, the Order for Hearing, the recorded testimony of all witnesses, counsel, Panel members and the following exhibits:

STATE'S EXHIBITS:

1. A Certified copy of the Notice of Charges, dated April 2, 1985 and Order issued by the State of Tennessee Department of Health and Environment on July 23rd, 1985. Said order contains a Findings of Fact, Conclusions of Law, Reasons for the Decision and the ultimate Order.

RESPONDENT'S EXHIBITS:

- A. Letter dated July 23, 1986, from Edith Costanza, Training Coordinator for the Mid-Cumberland Council on Alcohol & Drugs, Inc.
- B. Receipt from Vanderbilt University Book Store, signed by Virginia Calderon for the purchase of "Medical Text--AMA Drug Evaluations" for \$63.00, on November 15, 1985.

FINDINGS OF FACT

The undersigned Administrative Hearing Officer, in preparing this document, has made a good faith effort to set forth the Findings of Fact in the most accurate manner. The Respondent's life, since her years in medical school have been active. She has made several geographical moves and ultimately took the examination entitling her to practice medicine and surgery in Iowa, a State in which she did not intend to practice medicine and surgery. In addition, she neither resided nor obtained her education in Iowa. According to the Respondent, her only motivation for becoming licensed in Iowa was strictly a matter of practicality. The undersigned Administrative Hearing Officer wishes to point out at this time, that neither the chronology of events nor the locations at which events occurred may be precisely as they occurred. However, the legal issues raised in the Complaint and Statement of Charges and the Conclusions of Law will not be affected, in any manner, by minor discrepancies regarding the citation of a date or reference to a particular State.

1. The Respondent is presently a resident of Nashville, Tennessee.
2. Respondent graduated from high school in 1953, in the Philippines.
3. Respondent came to the State of Iowa to apply for and take the FLEX examination, in September, 1970. Respondent was eligible to take the test in this State, because unlike Wisconsin, there is no requirement of proof of graduation from high school in order to take the Iowa examination. Respondent took the examination in Iowa and passed. The Respondent did not want to delay and wait to meet Wisconsin's requirement for taking the test, in light of the fact that she knew that the procedure necessary to obtain certified documentation from the Philippines would take an extremely long time. Simply, she did not want to wade through the bureaucratic procedure and wanted to begin her practice of medicine as soon as possible.
4. In 1975, the Respondent took the Florida Board Medical Examination.
5. During 1976 and 1977, Respondent resided in Wisconsin. Her practice was in a Federal Veteran's Administration Hospital. Respondent was licensed to practice medicine in the State of Florida in 1975. As the undersigned Hearing Officer understood the facts, the Florida license was accepted reciprocally in Wisconsin; thus allowing her to maintain her

- practice with the Veteran's Administration.
6. The Respondent does not practice medicine and/or surgery in the State of Iowa.
 7. The Respondent stated that she had no intent to practice medicine and/or surgery in the State of Iowa.
 8. The Respondent chose not to voluntarily surrender her license, although the Board offered that option.
 9. Respondent referred to Iowa as her "mother state" with regard to her medical practice, i.e., she originally passed her examination in this State and for purposes of reciprocal relationships with other states, she felt that it would be her desire and to her advantage to not relinquish her privilege to practice medicine and surgery in this State.
 10. Respondent indicated that she worked with approximately 20 to 25 patients, who were known addicts. She dealt with them by prescribing drugs with the intent of detoxifying the patients on an out-patient basis. Respondent was not in possession of the Federal Drug Administration permit required in order to deal with patients in the manner described in this paragraph. The sanctions ordered by the Tennessee authority were, in part, a five year probationary period and all other sanctions imposed by the Tennessee authorities. Respondent contends that she was not aware of the requirement to report the action taken. Respondent believes that she has complied with the terms of the probation, on all counts. She further indicated, as an

- aside, that she would be sure that the State of Florida is given Notice of the Disciplinary action taken by Tennessee.
11. There were no criminal allegations ever brought forward with regard to Respondent's conduct.
 12. Respondent explained, to the Panel, that there was an active program called "Operation White Coat" through which the appropriate authorities attempted to "crack down" on doctors who were not prescribing drugs pursuant to the law. Respondent indicated that "many doctors were reprimanded."
 13. Victor Calderon, Respondent's husband, was sworn in and testified that some doctors had had their licenses revoked and that the Respondent was "one of many caught up in the sweep."
 14. Respondent stated that she felt that the sanctions she received from the Tennessee authorities were "lenient."
 15. Respondent testified that she unintentionally violated the requirement to report Tennessee's disciplinary action to the Iowa authorities. She was not aware of the requirement.
 16. The panel specifically finds that the state of Tennessee did take disciplinary action on July 23, 1985 against the Tennessee license of the Respondent.
 17. The panel finds that Respondent failed to report the Tennessee disciplinary action to the Iowa Board of Medical Examiners as required.

CONCLUSIONS OF LAW

The Respondent was afforded an opportunity for hearing after receiving sufficient notice in writing regarding the time, date, place and nature of the proceedings.

The Order for the Hearing met all of the standards required by Chapter 17A, Iowa Code. The Iowa Code further requires that a copy of another state's disciplinary action be certified in order to be admitted and received as conclusive or prima facie evidence. State's Exhibit Number 1, fulfills that statutory requirement.

It is the conclusion of this Panel that the Respondent violated Iowa Code, section 148.6(1)(d), such statutory stating, in part, follows:

That Respondent is guilty of a violation of section 148.6 of the Code of Iowa which states, in part:

1...[T]he medical examiners after due notice and hearing may direct the commissioner of health to issue an order to revoke or suspend a license to practice medicine and surgery...or to discipline a person licensed to practice medicine and surgery...for any of the grounds set forth in section 147.55 or if, after a hearing, the medical examiners determine that a physician licensed to practice medicine and surgery...is guilty of any of the following acts or offenses: [d.] Having the license to practice medicine and surgery...revoked, suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

That the Respondent is guilty of a violation of Rule 470-135.204(10) of the Iowa Administrative Code which states:

Iowa Administrative Code 470-135.204(258A)
Grounds for discipline. The board may impose

any of the disciplinary sanctions set forth in Rule 135.202(258A), including civil penalties in an amount not to exceed \$1,000, when the Board determines that the licensee is guilty of any of the following acts or offenses:(10)

Failure to report a License revocation, suspension or other disciplinary action taken by a licensing authority of another state, territory or country.

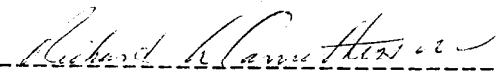
The Iowa Administrative Code, Rule 470-135.301(2b), empowers the three-member Panel and the Administrative Hearing Officer to issue a Proposed Decision subject to the review provisions of Iowa Administrative Code, Rule 470-135.301(28).

ORDER

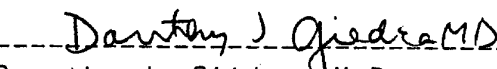
IT IS THEREFORE ORDERED that the Respondent be assessed no civil penalty.

IT IS FINALLY ORDERED that the Respondent's license to practice medicine and surgery in the State of Iowa be revoked, and that the procedure involving such revocation be completed within thirty days of the date of this Order.

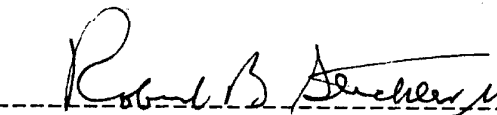
ORDERED on this 20th day of November, 1983.



Richard L. Carruthers, D.O.



Dorothy J. Gildea, M.D.



Robert B. Stickler, M.D.

IOWA BOARD OF MEDICAL EXAMINERS
OF THE STATE OF IOWA

IN THE MATTER OF THE COMPLAINT :
AND STATEMENT OF CHARGES AGAINST : COMPLAINT AND STATEMENT
VIRGINIA CALDERON, M.D. : OF CHARGES
RESPONDENT : File 02-85-435

COMES NOW Ronald V. Saf, Executive Director of the Iowa State Board of Medical Examiners on the 29th day of May, 1986, and files this Complaint and Statement of Charges against Virginia Calderon, M.D., a physician licensed pursuant to Chapter 147, Code of Iowa and alleges:

1. That Paul F. Carlson is the duly appointed, qualified and acting Commissioner of Public Health of the state of Iowa.

2. That Hormoz Rassekh, M.D., Chairman, Dorothy J. Gildea, M.D., Vice Chairman, Marian C. Bourek, Secretary, John R. Anderson, M.D., Richard L. Carruthers, D.O., Reid E. Motley, M.D., Ann O'Neill, Norman Rose, D.O., and Robert B. Stickler, M.D., are the duly appointed qualified and acting officers and members of the Iowa State Board of Medical Examiners.

3. That the Respondent is a resident of Nashville, Tennessee, and was issued license number 20373 to practice medicine and surgery in the state of Iowa on September 3, 1976, as recorded in Book 4 Page 939 of the permanent records in the office of the Iowa Board of Medical Examiners.

4. That the Respondent's license expired on June 30, 1978.

5. That on the 2nd day of April, 1985, the Tennessee Board of Medical Examiners filed a Notice of Charges against the Respondent. The Notice of Charges is attached and by this reference made a part hereof.

6. That on the 23rd day of July, 1985, the Tennessee Board of Medical Examiners issued an Order placing the Respondent's Tennessee medical license on five years probation with certain terms and conditions. A copy of the Order is attached and by this reference made a part hereof.

7. That the Respondent has not reported the Tennessee disciplinary action to the Iowa Board of Medical Examiners.

8. That the Respondent is guilty of a violation of section 148.6(d) of the Code of Iowa which states:

148.6(d) Having his license to practice medicine and surgery, osteopathic medicine and surgery or osteopathy revoked or suspended, or having other disciplinary action taken by a licensing authority of another state, territory, or country. A certified copy of the record or order of suspension, revocation, or disciplinary action is conclusive or prima facie evidence.

9. That the Respondent is guilty of a violation of Rule 470-135.204(10) of the Administrative Code which states:

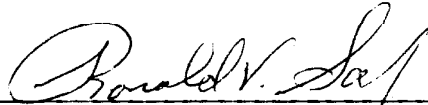
470-135.204(10) Failure to report a license revocation, suspension or other disciplinary action taken by a licensing authority of another state, territory or country.

10. That paragraphs 8 and 9 constitute grounds for revocation of the license to practice issued to the Respondent on September 3, 1976.

WHEREFORE the undersigned charges that Virginia Calderon, M.D., has violated Section 148.6(d) of the Code of Iowa and Rule 470-135.204(10) of the Iowa Administrative Code and the

undersigned prays that the Board enter an order fixing a time and place of hearing for the Complaint and Statement of Charges. The undersigned further prays that upon final hearing, the Board enter its findings of fact and decision to suspend or revoke the license to practice medicine and surgery issued to Virginia Calderon, M.D., on September 3, 1976, and for such other relief as the Board deems just in the premises.

IOWA BOARD OF MEDICAL EXAMINERS



Ronald V. Saf, Executive Director
State Capitol Complex
Executive Hills West
Des Moines, Iowa 50319
Telephone: (515) 281-6493

MID-CUMBERLAND
COUNCIL ON
ALCOHOL & DRUGS, INC.
230 VENTURE CIRCLE • NASHVILLE, TENNESSEE 37228 • (615) 254-6547

Res. of #A

July 23, 1986

To Whom it May Concern:

May this letter serve to verify Regina Calderon's participation in the regional training event called "Foundations of Chemical Dependency." The workshop was held on July 23rd and 24th from 9:00 am - 3:30 pm for a total of 13 hours of training. The workshop trainers were Lenita Adams, Edith Costanza and Claudyne Jefferson of Mid-Cumberland Council on Alcohol and Drugs

Thank you for your participation in the training system.

Sincerely,

Edith Costanza

Edith Costanza
Training Coordinator

STATE OF TENNESSEE
DEPARTMENT OF HEALTH AND ENVIRONMENT

IN THE MATTER OF:

VIRGINIA CALDERON, M.D.
RESPONDENT

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BEFORE THE BOARD OF
MEDICAL EXAMINERS

DOCKET NO. _____

NOTICE OF CHARGES

The Division of Health Related Boards, Department of Health and Environment, would show:

1. The Tennessee Board of Medical Examiners (hereinafter referred to as the "Board") is responsible for the regulation and supervision of the practice of medicine in the State of Tennessee. T.C.A., Section 63-6-101 et seq.
2. The Respondent, Virginia Calderon, M.D., has been issued a license to practice the profession of medicine in the State of Tennessee.
3. Tennessee Code Annotated, Section 63-6-214 grants the Board the power and duty to suspend or revoke or otherwise discipline a licensee who has violated the provisions of Title 63, Chapter 6 of the Tennessee Code Annotated.
4. A Respondent in a disciplinary action is entitled to be represented by legal counsel, to personally appear before the Board, to present witnesses, have subpoenas issued and receive thirty (30) days notice of the charges before being required to appear for a hearing. T.C.A. 63-6-216.
5. Proceedings for disciplinary action against a license holder are conducted in accordance with its Tennessee Uniform Administrative Procedures Act, Title 4, Chapter 5, of the Tennessee Code Annotated. T.C.A. 63-6-216.

Respectfully submitted this the 2nd day of April, 1985.

Patricia L. Newton
Assistant General Counsel
Office of General Counsel
Tennessee Department of Health & Environment
354 Cordell Hull Building
Nashville, Tennessee 37219-5402
(615) 741-1611

DD5

6. The Respondent, Virginia Calderon, M.D., has violated the provisions of T.C.A. 63-6-101 et seq., including, but not limited to, the following provisions:

- a. Unprofessional, dishonorable, or unethical conduct. T.C.A. 63-6-214(a)(1);
- b. Violation or attempted violation, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of T.C.A. 63-6-101 et seq., or any lawful order of the board issued pursuant thereto, or any criminal statute of the State of Tennessee. T.C.A. 63-6-214(a)(2);
- c. Gross malpractice, or a pattern of continued or repeated malpractice, ignorance, negligence or incompetence in the course of medical practice. T.C.A. 63-6-214(a)(4);
- d. Dispensing, prescribing, or otherwise distributing any controlled substance or any other drug not in the course of professional practice, or not in good faith to relieve pain and suffering, or not to cure an ailment, physical infirmity or disease. T.C.A. 63-6-214(a)(12);
- e. Dispensing, prescribing or otherwise distributing to any person a controlled substance or other drug if such person is addicted to the habit of using said controlled substances without making a bona fide effort to cure the habit of such patient. T.C.A. 63-6-214(a)(13); and
- f. Dispensing, prescribing, or otherwise distributing any controlled substance or any other drug to any person in violation of any law, of the State or of the United States of America. T.C.A. 63-6-214(a)(14).

7. The Respondent has violated the provisions of the law set out in numbered paragraph six (6) of this Notice on a series of occasions. These violations include, but are not limited to, the following:

Respectfully submitted this 11th day of April, 1985.

- a. Prescribing, dispensing or otherwise distributing controlled substances to various persons addicted to the habit of using said controlled substances in violation of state and federal law;
 - b. Prescribing, dispensing or otherwise distributing controlled substances to various persons in such a manner as to create or maintain addiction to the habit of using said drugs; and
 - c. Treating patient ailments and prescribing, dispensing or otherwise distributing controlled substances in such a manner as to constitute gross negligence, continuing negligence, ignorance or incompetence.
8. The violations alleged in this Notice of Charges constitute grounds for the disciplining of Respondent pursuant to the authority of T.C.A. 63-6-101 et seq.

Wherefore, premises considered, the Division hereby:

1. Issues to the Respondent, Virginia Calderon, M.D., a copy of this Notice of Charges.
2. Gives notice to the Respondent that if she does not enter an appearance and defend, a default judgment may be entered against her.
3. Gives notice that this matter will be presented to the Board on May 21 or 22, 1985 in Nashville, Tennessee.
4. Gives notice that at the hearing of this cause, the Board will determine whether the Respondent is guilty of violating the provisions for T.C.A. 63-6-101 et seq; and, the Board will further determine if Respondent is found guilty, whether Respondent's license should be suspended or revoked or whether other discipline should be imposed.

STATE OF TENNESSEE
DEPARTMENT OF HEALTH AND ENVIRONMENT

IN THE MATTER OF:

VIRGINIA CALDERON, M.D.

RESPONDENT

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)
) BEFORE THE BOARD OF
) MEDICAL EXAMINERS
) DOCKET NO. 17.18-D-85-
) 0536-A
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ORDER

This cause came on to be heard before the Board of Medical Examiners on the 23rd day of July, 1985, upon the Notice of Charges previously filed and the agreement of the parties, from all of which the Board found as follows:

Findings Of Fact

1. The Respondent, Virginia Calderon, M.D., negligently prescribed controlled substances to various patients addicted to the habit of using controlled substances and did so without obtaining the necessary federal and state authorizations.

Conclusions Of Law

1. The Respondent prescribed controlled substances in violation of laws of the State of Tennessee and of the United States of America in violation of Tennessee Code Annotated Section 63-6-214(a)(14).
2. The Respondent prescribed controlled substances to various patients in a negligent manner in violation of Tennessee Code Annotated Section 63-6-214(a)(4).

Reasons For The Decision

1. It is the duty and responsibility of the Board of Medical Examiners to enforce Medical Practice Act in such a manner as to promote and protect the public health, safety and welfare.

It is therefore Ordered as follows:

1. The Respondent, Virginia Calderon, M.D. is ordered to surrender her Drug Enforcement Administration prescribing privileges for schedules 2, 2N, and 3.
2. The Respondent shall not engage in the practice of detoxifying drug abusing patients on an out-patient basis.
3. The Respondent shall keep a ledger book, for a period of five (5) years, showing the names, dates, strengths and quantities of all controlled substances that she may prescribe or dispense for her private practice out-patients. Said ledger book shall be made available, upon request, to agents of the Board of Medical Examiners.
4. The license to practice medicine previously issued to Virginia Calderon, M.D., is hereby placed on probationary status for a period of five (5) years, at the end of which time, the probation shall be lifted automatically unless there has been some new violation of the Medical Practice Act.
5. The Respondent, Virginia Calderon, M.D., shall purchase a copy of "AMA Drug Evaluations", published by the American Medical Association for her use in her practice of medicine and show proof of purchase of same within one hundred eighty (180) days of the entry of this order.
6. The Respondent shall attend the annual seminar on treatment and evaluation of mental and chemical disease and disorders sponsored by the Tennessee Department of Mental Health at its next offering and show proof of same.

Enter this the 23 day of July, 1985.

Howard R. Foreman, M.D.
Howard R. Foreman, M.D.
Secretary

Approved and Agreed to this the 23rd day of July, 1985.

Virginia A. Calderon, M.D.
Virginia Calderon, M.D.

This order was received for filing on the 20th day of September, 1985.

William N. Bates
William N. Bates, Director
Administrative Procedures Division

RECEIVED
1985 SEP 20 2:26
SECRET

State of Tennessee
County of Davidson

I, Louise B. Blair, after being duly sworn make oath as follows: That I am the Regulatory Boards Administrator of the Tennessee Board of Medical Examiners and, as such, I am the custodian of the official records of that Board.

I have attached hereto a copy of the Notice of Charges and Final Order in the Virginia Calderon, MD case.

I hereby certify that these are true and exact copies of the originals in that cause.

Louise B. Blair

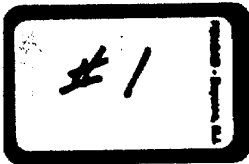
Louise B. Blair
Regulatory Boards Administrator
Tennessee Board of Medical Examiners

Sworn to and subscribed before me this 12th day of December, 1982.

Edward James Hannick
Notary Public

My commission expires the 19th day of April, 1987.

LB/cw BDS R&R 6



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