

APPROVED
VIRGINIA BOARD OF MEDICINE
SPECIAL CONFERENCE COMMITTEE MINUTES SEPTEMBER 22, 2021

*Department of Health Professions
Perimeter Center
9960 Mayland Drive, Suite 201
Henrico, VA*

CALL TO ORDER: A Special Conference Committee of the Board was called to order at 2:37 p.m.

MEMBERS PRESENT: Manjit Dhillon, M.D., Chair
Khalique Zahir, M.D.
Jane Hickey, Esquire

STAFF PRESENT: Jennifer L. Deschenes, Deputy Executive Director, Discipline
Jennie F. Wood, Case Manager, Discipline
Melanie Pagano, Adjudication Specialist

MATTER: **Ira Clifford Newman, M.D.** **License No.: 0101-057155**
Case No.: 202316

DISCUSSION: Dr. Newman appeared before the Committee in person in accordance with a Notice of the Board dated May 27, 2021. Dr. Newman was represented by Nicholas Balland, Esquire and Jeffrey Jankovich, Esquire.

The Committee fully discussed the allegations in the Notice with Dr. Newman.

CLOSED SESSION: Upon a motion by Ms. Hickey, and duly seconded by Dr. Zahir, the Committee voted to convene a closed meeting pursuant to §2.2-3711.A (27) of the Code of Virginia, for the purpose of deliberation to reach a decision in the matter of Dr. Newman. Additionally, she moved that Ms. Deschenes and Ms. Wood attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Committee in its deliberations.

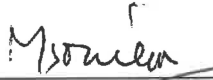
RECONVENE: Having certified that the matters discussed in the preceding closed session met the requirements of §2.2-3712 of the Code, the Committee re-convened in open session and announced its decision.

DECISION: Upon a motion by Ms. Hickey, and duly seconded by Dr. Zahir, the Committee made certain findings of fact and conclusions of law and voted to issue Dr. Newman a reprimand and place his license on terms and conditions.

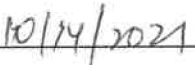
VOTE: The vote was unanimous.

ADJOURNMENT: The Committee adjourned at 4:06 p.m.

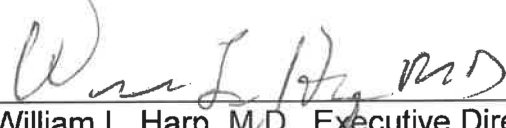
As provided by law this decision shall become a Final Order thirty (30) days after service of such Order on Dr. Newman, unless a written request to the Board for a formal hearing on the allegations made against him is received from Dr. Newman, within such time. If service of the Order is made by mail three (3) additional days shall be added to that period. Upon such timely request for a formal hearing, the decision of the Special Conference Committee shall be vacated.



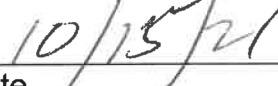
Manjit Dhillon, M.D., Chair



Date



William L. Harp, M.D., Executive Director



Date

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: IRA CLIFFORD NEWMAN, M.D.
License Number: 0101-057155
Case Number: 202316

ORDER

JURISDICTION AND PROCEDURAL HISTORY

Pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10), a Special Conference Committee of the Virginia Board of Medicine (“Board”) held an informal conference on September 22, 2021, in Henrico County, Virginia, to inquire into evidence that Ira Clifford Newman, M.D., may have violated certain laws and regulations governing the practice of medicine in the Commonwealth of Virginia.

Ira Clifford Newman, M.D., appeared at this proceeding and was represented by Nicholas A. Balland, Esquire.

Upon consideration of the evidence, the Committee adopts the following Findings of Fact and Conclusions of Law and issues the Order contained herein.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Ira Clifford Newman, M.D., was issued License Number 0101-057155 to practice medicine on January 28, 1998, which is scheduled to expire on March 31, 2022. At all times relevant to the findings contained herein, said license was current and active.

2. Dr. Newman violated Virginia Code § 54.1-2915(A)(12) and (18) and 18 VAC 85-20-29(A)(2) of the Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic in that, between approximately November 2019 and January 2020, he engaged in an egregious pattern of disruptive behavior and/or interaction of a lewd and offensive nature in a healthcare setting that interfered with or could reasonably be expected to adversely impact the quality of care rendered to patients. Specifically:

a. During this period, Individual A's employer, an independent, psychiatric nurse practitioner, rented office space in a building owned by Dr. Newman, in which Dr. Newman practiced psychiatry. While in the office with Individual A:

i. Dr. Newman informed Individual A that he had herpes, and made inappropriate, sexually explicit comments to Individual A. Individual A stated that, for example, Dr. Newman would enter the office(s) and tell Individual A that she was pretty, had a nice ass, and looked like she would be good in bed.

ii. Individual A stated that she admonished that this was inappropriate work/office conduct and that she was married.

b. Between December 2019 and January 2020, Dr. Newman's conduct escalated into unwanted physical, sexual contact with Individual A, as detailed below:

i. In or about December 2019, Dr. Newman came up from behind Individual A, who was on the phone speaking to a patient, put his hand down her blouse, and grabbed Individual A's left breast. Individual A stated that she instructed Dr. Newman to stop. Individual A reported that Dr. Newman stated she should just take care of the phone call. Individual A stated that she had to pull Dr. Newman's hand out from her blouse. Individual A stated that after the incident, she left work for the day because she was upset.

ii. On or about January 15, 2020, Individual A was in the staff break room when Dr. Newman entered the room, turned Individual A around, held her hands to the left side of her body, and "dry humped" her from behind, during which time Individual A reported that she requested, at least four times, that Dr. Newman stop. Eventually, after approximately several minutes, Dr. Newman stopped when he heard a nearby office door open. Individual A reported that when Dr. Newman let her go, she ran to collect her belongings and left the building.

c. Subsequently, Individual A's employer stated that Dr. Newman apologized "profusely" to him for touching Individual A, stated he would also apologize to Individual A, and promised this employer that he would not engage in such conduct again. Thereafter, to avoid further contact with Dr. Newman, Individual A performed her work duties from home to the extent possible, until her employer moved his practice to another office location/physical address.

3. Dr. Newman admitted to the Committee that he put his hand down Individual A's blouse and grabbed her left breast while the individual was in the office reception area, stating that it was "brief."

4. When questioned by the Committee about the event detailed above in Paragraph 2(b)(ii), Dr. Newman denied that he held Individual A's hands to the side of her body, or that he forced himself on her. Dr. Newman further stated that Individual A and he had playfully engaged in other acts of consensual, mutual sexual touching for a period of time while in the office.

5. Dr. Newman stated that he was being "polite" when he offered to apologize/apologized to Individual A as described in Paragraph 2(c) above.

6. Dr. Newman admitted to the Committee that he made sexual comments to Individual A in the office, but stated that the comments were in the context of consensual banter between the two. Dr. Newman admitted that it was unprofessional to engage in consensual flirting at the office. He further stated to the Committee that the sexual interactions and touching incidents that Individual A and he engaged in were brief, consensual, and discrete, as no patients were present in the office when these interactions occurred.

7. Dr. Newman stated to the Committee that on one occasion, Individual A mistakenly sent her husband a flirtatious, sexual text message intended for Dr. Newman, which upset her. Dr. Newman stated that after this incident, Individual A's attitude toward him changed and she reported the conduct to her employer.

8. In January 2020, Individual A reported the conduct referenced herein to the Fairfax County Police Department. The Committee noted factual discrepancies between Dr. Newman's statements as documented in the responding officer's police report, statements made by Dr. Newman in his April 23, 2020 written statement to the Department of Health Professions' ("DHP") investigator, and what Dr. Newman reported while meeting with the Committee. The Committee noted additional factual discrepancies between Dr. Newman's statements and statements documented by the DHP investigator during her April 2020 interviews of Individual A and her employer.

9. The Committee noted that by Order entered September 20, 2021, the Circuit Court of Fairfax County, Criminal Division, dismissed two misdemeanor charges of sexual battery (Virginia Code § 18.2-67.4) brought against Dr. Newman, relative to Individual A's allegations of unwanted physical, sexual touching, as detailed above in Paragraph 2.

10. Dr. Newman stated to the Committee that as it is most important to him to practice in a safe manner and to help his patients, he is engaging in counseling to ensure that this conduct does not happen again.

ORDER

Based on the foregoing Findings of Fact and Conclusions of Law, the Virginia Board of Medicine hereby ORDERS as follows:

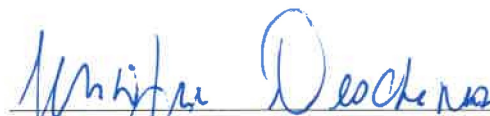
1. Ira Clifford Newman, M.D., is REPRIMANDED.
2. Dr. Newman's license is subject to the following TERMS AND CONDITIONS:
 - a. Within 60 days from the entry of this Order, Dr. Newman shall ensure that his current therapist submits a report to the Board detailing his treatment dates, diagnosis(es), progress in therapy, and recommendations for ongoing treatment (including the recommended frequency of therapy visits).

b. Within six (6) months from the date of entry of this Order, Dr. Newman shall provide written proof satisfactory to the Board of successful completion of a 15-hour Board-approved Continuing Medical Education (“CME”) course in the subject of professional ethics and boundaries. The course shall be approved in advance of registration by the Executive Director of the Board. Requests for approval must be received at least 15 business days prior to the course date. All continuing education hours/courses shall be completed through face-to-face, interactive sessions (i.e., no home study, journal, or Internet courses). Continuing education obtained through compliance with this term shall not be used toward licensure renewal.

3. Any violation of the foregoing terms and conditions of this Order or any statute or regulation governing the practice of medicine shall constitute grounds for further disciplinary action.

Pursuant to Virginia Code §§ 2.2-4023 and 54.1-2400.2, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon request.

FOR THE BOARD



Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

ENTERED: _____

10/7/21

NOTICE OF RIGHT TO APPEAL

Pursuant to Virginia Code § 54.1-2400(10), Dr. Newman may, not later than 5:00 p.m., on November 9, 2021, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that he desires a formal administrative hearing before the Board. Upon the filing with the Executive Director of a request for the hearing, this Order shall be vacated. This Order shall become final on November 9, 2021, unless a request for a formal administrative hearing is received as described above.



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

September 1, 2021

Nicholas A. Balland, Esquire
Courthouse Plaza II
2300 Clarendon Blvd., Ste. 607
Arlington, VA 22201

Via Email & First Class Mail
nbllandlaw@gmail.com

RE: Ira C. Newman, M.D. / License No.: 0101-057155; Case No. 202316
Time Change for Informal Conference

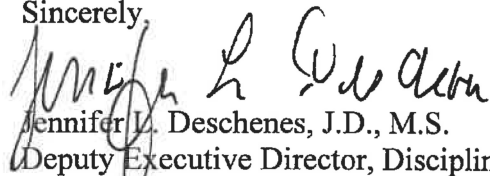
Dear Mr. Balland:

By letter dated June 8, 2021, you and Dr. Newman were notified he had been scheduled to appear before a Special Conference Committee of the Board on September 22, 2021, at 9:00 a.m.

This letter is official notification that there has been a change in the time of the informal conference. He has now been scheduled to appear before the Special Conference Committee of the Board on September 22, 2021, **at 1:00 p.m.**, at the offices of the Department of Health Professions, 9960 Mayland Drive, 2nd Floor, Henrico, Virginia. Please make a note of this time change for the informal conference. Dr. Newman's and your presence is required fifteen (15) minutes in advance of the appointed time.

Should you have any questions regarding this change, please contact Jennie F. Wood, Discipline Case Manager, at (804) 367-4571, or by email at jennie.wood@dhp.virginia.gov.

Sincerely,


Jennifer L. Deschenes, J.D., M.S.
Deputy Executive Director, Discipline
Virginia Board of Medicine

cc: Ira C. Newman, M.D.
Melanie Pagano, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Tamika Hines, Case Manager – FOIA
Cheryl Strait, Sr. Investigator, Enf.



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

June 8, 2021

Nicholas A. Balland, Esquire
Courthouse Plaza II
2300 Clarendon Blvd., Ste. 607
Arlington, VA 22201

Via Email & First Class Mail
nballandlaw@gmail.com

RE: Ira C. Newman, M.D. / License No.: 0101-057155; Case No. 202316
Rescheduling of Informal Conference

Dear Mr. Balland:

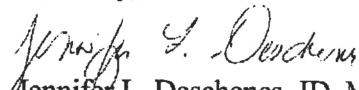
The Virginia Board of Medicine ("Board") is in receipt of your correspondence dated June 2, 2021, requesting a continuance of the informal conference currently scheduled to convene on July 14, 2021.

After careful consideration, it has been determined that your request should be granted. Dr. Newman's informal conference is rescheduled for **Wednesday, September 22, 2021, at 9:00 a.m.**

Should Dr. Newman wish to submit additional information for consideration by the Committee, you must submit eight (8) copies to the attention of Jennie F. Wood, Discipline Case Manager, Virginia Board of Medicine, Perimeter Center, 9960 Mayland Drive, 3rd Floor, Henrico, Virginia 23233, by **September 3, 2021**. Your documents may not be submitted by facsimile or e-mail.

If you have any further questions regarding this matter, please contact Jennie F. Wood, Discipline Case Manager, at (804) 367-4571; or email at jennie.wood@dhp.virginia.gov.

Sincerely,


Jennifer L. Deschenes, JD, MS
Deputy Executive Director, Discipline
Virginia Board of Medicine

cc: Ira C. Newman, M.D.
Melanie Pagano, Adjudication Specialist, APD
Lorraine McGehee, Deputy Director, APD
Cheryl M. Hodgson, Sr. Invest., Enforcement
Tamika Hines, Case Manager - FOIA



COMMONWEALTH of VIRGINIA

David E. Brown, D.C.
Director

Department of Health Professions

Perimeter Center
9960 Mayland Drive, Suite 300
Henrico, Virginia 23233-1463

www.dhp.virginia.gov
TEL (804) 367- 4400
FAX (804) 527- 4475

May 27, 2021

Ira Clifford Newman, M.D.
14631 Lee Highway
Suite #207
Centreville, VA 20121

UPS OVERNIGHT MAIL

RE: Case Number 202316

Dear Ira Clifford Newman:

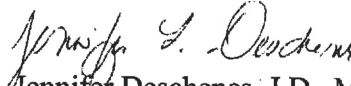
Attached is a Notice of Informal Conference and Statement of Allegations.

Information regarding the following may be found at
www.dhp.virginia.gov/medicine/medicine_Hearings.htm:

- Frequently Asked Questions about Disciplinary Proceedings;
- Directions to the Department of Health Professions Conference Center;
- Instructions for Requesting Subpoenas;
- The Board's Sanctioning Reference Points;
- The text of the Administrative Process Act;
- The text of all statutes and regulations cited herein.

If you have any questions, you may contact Jennie F. Wood, Discipline Case Manager, at (804) 367-4571 or jennie.wood@dhp.virginia.gov. Please notify the Board office of your intent to attend this proceeding.

Sincerely,


Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

cc: Melanie Pagano, Adjudication Specialist, Administrative Proceedings Division
Lorraine McGehee, Deputy Director, Administrative Proceedings Division
Cheryl M. Hodgson, Senior Investigator, Division of Enforcement
Nicholas A. Balland, Esq., Counsel for Respondent

BEFORE THE VIRGINIA BOARD OF MEDICINE

IN RE: **IRA CLIFFORD NEWMAN, M.D.**
License Number: **0101-057155**
Issue Date: **January 28, 1998**
Expiration Date: **March 31, 2022**
Case Number: **202316**

**NOTICE OF INFORMAL CONFERENCE
AND STATEMENT OF ALLEGATIONS**

You are hereby notified that an Informal Conference has been scheduled before the Board of Medicine ("Board") regarding your license to practice medicine and surgery in the Commonwealth of Virginia.

TYPE OF PROCEEDING:	This is an informal conference before a Special Conference Committee ("Committee") of the Board.
DATE AND TIME:	July 14, 2021 9:00 am
PLACE:	Virginia Department of Health Professions Perimeter Center - 9960 Mayland Drive 2nd Floor – Virginia Conference Center Henrico, Virginia 23233

LEGAL AUTHORITY AND JURISDICTION:

1. This informal conference is being held pursuant to Virginia Code §§ 2.2-4019 and 54.1-2400(10). This proceeding will be convened as a public meeting pursuant to Virginia Code § 2.2-3700.
2. At the conclusion of the proceeding, the Committee is authorized to take any of the following actions:
 - Dismiss the case and exonerate you;
 - Reprimand you;
 - Require you to pay a monetary penalty;
 - Place you on probation and/or under terms and conditions;
 - Refer the matter to the Board of Medicine for a formal administrative hearing.

ABSENCE OF RESPONDENT AND RESPONDENT'S COUNSEL:

If you and/or your legal counsel do not appear at the informal conference, the Committee may proceed to hear this matter in your absence and may take any of the actions outlined above.

IRA CLIFFORD NEWMAN, M.D. – NOTICE OF INFORMAL CONFERENCE

Case Number 202316

May 27, 2021

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RESPONDENT'S LEGAL RIGHTS:

You have the following rights:

- The right to the information on which the Committee will rely in making its decision;
- The right to be represented by counsel at this proceeding;
- The right to subpoena witnesses and/or documents;
- The right to present relevant evidence on your behalf.

INFORMAL CONFERENCE MATERIALS:

- The informal conference materials (documents) serve as the basis for the allegations against you. The Committee will consider these materials at the informal conference.
- **These materials have been sent to you via UPS Overnight Mail.**
- **Have this Notice and the documents with you during the informal conference.**

FILING DEADLINES:

- The deadline for filing any materials you wish to have considered at the informal conference is **June 21, 2021.**
- Submit all correspondence to **Jennie F. Wood, Discipline Case Manager, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233.**
- Include the case number in all correspondence.

REQUEST FOR A CONTINUANCE

- Deadline for requesting a continuance: **June 14, 2021.**
- Must be made in writing to **Jennifer L. Deschenes, Deputy Executive Director, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233.**
- Will be granted only for good cause shown

STATEMENT OF ALLEGATIONS

The Board alleges that:

1. At all times relevant hereto, Ira Clifford Newman, M.D. (“Respondent”), was licensed to practice medicine and surgery in the Commonwealth of Virginia.

2. Respondent violated Virginia Code § 54.1-2915(A)(12), (13), (16) and (18) and 18 VAC 85-20-29(A)(2) of the Regulations Governing the Practice of Medicine, Osteopathy, Podiatry and Chiropractic in that, from approximately November 2019 through January 2020, he engaged in an egregious pattern of disruptive behavior and/or interaction of a lewd and offensive nature in a healthcare setting that interfered with or could reasonably be expected to adversely impact the quality of care rendered to patients. Specifically, during this period, Respondent, who owns and practices medicine (psychiatry) in the building from whom Individual A’s employer (a psychiatric nurse practitioner) rented office space (for his independent practice), made inappropriate, sexually explicit comments to Individual A while in the office(s). For example, Individual A stated that Respondent would enter the office(s) and tell Individual A that she was pretty, had a nice ass, and looked like she would be good in bed. Individual A also stated that despite admonishing Respondent that this was inappropriate work/office conduct and that she was married, Respondent stated that he masturbated twice per day and had Herpes. Further, between December 2019 and January 2020, Respondent’s conduct escalated into unwanted physical, sexual contact with Individual A, as detailed below:

a. In or about December 2019, Respondent came up from behind Individual A, who was on the phone speaking to a patient, put his hand down her blouse, and grabbed Individual A’s left breast. Individual A stated that she instructed Respondent to stop. Individual A reported that Respondent stated she should just take care of the phone call. Individual A stated that she had to pull Respondent’s hand out

from her blouse. Individual A stated that after the incident, she left work for the day because she was upset.

b. On or about January 15, 2020, Individual A was in the staff break room when Respondent entered the room, turned Individual A around, held her hands to the left side of her body, and “dry humped” her from behind, during which time Individual A reported that she requested, at least four times, that Respondent stop. Eventually, after approximately several minutes, Respondent stopped when he heard a nearby office door open. Individual A reported that when Respondent let her go, she ran to collect her belongings and left the building.

c. Subsequently, Individual A’s employer stated that Respondent apologized “profusely” to him for touching Individual A, stated he would also apologize to Individual A, and promised this employer that he would not engage in such conduct again. Thereafter, to avoid further contact with Respondent, Individual A performed her work duties from home to the extent possible, until her employer moved his practice to another office location/physical address.

d. On January 11, 2021, in the Fairfax County General District Court, Respondent was found guilty of two misdemeanor counts of sexual battery, referenced below, and sentenced to twelve (12) months confinement, with eleven (11) months suspended. Respondent is currently appealing this decision in Fairfax Circuit Court.

3. Respondent violated Virginia Code § 54.1-2915(A)(16) in that he performed acts likely to harm the public. Specifically, in or about December 2019 and on or about January 15, 2020, Respondent engaged in nonconsensual sexual contact with Individual A, which resulted in his arrest and conviction on two misdemeanor counts of Sexual battery (Virginia Code § 18.2-67.4). These charges were based upon the unwanted physical, sexual touching of Individual A by Respondent in or about December 2019 and January 2020, as detailed above in Paragraph 2(a) and (b).

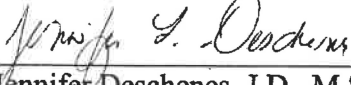
IRA CLIFFORD NEWMAN, M.D. – NOTICE OF INFORMAL CONFERENCE

Case Number 202316

May 27, 2021

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See Confidential Attachment for the name of the individual referenced above.



Jennifer Deschenes, J.D., M.S.
Deputy Executive Director
Virginia Board of Medicine

5/27/2021

Date