



# COMMONWEALTH of VIRGINIA

Dianne L. Reynolds-Cane, M.D.  
Director

*Department of Health Professions*  
Perimeter Center  
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Henrico, Virginia 23233-1463

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TEL (804) 367-4400  
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July 8, 2011

Eboni N. Smith, MD

Washington, DC

Re: Application for a License to Practice Medicine in Virginia 0101-250084

Dr. Smith:

This letter is to officially inform you of the results of the Credentials Committee informal hearing held on June 22, 2011. The Committee recommended the issuance of a full and unrestricted license. License number 0101250088 was issued June 23, 2011.

Sincerely,

Ola Powers, Deputy Executive Director  
Virginia Board of Medicine

CC: Colanthia Morton, Operations Manager  
Renee Dixson, Discipline Case Manager



UPS Tracking Number

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SENDERS RECORD

# COMMONWEALTH of VIRGINIA

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May 23, 2011

Eboni Nicole Smith, M.D.

Washington, D.C.

Re: Application for Licensure

0101-250 088

Dear Dr. Smith:

This letter is official notification that an informal conference of the Virginia Board of Medicine will be held on June 22, 2011, at 1:30 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Suite 201, Henrico, Virginia 23233. In accordance with §§ 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), this informal conference will be held before the Credentials Committee of the Virginia Board of Medicine. This informal conference will be convened as a public meeting pursuant to § 2.2-3700 *et seq.* of the Code. You have agreed to waive your right to receive thirty (30) days notice prior to the convening of this informal conference.

The burden rests upon you, as the applicant, to demonstrate through documentary evidence, statements or other proof, that you are safe and competent to practice as a physician in Virginia. In considering your Application for a License to Practice Medicine and Surgery ("Application"), the Committee will act upon evidence that grounds exist to refuse to issue you a license. Specifically:

1. You may be in violation of Sections 54.1-2915.A(1) and (18) and 54.1-111.A(6) of the Code, in that you made false statements or representations in obtaining admission to the practice and/or deceit in the practice of medicine and materially misrepresented facts in an application for licensure. Specifically:

a. During your family medicine residency program at Georgetown University/Providence Hospital, you made false statements or misrepresentations of what happened in your clinical settings with regard to the care given your patients, false statements or misrepresentations about your competency, and false statements or misrepresentations about the reasons for work absences. As a result, you were not

recommended for the certifying examination administered by the American Board of Family Medicine.

b. You failed to disclose certain information on your Application. Specifically:

i. Question No. 9 of the Application asks, "Have you ever been denied privileges or voluntarily surrendered your clinical privileges while under investigation, been censured or warned, or requested to withdraw from the staff of any medical school, residency or fellowship training, hospital, nursing home or other health care facility, or health care provider?", to which you answered, "No", despite the fact that you were placed on probation from July 2009 to October 2009 for being dishonest about the care given to your patients and providing false statements or misrepresentations about your competency and reasons why you were absent from work.

ii. Question No. 15 of the Application asks, "Do you have a physical disease, mental disorder, or any condition, which could affect your performance of professional duties? If so, provide a letter from your treating professional to include diagnosis, treatment, prognosis and fitness to practice.", to which you answered, "No", despite that fact that you suffer from mental and physical illnesses, and a visual-spatial learning disability which prohibits you from performing most procedures.

2. You may be in violation of Sections 54.1-2915.A(4) and (14) of the Code, in that you are unable to practice medicine and surgery with reasonable skill and safety. Specifically, you suffer from mental and physical illnesses that require ongoing treatment with medications and affect your ability to perform most procedures.

3. You may be in violation of Section 54.1-2915.A(4) of the Code in that you are incompetent to practice medicine, as evidenced by several evaluations submitted with your application stating that your fund of knowledge, physical/mental examination skills, and clinical judgment was not at a third-year resident level; concerns about your poor ethical and professional conduct because you were dishonest about the care given to your patients; and your misrepresentations about your competency and reasons why you were absent from work. Further, you failed to successfully complete the residency program at Georgetown University/Providence Hospital due to the concerns noted above.

After consideration of all information, the Committee may:

1. Recommend findings of fact and conclusions of law that your application be denied.

2. Recommend to the Board that you be licensed and that you be issued a reprimand, placed on probation or otherwise be subject to terms and conditions and/or assessed a monetary penalty.
3. Refer the matter to a formal administrative hearing before the Board.
4. Approve your Application for Medicine and Surgery.

**Board's Review of the Credentials Committee's Recommended Decision**

If you appear in person or by counsel at the informal conference, the recommendation of the Credentials Committee will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation and move the case to formal hearing. If you do not agree with the decision of the Board, you have the right to a formal administrative hearing before the Board.

If you fail to appear in person or by counsel at the informal conference, the recommendation of the Credentials Committee will be presented to a quorum of the Board. The Board may accept or modify the recommendation, or reject the recommendation. The Board's decision regarding the Credentials Committee's recommendation is a final order that can only be appealed to circuit court as provided by Rule 2A:2 of the Supreme Court of Virginia.

You have the right to information that will be relied upon by the Credentials Committee in making a decision. Therefore, I enclose a copy of the documents that will be distributed to the Committee, and will be considered when discussing your application 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. Further, if you retain counsel, it is your responsibility to provide the enclosed materials to your attorney.

To facilitate this proceeding, you should submit six (6) copies of any documents in support of your Application for Licensure you wish for the Committee to consider to Colanithia Morton Opher, Operations Manager, Virginia Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, Virginia 23233, by June 15, 2011. Your documents may not be submitted by facsimile or e-mail.

You may be represented by an attorney at the informal conference. If you obtain counsel, you should do so as soon as possible, because absent good cause to support a request for a continuance, the informal conference will be held on June 22, 2011. 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 12 noon on June 21, 2011. Only one such motion will be considered. Absent

Notice of Informal Conference - Eboni Nicole Smith, M.D.  
May 23, 2011  
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critical circumstances, such as personal or family illness, a request for a continuance after June 21, 2011 will not be considered.

Should you decide to withdraw your application, you may do so at any time prior to the credentials committee reaching its recommended decision.

If the Board denies your application for licensure, the Department of Health Professions may be required to report that denial to the National Practitioner Data Bank, the Healthcare Integrity and Protection Data Bank, the Federation of State Medical Boards, and other applicable reporting entities.

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.

Please advise the Board, in writing, of your intention to be present. If you have any questions regarding this notice, please contact Ola Powers, Deputy Director, Licensure, at (804) 367- 4472.

Sincerely,



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

Enclosures:

Informal Conference Package (114 pages)  
Map

cc: M. Ola Powers, Deputy Director for Licensure, Board of Medicine  
Colanthia O. Morton, Operations Manager, Board of Medicine  
Lorraine McGehee, Deputy Director, Administrative Proceedings Division  
Kelley M. Wynne, Adjudication Specialist, APD  
Renee Dixon, Discipline Case Manager, Board of Medicine  
Jennie Wood, Case Manager, Discipline, Board of Medicine  
Vicki Gwaltney Garrison, Pharmacist, Pharmacy Inspector [#138018]