

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE:       PATRICIA PETITT, D.O.  
              License No.: 0102-201722

ORDER

In accordance with Sections 54.1-2400(10), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with Patricia Petitt, D.O., in Henrico, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were Valerie Hoffman, D.C., Chair, and Deeni Bassam, M.D. Dr. Petitt appeared personally and was represented by John Long, III, Esquire. Julia K. Bennett, Adjudication Specialist, was present as a representative for the Administrative Proceedings Division of the Department of Health Professions.

The purpose of the informal conference was to receive and act upon evidence that Dr. Petitt may have violated certain laws governing the practice of osteopathic medicine and surgery in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated June 3, 2011.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Now, having properly considered the evidence and statements presented, the Committee makes the following Findings of Fact and Conclusions of Law in this matter:

1. Patricia Petitt, D.O., was issued license number 0102-201722 by the Board to practice osteopathic medicine and surgery in the Commonwealth of Virginia on March 29, 2005. Said license is currently active and will expire on July 31, 2012, unless renewed or restricted.

2. While serving as medical director of “Lite Touch Medical Spa” during 2009, Dr. Pettitt violated Sections 54.1-2915.A(11), (16), and (18) of the Code, and 18 VAC 85-20-29.A(1) of the Board of Medicine General Regulations, in that she aided and abetted, had a professional connection with, and/or lent her name to an individual (Individual Z) engaged in the unlicensed practice of medicine, by virtue of allowing said individual to perform discretionary duties requiring the exercise of professional judgment. Specifically, Dr. Pettitt authorized and allowed Individual Z, who is unlicensed by the Virginia Board of Medicine or any other healthcare board, to perform ablative skin laser treatments on patients, including the performance on or about September 9, 2009, of laser treatment on Patient A’s facial/neck pigmented lesions and age spots.

3. Dr. Pettitt violated Section 54.1-2915.A(18) of the Code, and 18 VAC 85-20-26(C) of the Board of Medicine General Regulations, in that she failed to manage and maintain accurate and complete records for Patient A. Specifically, although Dr. Pettitt asserted that she evaluated Patient A on September 9, 2009, prior to Individual Z’s providing skin laser treatment to the patient, she did not document that evaluation, any findings resulting therefrom, patient symptoms or complaints, or a treatment plan in Patient A’s record.

4. Dr. Pettitt explained to the Committee that she conducted an evaluation, which is represented by her notation of “360 Accent” on the Patient Intake Form and the photographs taken of Patient A. Dr. Pettitt asserted that this is a normal type of assessment for people seeking cosmetic procedures.

5. Dr. Petitt asserted that Individual Z, as a licensed master esthetician, is trained and authorized to perform skin laser treatments on patients. However, the Committee notes that the definition of "master esthetician" provided in Section 54.1-700 of the Code (the operative section regarding esthetician licensure) specifically excludes the use of laser technology from acts that a master esthetician may perform. Further, Dr. Petitt's position is contrary to the Board's Guidance Document 85-7, which treats the use of intense pulsed light devices that involve revision, destruction, incision or other structural alteration of human tissue as constituting "laser surgery" within the meaning of Section 54.1-2400.01 of the Code and hence the practice of medicine.

6. Prior to the incidents described above, Dr. Petitt was sent an advisory letter from the Board dated November 5, 2008, in which it expressed concerns relating to the use of lasers in her practice and advised Dr. Petitt to review the Board's Guidance Document (85-7) on this subject, Section 54.1-2400.01 of the Code defining "laser surgery", and the Board's statutes and regulations concerning delegation of authority to use lasers to unlicensed personnel. Notwithstanding this advice, Dr. Petitt continued to allow an unlicensed individual to perform laser skin treatments at Lite Touch Medical Spa until September 2009.

7. Dr. Petitt informed the Committee that she was not aware she was doing anything wrong, and explained she saw Patient A before and after her procedure. She stated she is a conscientious practitioner who strives to provide the highest quality of care to her patients.

8. Dr. Petit stated she has not worked in a medical spa since 2009 and is currently a consultant for a preventive medicine/wellness company.

ORDER

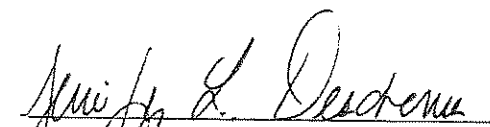
WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Patricia Petitt, D.O., be, and hereby is, issued a REPRIMAND.

Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, 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.

Pursuant to Sections 54.1-2400(10) of the Code, Dr. Petitt may, not later than 5:00 p.m., on September 4, 2011, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Henrico, Virginia 23233, in writing that she 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.

Therefore, this Order shall become final on September 4, 2011; unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

*FOR*   
\_\_\_\_\_  
William L. Harp, M.D.  
Executive Director  
Virginia Board of Medicine

ENTERED: 8/1/2011



# COMMONWEALTH of VIRGINIA

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

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June 3, 2011

Patricia Petitt, D.O.  
4619 Walney Road  
Chantilly, Virginia 20151

**UPS OVERNIGHT**

RE: License No.: 0102-201722

Dear Dr. Petitt:

This letter is official notification that an informal conference of the Virginia Board of Medicine ("Board") will be held on **Thursday, July 7, 2011, at 2:00 p.m., at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia, Virginia.** 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 osteopathic medicine in Virginia while serving as medical director of "Lite Touch Medical Spa" during 2009, as set forth below:

1. You may have violated Sections 54.1-2915.A(3), (11), (12), (13), (16), and (18) of the Code, and 18 VAC 85-20-29.A(1) of the Board of Medicine General Regulations, in that you aided and abetted, had a professional connection with, and/or lent your name to an individual (Individual Z) engaged in the unlicensed practice of medicine, by virtue of allowing said individual to perform discretionary duties requiring the exercise of professional judgment. Specifically:

a. You authorized and allowed your office manager, Individual Z, who is unlicensed by the Virginia Board of Medicine or any other healthcare board, to perform skin laser treatments on patients, including the performance on or about September 9, 2009, of laser treatment on Patient A's facial/neck pigmented lesions and age spots. By your own admission, Individual Z determined the laser machine settings to be used on patients' skin (including Patient A) and sometimes performed these skin laser treatments when you were not physically present in the office.

b. After closing your practice on or about September 30, 2009, you failed to provide for or arrange appropriate continued care and treatment for your patients, including completion of Patient A's skin laser treatments, in that you referred them to and offered them continued treatment by Individual Z, an individual unlicensed by any healthcare board to provide medical care and treatment (to include skin laser treatments).

2. You may have violated Sections 54.1-2915.A(3), (12), (13), (16), and (18) of the Code, and 18 VAC 85-20-26(C) of the Board of Medicine General Regulations, in that you failed to manage and maintain accurate and complete records for Patient A. Specifically, although you assert that you evaluated Patient A on September 9, 2009, prior to Individual Z's providing skin laser treatment to the patient, you did not document that evaluation, any findings resulting therefrom, patient symptoms or complaints, or a treatment plan in Patient A's record.

Please see Attachment I for the names of the patient/individual referenced above.

After consideration of all information, the Committee may:

1. Exonerate you;
2. Continue/Place you on probation with such terms it deems appropriate;
3. Reprimand you; and
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 UPS overnight mail. These materials have been provided this date to your counsel, John Long, III, 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, 9960 Mayland Drive, Suite 300, Richmond, Virginia, 23233, by **June 15, 2011**. Your documents may not be submitted by facsimile or e-mail. Should you or Adjudication Specialist Julia K. Bennett wish to submit any documents for the Committee's consideration after **June 15, 2011**, 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 **June 10, 2011**. Only one such motion will be considered. Absent exigent circumstances, such as personal or family illness, a request for a continuance after **June 10, 2011**, will not be considered.

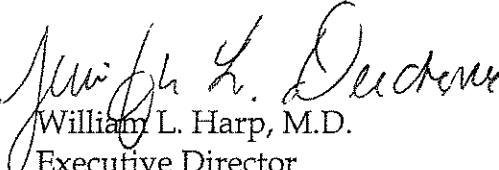
Relevant sections of the Administrative Process Act, which govern proceedings of this nature, as well as laws relating to the practice of medicine and other healing arts in Virginia cited in this notice can be found on the Internet at <http://leg1.state.va.us>. To access this information, please click 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 Julia K. Bennett, Adjudication Specialist, at (804) 367-4427.

Sincerely,

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

Enclosures:

Attachment I  
Informal Conference Package  
Map

cc: Karen A. Ransone, M.D., President, Virginia Board of Medicine  
Julia K. Bennett, Adjudication Specialist, APD  
Lorraine McGehee, Deputy Director, APD  
John Long, III, Esquire (*w/enclosures by UPS*)  
Cheryl Hodgson, R.N., Senior Investigator [128622]

ATTACHMENT I

Patient A..... Mae Shipe

Individual Z .....Mabir Riveros