VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: DAVID B. HOLT, M.D.
License No.: 0101-034316

ORDER

In accordance with Sections 54.1-2400(30), 2.2-4019 and 2.2-4021 of the Code of Virginia (1950), as amended ("Code"), an informal conference was held with David B. Holt, M.D., on March 19, 2015, in Henrico, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Frazier Frantz, M.D., Chair; Lori Conklin, M.D.; and Kenneth Walker, M.D. Dr. Holt appeared personally and was represented by Michael Goodman, Esquire, and Eileen Talamante, Esquire. Julia 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 is to consider Dr. Holt’s petition for modification of a Consent Order of the Board entered December 2, 2011 ("Consent Order"), as well as to inquire into allegations that Dr. Holt may have violated certain laws governing the practice of medicine and terms of the Consent Order, as set forth in a Notice of Informal Conference dated February 9, 2015.

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:

1. David B. Holt, M.D., was issued license number 0101-034316 by the Board to practice medicine and surgery in the Commonwealth of Virginia on June 3, 1982. Said license is currently active and will expire on April 30, 2016, unless renewed or restricted.
2. Dr. Holt violated the Consent Order when, on or about February 21, 2012, he wrote or authorized a prescription for Midrin, a Schedule IV controlled substance, in violation of the Consent Order’s prohibition on Dr. Holt prescribing Schedule II-V controlled substances.

3. Dr. Holt acknowledged writing this script, but stated at the time he wrote it, he was not aware that Midrin was a Schedule IV drug.

4. Dr. Holt has a long disciplinary history with the Board wherein he has been sanctioned multiple times due to his excessive, inappropriate, dangerous, and unwarranted prescribing of narcotics and other controlled substances, to include the following:

   • An Order of the Board entered June 25, 1990, which reprimanded Dr. Holt for his fraudulent prescription and purchase of Schedule II controlled substances (i.e., Tylox, Percocet, and Demerol) for his own personal and unauthorized use;

   • An Order of the Board entered September 23, 1996, which placed terms and conditions on Dr. Holt’s license, including 40 hours of continuing medical education ("CME") in the subject of prescribing controlled substances, 40 hours in pain and pain management, 20 hours in documentation and medical recordkeeping, and 20 hours in the evaluation and treatment of fibromyalgia, as well as a prohibition on Dr. Holt’s prescribing Schedule II controlled substances and anorectic drugs for a period of at least one year and until said CME was completed;

   • An Order of the Board entered December 4, 1997, which found that Dr. Holt had failed to obtain all of the CME required in the preceding 1996 Order and required him to complete said CME within six months and to have his records subject to an unannounced inspection within that time period; and
• An Order of the Board entered on December 2, 2011, which restricted Dr. Holt’s ability to prescribe, administer, or dispense Schedule II-V controlled substances for a minimum of two years based on findings that he had inappropriately and irresponsibly prescribed narcotics and other controlled substances to 15 patients.

5. Dr. Holt explained that his current practice has fundamentally changed, and geriatric patients constitute 90% of his current practice. Dr. Holt stated he does not plan to accept chronic pain patients, and expects to refer any patients requiring pain management to hospice or pain management specialists. Dr. Holt also acknowledged that prescribing benzodiazepines to geriatric patients is generally not indicated.

6. Dr. Holt stated he does not plan to prescribe benzodiazepines or Schedule II or Schedule III medications in the future. Additionally, he reported he would not permit any nurse practitioner, physician assistant, or associate physician he hires in his practice to prescribe benzodiazepines or Schedule II or Schedule III medications.

ORDER

WHEREFORE, based on the above Findings of Fact and Conclusions of Law, it is hereby ORDERED that the restriction imposed by the Consent Order on Dr. Holt’s prescribing, administering, or dispensing Schedule II-V controlled substance, be TERMINATED.

It is further ORDERED that Dr. Holt’s license shall be subject to the following TERMS and CONDITIONS:

1. For six months from entry of this Order, Dr. Holt shall maintain a log of all patients seen and treated by him, which shall include the patient’s name, the date of the patient’s visit, the patient’s chief complaint, any medications prescribed, the patient’s diagnosis, and the patient’s
discharge disposition (e.g., transferred/referred to another practitioner or other follow-up treatment plan). Dr. Holt shall submit said log to the Board for its review on June 15, 2015 and September 15, 2015.

2. During this six-month period, the Board may randomly review Dr. Holt's prescription of controlled substances by accessing his prescriber profile on the Virginia Prescription Monitoring Program.

Upon receipt of evidence that Dr. Holt has complied with the terms of this Order, the Committee authorizes the Executive Director to close this matter, or refer it to a special conference committee for review.

Dr. Holt shall maintain a course of conduct in his practice of medicine commensurate with the requirements of Title 54.1, Chapter 29 of the Code and all laws of the Commonwealth.

Violation of this Order may constitute grounds for suspension or revocation of Dr. Holt's license. In the event that Dr. Holt violates this Order, an administrative proceeding may be convened to determine whether such action is warranted.

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 Section 54.1-2400(10) of the Code, Dr. Holt may, not later than 5:00 p.m., on April 27, 2015, 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.
Therefore, this Order shall become final on April 27, 2015, unless a request for a formal administrative hearing is received as described above.

FOR THE BOARD

[Signature]

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

Entered: 3/20/2015