

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

IN RE: ALAN JOSHUA, M.D.
License No.: 0101-021563

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 Alan Joshua, M.D., on September 24, 2009, in Richmond, Virginia. Members of the Virginia Board of Medicine ("Board") serving on the Special Conference Committee ("Committee") were: Gopinath Jadhav, M.D., Chairman; William H. Epstein, M.D.; and Stuart F. Mackler, M.D. Dr. Joshua appeared personally and was represented by legal counsel, Charles Y. Sipe, Esquire. Leigh Compton Kiczales, 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 inquire into allegations that Dr. Joshua may have violated certain laws governing the practice of medicine in the Commonwealth of Virginia, as set forth in a Notice of Informal Conference dated July 28, 2009.

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. Alan Joshua, M.D., was issued license number 0101-021563 by the Board to practice medicine and surgery in the Commonwealth of Virginia on December 6, 1971. Said license is currently active and will expire on May 31, 2010, unless renewed or otherwise restricted.

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2. Dr. Joshua violated Sections 54.1-2915.A(3)¹ and (16) of the Code, in that, during his treatment of Patient A, from on or about February 14, 2001, to on or about October 23, 2003, he failed to diagnose Patient A's rectal adenocarcinoma.

3. During his care of Patient A, Dr. Joshua ordered hemoccults and performed digital rectal exams, anoscopy and flexible sigmoidoscopy to evaluate Patient A's intermittent complaints of rectal bleeding.

4. In October 2003, Patient A presented complaining of having difficulty with his bowel movements. Dr. Joshua did not perform a rectal examination, nor did he refer Patient A for further workup of the previously positive hemoccult and his complaint of difficulty with bowel movements.

5. On February 4, 2004, a rectal examination performed by a subsequent physician revealed an exophytic mass along the left aspect of the rectal wall. Patient A's condition eventually necessitated surgery on May 3, 2004.

6. Dr. Joshua stated to the Committee that he no longer performs anoscopy or flexible sigmoidoscopy. Dr. Joshua indicated that he has reviewed literature regarding rectal cancer and that he readily refers patients with similar complaints for subspecialty evaluation.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, it is hereby ORDERED that Alan Joshua, M.D., be and hereby is, issued a REPRIMAND.

¹ Prior to July 1, 2003, Section 54.1-2915.A(3) was codified as Section 54.1-2915.A(4) as written to include gross ignorance or carelessness in the practice, or gross malpractice. After July 1, 2003, it was rewritten to include intentional negligent conduct in the practice that causes or is likely to cause injury to the patients.

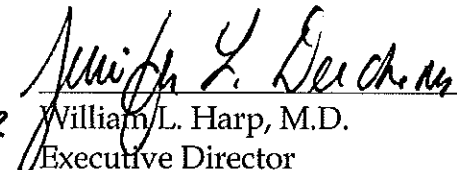
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Pursuant to Sections 2.2-4023 and 54.1-2400.2 of the Code, the signed original of this Order shall remain in the custody of the Department of Health Professions as a public record, and shall be made available for public inspection and copying upon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

Pursuant to Section 54.1-2400(10) of the Code, Dr. Joshua may, not later than 5:00 p.m., on November 11, 2009, notify William L. Harp, M.D., Executive Director, Board of Medicine, 9960 Mayland Drive, Suite 300, Richmond, 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 November 11, 2009, 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: 10/9/2009