

VIRGINIA:

BEFORE THE BOARD OF MEDICINE

**IN RE: THOMAS WILLIAM MONTAG, M.D.
License No.: 0101-059160**

CONSENT ORDER

The Virginia Board of Medicine and Thomas William Montag, M.D., as evidenced by their signatures affixed below, agree to enter into this Consent Order affecting the license of Dr. Montag to practice medicine and surgery in the Commonwealth of Virginia.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Board adopts the following findings and conclusions in this matter:

1. Thomas William Montag, M.D., was issued license number 0101-059160 by the Board to practice medicine and surgery in the Commonwealth of Virginia on February 16, 1999. Said license is currently active and will expire on June 30, 2008, unless renewed or otherwise restricted.
2. Dr. Montag violated Sections 54.1-2915.A(13), (16) and (17), and Section 54.1-3303.A of the Code, in that, between November 1, 2006 and December 20, 2006, he prescribed one (1) dosage unit of fluconazole (C-VI), twenty (20) dosage units of ciprofloxacin (C-VI), one-hundred (100) dosage units of propranolol (C-VI), sixty (60) dosage units of Cenestin (C-VI), and ninety (90) dosage units of baclofen (C-VI) to a friend outside of a bona-fide practitioner/patient relationship. Further, he failed to: (i) ensure that a medical or drug history was obtained; (ii) provide information to the patient about the benefits and risks of the drugs prescribed; (iii) perform an appropriate examination of

the patient himself prior to issuing the prescription; and (iv) initiate follow-up care, if necessary, especially if the prescribed drug may have serious side effects.

3. Dr. Montag violated Sections 54.1-2915.A(8) and (10), which includes the felony contained in Section 18.2-250 of the Code, Sections 54.1-3303.A and 54.1-3408 of the Code, in that, on December 5, 2006, he wrote a prescription for forty (40) dosage units of propranolol (C-VI) in the name of a friend, which he then diverted for his personal and unauthorized use.

4. Dr. Montag violated Sections 54.1-2915.A(3), (11), (13), (16), (17) and (18), and 54.1-3408 of the Code, and 18 VAC 85-20-29.A(1) of the Board of Medicine General Regulations, in that, by his own admission, from on or about September 2006 to December 2006, Dr. Montag aided and abetted the unlicensed practice of medicine when he left patients in the care of Individual A, an unlicensed staff person working in his practice, while he was in the operating room at Chesapeake General Hospital, Chesapeake, Virginia. Further, he authorized and/or instructed Individual A to perform duties which require the exercise of professional judgment, as set forth in Section 54.1-2901.A(6) of the Code. Specifically, Individual A changed pre-labeled chemotherapy bags on patients, injected patients with Neulasta (C-VI) and Aranesp (C-VI), and removed needles from patients' arms.

5. Dr. Montag violated Sections 54.1-2915.A(3), (11), (13), (16), (17) and (18), and 54.1-3408 of the Code, and 18 VAC 85-20-29.A(1) of the Board of Medicine General Regulations, in that, by his own admission, from on or about September 2006 to December

2006, Dr. Montag aided and abetted the unlicensed practice of medicine when he left patients in the care of Individual B, an unlicensed staff person working in his practice, and authorized and/or instructed Individual B to perform duties which require the exercise of professional judgment, as set forth in Section 54.1-2901.A(6) of the Code. Specifically, Individual B changed pre-labeled chemotherapy bags on patients while he was out of the office and injected patients with Benadryl (C-VI) and dexasone (C-VI).

6. Dr. Montag violated Sections 54.1-2915.A(3), (11), (13), (16), (17) and (18) of the Code, and 18 VAC 85-20-29.A(1) of the Board of Medicine General Regulations, in that, from on or about January 22, 2007 until February 26, 2007, Dr. Montag aided and abetted the unlicensed practice of medicine when he left patients in the care of Individual C, an unlicensed staff person working in his practice, and authorized and/or instructed Individual C to perform duties which require the exercise of professional judgment, as set forth in Section 54.1-2901.A(6) of the Code. Specifically, Individual C changed pre-labeled chemotherapy bags on patients and removed needles from intravenous ports.

CONSENT

I, Thomas William Montag, M.D., by affixing my signature hereto, acknowledge that:

1. I have been advised specifically to seek the advice of counsel prior to signing this document and am represented by Michael L. Goodman, Esquire;

2. I am fully aware that without my consent, no legal action can be taken against me, except pursuant to the Virginia Administrative Process Act, § 2.2-4000.A et seq. of the Code of Virginia;

3. I have the following rights, among others:

- a. the right to an informal conference before the Board;
- b. the right to appear in person or by counsel, or other qualified representative before the agency; and

4. I waive all rights to an informal conference;

5. I neither admit nor deny the truth of the above Findings of Fact but agree not to contest them in any future administrative proceeding before the Board; and

6. I consent to the following Order affecting my license to practice medicine in the Commonwealth of Virginia.

ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of the licensee, it is hereby ORDERED Dr. Montag be, and hereby is, issued a REPRIMAND.

Further, it is ORDERED that Dr. Montag be imposed a MONETARY PENALTY in the amount of two thousand dollars (\$2,000.00). Said monetary penalty shall be paid to the Board within sixty (60) days of entry of this Consent Order.

It is further ORDERED that within thirty (30) days from entry of this Consent Order, Dr. Montag shall submit written certification that he has read and will comply with

(i) the laws governing the practice of medicine and surgery in Virginia (Title 54.1, Chapter 29 of the Code); (ii) the Regulations Governing the Practice of Medicine, Osteopathic Medicine, Podiatry, and Chiropractic (18 VAC 85-20-19 et. seq.); (iii) the Drug Control Act (Title 54.1, Chapter 34 of the Code); and (iv) Title 54.1, Chapter 33 of the Code.

Upon receipt of evidence that Dr. Montag has complied with the requirements of this Consent Order, the Committee authorizes the Executive Director of the Board to close this matter without further proceedings.

Dr. Montag 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 Consent Order may constitute grounds for the suspension or revocation of Dr. Montag's license. In the event Dr. Montag violates the terms of this Consent Order, an administrative proceeding will be convened to determine whether Dr. Montag's license should be suspended or revoked.

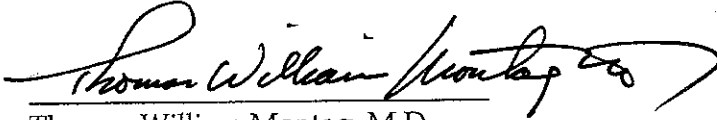
Pursuant to Section 54.1-2400.2 of the Code, the signed original of this Consent Order shall remain in the custody of the Department of Health Professions as a public record and shall be made available for public inspection and copying upon request.

FOR THE BOARD

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

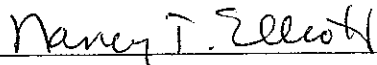
ENTERED: 6/3/2008

SEEN AND AGREED TO:


Thomas William Montag, M.D.

COMMONWEALTH OF VIRGINIA
COUNTY/CITY OF Chesapeake, TO WIT:

Subscribed and sworn to before me, the undersigned Notary Public, in and for the Commonwealth of Virginia, at large, this 2st day of May, 2008, by Thomas William Montag, M.D.


Notary Public

My commission expires: 11/30/08
Registration No.: 289508

Nancy T Elliott
Commonwealth Of Virginia
Notary Public #289508