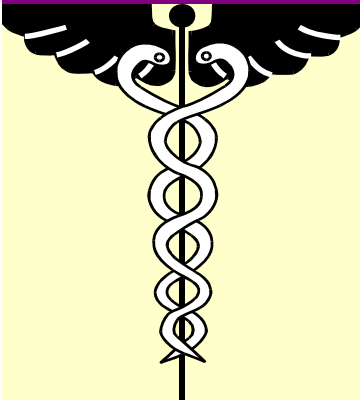


West Virginia Board of Medicine Quarterly Newsletter



2008 LEGISLATIVE UPDATE

Senate Bill 317 was enacted during the recent Legislative session and will take effect on June 4, 2008. It removes outmoded and expired language in the portion of the law pertaining to licensing requirements for physicians and podiatrists. It provides for a period of ten (10) years for applicants to pass all steps of the licensing examination, and requires an appearance before the Board for any applicant who has failed to pass any step of the licensing examination in three (3) attempts for a determination as to any further education, evaluation and training which may be required for further consideration of licensure. It permits a restricted license to be issued in certain specified instances in extraordinary circumstances, and requires the Board to propose a rule to establish and regulate the restricted license. S.B. 317 specifies that the Board may not issue a license to a person not previously licensed in West Virginia whose license has been revoked or suspended in another state until reinstatement of the license in the other state.

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Com. Sub. for S.B. 349 was enacted as well, and it authorizes three (3) Board of Medicine rules, all of which will be going into effect July 1, 2008. These rules relate to continuing education for physicians and podiatrists, collaborative pharmacy practice, and radiologist assistants. The rules are all on the Board website, www.wvdhhr.org/wvbom. Beginning July 1, 2008, at least thirty (30) of the fifty (50) hours of continuing education required every two (2) years must be related to each physician's or podiatrist's specialty area(s).

Com. Sub. for H.B. 4144 was also enacted during the recent Legislative session and will take effect on June 4, 2008. It is related to physician assistants, updates language to conform to national changes, and specifies that a supervising physician must be fully licensed without restriction or limitation. It allows for a temporary license to be granted between Board meetings for qualified applicants who have passed the National Commission on Certification of Physician Assistants (NCCPA) examination as well as for those who have not yet taken the examination. A \$50 temporary license fee is now required. Other fees have been raised and added (see listing on page 7 of this Newsletter). If a licensed physician assistant fails a recertification examination of the NCCPA and is no longer certified, the physician assistant is required to immediately notify the supervising physician(s) and the Board, shall immediately cease practicing, the license will automatically expire and terminate, and the P.A. is not eligible for reinstatement until a passing score on the examination is obtained.

Com. Sub. for H.B. 4129 was passed and is now in effect. This bill authorizes special volunteer licenses for several different health professionals free of charge. Physician assistants who are retiring or retired from practice may apply to the Board of Medicine for a special volunteer physician assistant license to donate their expertise for the medical care and treatment of indigent and needy patients in a clinic where health care services are delivered without charge. If the clinic maintains liability coverage of not less than one million dollars per year and has an agreement with the physician assistant to provide voluntary uncompensated medical services to patients of the clinic under the control of the clinic, the physician assistant may have immunity from liability except in instances of gross negligence or willful misconduct. Application forms are available at the Board of Medicine's office. Contact Charlotte Jewell at extension 210 or at charlottejewell@wvdhhr.org.

West Virginia Medical Professionals Health Program Up and Running

On January 14, 2008, at its regularly scheduled public Board meeting, the West Virginia Board of Medicine recognized Board members and staff of the newly formed West Virginia Medical Professionals Health Program, Inc. (WVMPHP). The meeting culminated in the signing of an Agreement by Board of Medicine President John Wade, M.D., and WVMPHP Board Chairman, Joseph Selby, M.D., whereby WVMPHP will provide monitoring services to licensees (M.D.'s, D.P.M.'s, and P.A-C.'s) with dependency, addiction, and mental health disorders while they pursue treatment and recovery for the same. This alliance was made possible by the passage and signing into law of Senate Bill 573 in 2007, which enabled the confidential participation in a physician health program in instances where the licensee voluntarily self reports and remains in compliance with the program's requirements. Formally established in October, 2007, WVMPHP is active in making medical professionals and the health service industry statewide aware of their services and providing education regarding the issues of substance abuse and dependency.

The West Virginia Medical Professionals Health Program offices are located on the second floor at 4307 MacCorkle Avenue, S.E., Charleston, West Virginia. You may reach them by mail at P.O. Box 40027, Charleston, West Virginia 25364 or by telephone at 304.414.0400. The program is headed by P. Bradley Hall, M.D., Medical Director, and assisted by Renee Green, RN, Case Manager, both of whom are well experienced in this service for health professionals.

Contributions for this new-established entity are necessary and welcome from any and all in order for WVMPHP to continue its important work in assisting those who come forward seeking its services.

??DID YOU KNOW??

§60A-4-410. Prohibited acts -- Withholding information from practitioner; additional controlled substances; penalties.

(a) It is unlawful for a patient, with the intent to deceive and obtain a prescription for a controlled substance, to withhold information from a practitioner that the patient has obtained a prescription for a controlled substance of a similar therapeutic use in a concurrent time period from another practitioner.

(b) Any person who violates this section is guilty of a misdemeanor and, upon conviction thereof, may be confined in the county or regional jail for not more than six months, or fined not more than one thousand dollars, or both fined and imprisoned.

(c) The offense established by this section is in addition to and a separate and distinct offense from any other offense set forth in this code.

**For a Notice of the law, which may be downloaded and placed
in a practitioner's office, go to the Board's homepage at
www.wvdhhr.org/wvbom.**

**BOARD MEMBER PROFILE
CARLOS C. JIMENEZ, M.D.**

Governor Joe Manchin III appointed Dr. Jimenez to the Board of Medicine in October, 2007. He serves on the Physician Assistant Committee.

Born in Manila, Dr. Jimenez graduated from the University of Santo Tomas, with post-graduate training at Veterans Memorial Hospital in Quezon City. In 1966, he came to the United States to St. Elizabeth Hospital in Youngstown, Ohio, where he completed three years of residency in internal medicine, followed by a year studying endocrinology at the University of Pittsburgh McGee Women's Hospital. Dr. Jimenez was a teaching and research Fellow in Endocrinology and Metabolism at the St. Louis University School of Medicine in 1970. He is licensed to practice medicine in Ohio and West Virginia and has been a Diplomat of the American Board of Quality Assurance and Utilization Review Physicians since 1983.

Dr. Jimenez has been an Instructor for the Department of Medicine at West Virginia University for more than twenty-five years and has been a member of the Academic Staff at Ohio Valley Medical Center for nearly twenty-five years. He has been the Director of Continuing Medical Education since 2002 and won the Best Teacher's Award in 1997. He is affiliated not only with Ohio Valley Medical Center, but also with Wheeling Hospital and Reynolds Memorial Hospital, where he has held many leadership positions.

He is a member of numerous county, state and national associations and societies, and is currently the Vice President of the West Virginia State Medical Association. He has spoken on a wide variety of medical topics locally, statewide, nationally, and most recently in Mexico City. Dr. Jimenez has had a private practice in Internal Medicine, Endocrinology and Metabolism in Glen Dale, West Virginia, for thirty-seven years, where he manages to find time to be active in civic and church organizations.

Dr. Jimenez and his lovely wife of forty-three years, Conchita de Castro Jimenez, are proud parents of two children, Christopher and Cynthia. They have three sweet granddaughters, Carissa, Camilla, and Claudia. They were graced with a new grandson, Milo Xavier, early this year.

2008 RENEWAL PROCESS

Medical Doctors (A—L)

Only those medical doctors whose last names begin with the letters A through L are required to renew for the year 2008—2010. For the biennial year 2008—2010, the Board of Medicine will not be mailing a paper renewal application to all the medical doctors who are renewing their licenses. Beginning May 15, 2008, licensees who meet the criteria for online renewal may go to the Board's website at www.wvdhhr.org/wvbom and follow the online renewal directions. The criteria are as follows:

1. currently hold an ACTIVE medical license;
2. have obtained the required continuing medical education;
3. answer "no" to all questions (see "Renewal FAQ's" currently on the Board's website); and
4. desire to pay via credit/debit card.

You may renew online only if you meet ALL of the above criteria.

You will need: your West Virginia medical license number; your social security number; and your credit/debit card. There is a small credit/debit card convenience fee for renewing online.

If a licensee is unable to use the online renewal service, he or she must request a paper renewal application to complete and return to the Board offices. Paper renewal applications need to be requested by May 9, 2008, and will all be mailed on May 15, 2008. A request form for a paper renewal application is available on our website under the "FORMS" section and is also available in this Newsletter on page 5.

The online application or paper application must be completed **BEFORE** June 30, 2008, at 5:00 p.m., to avoid the expiration of your West Virginia medical license.

CONTINUATION OF LICENSE - MILITARY DEPLOYMENT

§15-1F-1b. Tolling of the running of any licensure or registration requirement.

The running of any licensure or registration requirement, including, but not limited to, the payment of any license or registration fees of a licensing board or commission of the state shall be tolled during the period of absence for active duty for any member of the National Guard or other reserve component of the armed services of the United States until sixty days after the return of the member from active duty: *Provided*, That the service member shall be granted a period of time equal to the period of active duty to fulfill any continuing education requirements needed for licensure or registration.

If W. Va. Code § 15-1F-1b applies to you, the West Virginia Board of Medicine would appreciate you providing information to the Board to avoid expiration of your license. See the Board's website at www.wvdhhr.org/wvbom in the "Licensure" section to obtain a form to complete and return to the Board offices.

****REQUEST FOR PAPER RENEWAL APPLICATION****
2008 – 2010

I am requesting that a paper renewal application be mailed to the address printed below.

Please note that the paper renewal application will be mailed to you on May 15, 2008.

LICENSEE'S NAME _____

MAILING ADDRESS _____

City

State

Zip

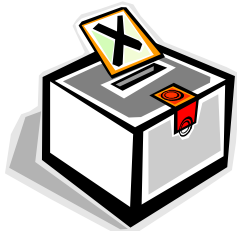
Licensee's Original Signature _____

Licensee's WV Medical License No _____

Today's Date _____

Complete the above information and mail or fax to:

West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311
Fax: 304.558.2084



ELECTION OF J. DAVID LYNCH, JR., M.D., AS BOARD VICE PRESIDENT

At the January 14, 2008, meeting of the Board, J. David Lynch, Jr., M.D., was elected as Vice President of the Board. Dr. Lynch has been a member of the West Virginia Board of Medicine since May, 2000. He was also appointed as Chair of the Board's Licensure Committee. As Board Vice President, Dr. Lynch also serves as a member of the Executive/Management Committee.

TAMPER-RESISTANT PRESCRIPTION PAD REMINDER

We recommend that you check the West Virginia Bureau for Medical Services' website at www.wvdhhr.org/bms for updated information regarding its policy for the tamper-resistant prescription pads/paper required as of April 1, 2008, and frequently asked questions, as well as changes to the West Virginia preferred drug list.

CONTACT THE BOARD OF MEDICINE WEBSITE

Need news between newsletters? Check the Board of Medicine website. While the newsletter reaches you on a quarterly basis, the website is continually updated to keep you informed of current information and Board activities. Our website is easy to navigate and is fast becoming the medium by which you may obtain timely and accurate information. In the last four months, our website has been accessed, on average, 276 times daily!

Join the crowd and visit www.wvdhhr.org/wvbom

West Virginia Board of Medicine Board Members

John A. Wade, Jr., M.D., President
Point Pleasant

J. David Lynch, Jr., M.D., Vice President
Morgantown

Catherine Slempp, M.D., M.P.H., Secretary
Charleston

R. Curtis Arnold, D.P.M.
South Charleston

Michael L. Ferrebee, M.D.
Morgantown

Angelo N. Georges, M.D.
Wheeling

Doris M. Griffin, M.B.A.
Martinsburg

M. Khalid Hasan, M.D.
Beckley

Beth Hays, M.A.
Bluefield

Carlos C. Jimenez, M.D.
Glen Dale

Vettivelu Maheswaran, M.D.
Charles Town

Bill May, D.P.M.
Huntington

Joe E. Miller, LtCol USMC (Ret), M.A.
Hurricane

Badshah J. Wazir, M.D.
South Charleston

Kenneth Dean Wright, P.A.-C.
Huntington

NEW PARALEGAL POSITION Lori Blaney

We are very pleased to introduce and welcome Ms. Blaney as the newest addition to the Board of Medicine office. Lori serves as paralegal to the Board counsel, as well as our disciplinary counsel. The position itself is a result of the restructuring and reclassification of two (2) previous positions in order to increase the expertise and efficiency of legal support to our legal counsel.

Lori comes to us with a number of years proven experience from the West Virginia Office of Attorney General where, as paralegal, she supervised up to six (6) staff in the Worker's Compensation Department. Ms. Blaney holds an Associate Degree in Business Law and a Bachelor of Science in Legal Studies and has shown herself to be a bright and capable young professional.

INCREASE IN PHYSICIAN ASSISTANT FEES EFFECTIVE JUNE 4, 2008

Application Fee	\$200	
Biennial Renewal Fee	\$100	
Change/Addition of Supervising Physician Fee	\$50	
Change/Addition of Job Location Fee	\$50	(applicable only when change/addition of job location occurs without change/addition of supervising physician)
Prescriptive Writing Privileges Fee	\$50	
Temporary License Fee	\$50	

Staff of the West Virginia Board of Medicine 304.558.2921

Ext #	Staff of the West Virginia Board of Medicine 304.558.2921	
227	Robert C. Knittle, M.S.	Executive Director
214	Deborah Lewis Rodecker, J.D.	Counsel
215	John K. McHugh, J.D.	Disciplinary Counsel
211	Lori Blaney	Paralegal
212	M. Ellen Briggs	Administrative Assistant to the Executive Director
222	Leslie A. Higginbotham	Investigator, CMBI
210	Charlotte A. Jewell	Physician Assistant Coordinator
216	Michael R. Lilly	Information Systems Coordinator
224	Pennie Price	Receptionist/Certification and Verification Coordinator
213	Charlotte Ann Pulliam	Complaint Coordinator
220	Deb Scott	Fiscal Officer
221	Sheree J. Smith	Licensure Analyst



BOARD ACTIONS January 2008 — March 2008



ALLARA, ROBERT DAVID, M.D. – Charleston, WV (03/21/2008)

WV License No. 14971

Board Conclusion: The inability to practice medicine and surgery with reasonable skill and safety due to abuse of drugs.

Board Action: Dr. Allara, having met the requirements for medical licensure in the State of West Virginia, is again licensed to practice medicine and surgery in the State of West Virginia, License No. 14971, effective March 21, 2008, in an INACTIVE status. Said inactive license is, immediately upon issuance, REVOKED and such REVOCATION is immediately stayed, and Dr. Allara's inactive license shall for a three (3) year period be placed on PROBATION.

BADOUR, ASHRAF S., M.D. – Martins Ferry, OH (02/19/2008)

WV License No. 15535

Board Conclusion: Dr. Badour's license to practice medicine has been acted against or subjected to other discipline in the State of Ohio.

Board Action: Effective February 19, 2008, the license of Dr. Badour to practice medicine and surgery in the State of West Virginia is placed in a PROBATIONARY STATUS, for an indefinite period of time, not to exceed a period of five (5) years, and continuing for the duration of his probation with the State Medical Board of Ohio.

DICRISTOFARO, SEAN CHARLES, M.D. – Hurricane, WV (01/14/2008)

WV License No. 19679

Board Conclusion: Administering a drug other than in good faith and in a therapeutic manner in accordance with accepted medical standards, unethical or unprofessional conduct, failure to perform a legal or statutory obligation placed upon a physician, and failure to practice medicine acceptably, or otherwise violating the law.

Board Action: The license to practice medicine and surgery of Dr. DiCristofaro was SUSPENDED, effective February 15, 2008, and continuing for a period of six (6) months for failing to conform to the prevailing standards of acceptable medical practice and the ethics of the medical profession by administering the drug Norcuron, a neuromuscular blocking agent, in an improper manner. After the suspension, and upon a determination and recommendation by the Complaint Committee of the Board that Dr. DiCristofaro is fully prepared to return to the active practice of medicine, Dr. DiCristofaro shall be placed on PROBATION for a period of time, to be determined by the Committee, not to exceed the maximum time allowed by statute. Dr. DiCristofaro was also PUBLICLY REPRIMANDED.

FAUTEUX, MARY B., P.A.-C. – Cambridge, OH (03/21/2008)

WV License No. 786

Board Conclusion: Failure to comply with regulations relating to physician assistants.

Board Action: License GRANTED effective March 21, 2008, and shall be under direct supervision by her supervising physician for the first three (3) months of the Consent Order.



BOARD ACTIONS January 2008 — March 2008

-continued from page eight-



HAMILTON, WILLIAM KENT, M.D. – Morgantown, WV (02/13/2008)

WV License No. 21124

Board Conclusion: License to practice medicine in the State of Virginia has been acted against or subjected to other discipline.

Board Action: PUBLICLY REPRIMANDED for being subjected to disciplinary action by the licensing authority in another state and must fully comply with all of the terms and conditions of the March 23, 2007, Order entered by the Virginia Board.

SHIFFLER, JOEL DAVID, M.D. – Parkersburg, WV (02/25/2008)

WV License No. 20094

Board Conclusion: Unprofessional conduct, prescribing controlled substances for his own medical condition, and failing to conform to the principles of the American Medical Association, including opinion 8.19 regarding self-treatment.

Board Action: License previously issued to Dr. Shiffler remains SUSPENDED, which suspension is now extended until May 22, 2009, unless earlier dissolved as described in more detail in the Board's Amended Consent Order, and the suspension remains STAYED immediately, and Dr. Shiffler can continue to practice medicine without restriction, pending his compliance with terms and conditions set forth in the Amended Consent Order.

UJAYLI, ALAA, M.D. – Dublin, OH (03/26/2008)

WV License No. 17718

Board Conclusion: Relating to presenting false statements in connection with applications for a license.

Board Action: Dr. Ujayli was granted ACTIVE status for his currently inactive license to practice medicine and surgery in the State of West Virginia effective March 26, 2008. Further, Dr. Ujayli paid \$300 (\$200 of which is designated a fine and \$100 of which is designated administrative costs) for providing false information to the Board on his applications submitted to the Board.

REVOCATION OF MEDICAL CORPORATION CERTIFICATES

January 14, 2008

Sportscare Medical Associates, Inc., of Huntington

March 10, 2008

Appalachian Family Medicine, Inc.

CONTINUING EDUCATION
SATISFACTORY TO THE BOARD:
MEDICAL DOCTORS

Pursuant to 11 CSR 6 2.2, in order to acquire continuing medical education satisfactory to the Board, a physician may:

2.2.1. Take continuing medical education designated as Category I by the American Medical Association or the Academy of Family Physicians, or

2.2.2. Teach medical education courses or lecture to medical students, residents, or licensed physicians, or serve as a preceptor to medical students or residents: Provided, that a physician may not count more than twenty (20) hours in this category toward the required fifty (50) hours of continuing medical education.

2.2.3. Sit for and pass a certification or recertification examination of one of the American Board of Medical Specialties member boards, and receive certification or recertification from said board: Provided, that a physician may not count more than twenty-five (25) hours in this category toward the required fifty (50) hours of continuing medical education. Certification or recertification from any board other than one of the American Board of Medical Specialties member boards does not qualify the recipient for any credit hours of continuing medical education.

There are no other types or categories of continuing medical education satisfactory to the Board.

(For your information, every physician enrolled in an ACGME approved postgraduate training program automatically receives fifty (50) continuing medical education hours, AMA Category I, per year. Check with your program director.)

ALSO:

West Virginia Code § 30-1-7a states that each person issued a license to practice medicine and surgery by the West Virginia Board of Medicine shall complete two (2) hours of continuing education coursework in the subject of end-of-life care including pain management. The two (2) hours shall be part of the total hours of continuing education required and not two (2) additional hours. Effective as of the reporting period beginning the first day of July, two thousand five, the coursework requirement has become a one-time requirement, and all licensees who have not completed the coursework requirement shall complete the coursework requirement prior to his or her first license renewal.

In other words, if since 2001, prior to this renewal period, you have taken end-of-life care including pain management hours, you may not include these hours as part of your fifty (50) hours of continuing education for the current renewal period. If you have not taken end-of-life care including pain management hours prior to this renewal period, you must complete these hours as part of your fifty (50) hours of continuing education for the current renewal period.

CHANGE OF ADDRESS FORM

NAME: _____ LICENSE#: _____
(Last) (First) (Middle) (Suffix)

By law, you must keep this office apprised of any and all address changes. If not currently practicing, check here

PREFERRED MAILING ADDRESS (Required):

(This address is public information, except phone & email)

HOME ADDRESS:

Check here if same as preferred mailing address

_____ Address 1 _____

_____ Address 2 _____

_____ City, State, Zip, County _____

_____ Phone _____

_____ Email _____

MAIN WORK ADDRESS:

Check here if same as preferred mailing address

Enter average weekly on call hours for ALL locations: _____

_____ Address 1 _____

_____ Address 2 _____

_____ City, State, Zip, County _____

_____ Phone _____ Fax _____

_____ Email _____

List **AVERAGE HOURS** worked per week (not on call) at this location:

Direct Patient Care: _____

Administration: _____

Formal Teaching: _____

Research: _____

Other Medical/Podiatric Activities: _____

SECOND WORK ADDRESS:

_____ Address 1 _____

_____ Address 2 _____

_____ City, State, Zip, County _____

_____ Phone _____

List **AVERAGE HOURS** worked per week (not on call) at this location:

Direct Patient Care: _____

Administration: _____

Formal Teaching: _____

Research: _____

Other Medical/Podiatric Activities: _____

THIRD WORK ADDRESS:

_____ Address 1 _____

_____ Address 2 _____

_____ City, State, Zip, County _____

_____ Phone _____

List **AVERAGE HOURS** worked per week (not on call) at this location:

Direct Patient Care: _____

Administration: _____

Formal Teaching: _____

Research: _____

Other Medical/Podiatric Activities: _____

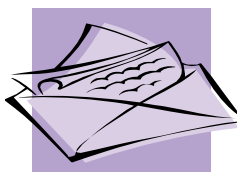
Enter your self-designated primary and secondary SPECIALTY here: (M.D.'s and D.P.M.'s ONLY)

Primary Specialty: _____ Secondary Specialty: _____

LICENSEE'S ORIGINAL SIGNATURE: _____ DATE: _____

RETURN FORM TO: West Virginia Board of Medicine, 101 Dee Drive, Suite 103, Charleston, WV 25311

CHANGE OF ADDRESS INFORMATION



NOTE: There is a Change of Address Form located on Page 11 of this Newsletter. You may also visit the Board’s website at www.wvdhhr.org/wvbom for a Change of Address Form. By law, a licensee of the Board of Medicine must keep this office apprised of any and all address changes. The preferred mailing address of a licensee is the licensee’s address of record, which is public information, with the exception of the telephone number and e-mail address.

WEST VIRGINIA BOARD OF MEDICINE 2008 MEETINGS

May 12
July 14
September 8
November 10

ALL BOARD MEETINGS BEGIN AT 9:00 A.M.

WV Board of Medicine



101 Dee Drive, Suite 103
Charleston, WV 25311

Phone: 304.558.2921
Fax: 304.558.2084

www.wvdhhr.org/wvbom
Watch for updates and changes.

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