

West Virginia Board of Medicine

Quarterly Newsletter



BOARD MEMBER PROFILE

Cheryl Henderson, J.D.

Cheryl Lynne Henderson was appointed by Governor Joe Manchin, III, in November, 2009, to the West Virginia Board of Medicine to serve as one (1) of three (3) lay members. Ms. Henderson is an attorney and lives in Huntington, West Virginia, where she has practiced law in the firm Henderson, Henderson & Staples, L.C., since 1982.

After graduating from Huntington High School in 1973, Ms. Henderson received her B.A. in English from Fisk University in Nashville, Tennessee, and then her J.D. from West Virginia University College of Law in 1980. During her studies at West Virginia University School of Law, she spent the summer of 1978 at the Exeter College of Law in Exeter, England.

Ms. Henderson worked as a trademark attorney in the Trademark Office at the Department of Commerce in Washington, D.C., for two (2) years before returning home to West Virginia. She is a member of the West Virginia State Bar Association, American Bar Association, National Bar Association, Mountain State Bar Association, and was President of the Mountain State Bar Association from 1996 - 1998. She served as Treasurer of the Mountain State Bar Association from 1988 - 1994 and is currently serving as Treasurer again. From 1987 -1988, she was Vice-President of the Cabell County Bar Association.

She served on the MCLE Commission from 1989 -1992, on the State Bar Board of Governors from 1990 - 1994, and on the West Virginia Disciplinary Board from 1994 - 2000, and 2007 - present. Ms. Henderson was a member of the West Virginia University Visiting Committee from 1996 - 2000. From 1997 - 1998, Ms. Henderson was a member of the Commission on Lawyer Specialization and Certification. She served on the West Virginia Bar Foundation from 1997 - 2002 and was President 2001 - 2002.

Ms. Henderson is active as a volunteer in her community. She is a member of the Ebenezer United Methodist Church and was a member from 1996 - 1999 of the Race and Race Relations Committee of the United Methodist Church. She has served on the Ebenezer Medical Outreach Board for over twenty (20) years. From 1998 - 2000, she was a member of the Interfaith Volunteer Caregivers Network, Inc. Ms. Henderson was a mentor for the Cabell County Juvenile Probation Program from 1999 - 2001. She was a member of the Center for Independent Living Board of Directors from 1987 - 1990, Ebenezer Community Outreach Center Board of Directors from 1992 - 1994, St. Mary's Advisory Board for Women's Health 2008 to present, Team for West Virginia from 1995 - 1999, and WPBY Advisory Council from 1994 - 1998.

She has recently completed terms on the Huntington Zoning Appeals Board and the Tri-State Airport Authority, and currently is a member of the Board of Directors of the Huntington Museum of Art. She has been a member of the Junior League of Huntington since 1988, and has been active in Alpha Kappa Alpha Sorority for twenty-five (25) years. From 1987 - 1989, 1994 - 1996, and 2002 - 2008, she served as President of Beta Tau Omega Chapter. Ms. Henderson lives in Huntington with her son, Justin Lee Phillips.

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LICENSE RENEWAL - 2010

As of June 30th, the West Virginia Board of Medicine completed its annual license renewal for all medical doctors whose last name begin in A through L. A total of 3,644 medical doctors were eligible to renew their licenses this year. From this total, 2,920 medical doctors renewed their licenses in ACTIVE status. An additional 347 medical doctors renewed in INACTIVE status. Further, 372 medical doctors chose to no longer hold a license in West Virginia.

Of those medical doctors who did renew their licenses, 79% renewed online. The Board of Medicine will increase its efforts to improve the online renewal system with the continuing goal of having this system as the primary vehicle for the renewal process.

Due to the renewal fee increase, the Board was able to substantially contribute to the support of the West Virginia Medical Professionals Health Program.

In order for the Board to communicate to you important notices and relevant information, it is essential that you notify the Board of any change of address. Please note that there is a change of address form on Page 11 of this Newsletter, which must be used for a change of address.

PLEASE READ IMPORTANT REQUEST

If you would like to receive all future copies of the Board's quarterly newsletter via e-mail notice instead of receiving a paper copy through the mail, please e-mail us at wvbomnewsletter@wv.gov advising us of your name and e-mail address. You will receive an e-mail notice from the Board that the current issue is available and you will be given a link to view the newsletter. In the future, all newsletter notices will be sent to you via e-mail. This will reduce costs for printing, copying and postage, reduce staff time, and is in line with the process of the Board "going green." Be sure to keep us apprised of any change in your e-mail address.

IN THE NEWS

Recently, a Delaware pediatrician was charged with molestation of patients. His co-workers and associates may have been aware of concerns and failed to report them to the Delaware Board of Medical Practice. Just a reminder that in the State of West Virginia, failure to report this type of information to the Board of Medicine is grounds for discipline.

In the Medical Practice Act, West Virginia Code § 30-3-14(c)(8), as well as Board Rule 11 CSR 1A 12.1(r), state that a physician may be disciplined for exercising influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity.

11 CSR 1A 12.1(e) states that a physician may be disciplined for engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof.

11 CSR 1A 12.1(m) states that a physician may be disciplined for failing to report to the Board any person whom the licensee knows is in violation of this rule or of provisions of the West Virginia Medical Practice Act.

FREE SAMHSA AND PCSS RESOURCE

The HHS Substance Abuse and Mental Health Services Administration (SAMHSA) has funded development of a free resource for physicians related to the prescribing of opioids, care of opioid-dependent patients and chronic pain patients being treated with methadone.

The Physician Clinical Support System (PCSS) website, www.PCSSmentor.org, is an important resource for prescribers in West Virginia. Through PCSS, health care providers may connect with expert mentors to get education about the use of methadone (PCSS-M) and buprenorphine (PCSS-B), and the appropriate care of opioid dependent patients and chronic pain patients. Mentors provide individualized telephone, e-mail and on-site support. They come from across the country and work in pain clinics, primary care, licensed opioid treatment programs, and other practice settings.

PCSS-B is designed to help with patient assessment, office logistics, initiating medication, treatment of co-morbid conditions, dosing and patient monitoring, guidance on management of special populations (e.g., Pain, HIV, HCV, Pregnancy).

PCSS-M is designed to help with patient assessment and selection, initiating and titrating methadone, conversion from other opioids, dosing and patient monitoring, interpreting methadone serum levels, drug-drug interactions, methadone and cardiac conduction, minimizing risk of diversion and overdose, management of co-occurring conditions, identification and provision of useful resources.

The toll-free number is 877.630.8812. Don't miss this opportunity.

Staff of the West Virginia Board of Medicine		
Ext #	304.558.2921	
227	Robert C. Knittle, M.S.	Executive Director
214	Deborah Lewis Rodecker, J.D.	General Counsel
215	John A. Lohmann, J.D., M.B.A.	Disciplinary Counsel
211	Lori Blaney	Paralegal
212	M. Ellen Briggs	Executive Assistant
210	Wendy L. Greene	Physician Assistant Coordinator
216	Michael R. Lilly	Information Systems Coordinator
213	Charlotte Ann Pulliam	Complaint Coordinator
220	Deborah D. Scott	Fiscal Officer
221	Sheree J. Thompson	Licensure Analyst
222	Leslie A. Thornton, CMBI	Investigator
224	Teresa L. Westfall	Receptionist/Certification and Verification Coordinator

WEST VIRGINIA MEDICAL PROFESSIONALS HEALTH PROGRAM UPDATED JUNE 24, 2010

*P. Bradley Hall, M.D.
Medical Director, WVMPHP*

The West Virginia Medical Professionals Health Program (WVMPHP) has been up and running for thirty-two (32) months. The WVMPHP continues to be the only physician health program recognized by the West Virginia Board of Medicine and the West Virginia Board of Osteopathy. Our southern office is located within the State Medical Association building in Charleston, West Virginia, with a northern office located in Bridgeport, West Virginia. The WVMPHP has provided educational lectures to in excess of 1,800 physicians, hospitals, medical staffs, medical societies, students and residents since its inception. Funding, to date, has been largely provided through the West Virginia Mutual Insurance Company, grants from the West Virginia Hospital Association, licensure boards and support from the West Virginia State Medical Association, pro-bono services by many individuals involved, donations and participant fees.

Currently, there have been fifty-one (51) signed participants, most of whom continue under an agreement, impacting in excess of twenty-six (26) hospitals and/or medical schools where these participants have privileges. Ninety-two plus percent (92+%) of these individuals, who have completed treatment and are under contract, resumed working, remain abstinent, licensed and practicing medicine safely. Forty-five percent (45%) of current participants were referred by their licensure board formally through consent order or informally through direct contact, eight (8) participants reside and practice out of state and maintain their active West Virginia medical license as a direct result of their participation with the WVMPHP. Specialties include: family practice; internal medicine; pediatrics; ophthalmology; orthopedics; obstetrics and gynecology; general surgery; emergency medicine; endocrinology; pathology; psychiatry; cardiology; medical students and residents in training. Twenty-five (25) of the fifty-one (51) have been returned to the active, safe, monitored practice of medicine. Thirteen (13) of the fifty-one (51) had previous issues and recurrence of their chronic medical condition further supporting the need of our physician health program and long-term guidance, assistance and monitoring. During initial evaluation, ten (10) were found to have some type of impairment, all but three (3) of which resolved with treatment. These three (3) remain impaired and are disabled due to physical disorders detected, but unrelated to their original participation diagnosis. These permanent impairments unrelated to mental illness or substance abuse would have not been discovered had they not sought the assistance of the WVMPHP.

The West Virginia Medical Professionals Health Program is fulfilling its mission of protecting the public and providing a mechanism for the successful, rehabilitation of the sick physician and his/her return to the safe monitored practice of medicine to the benefit of the public and physicians themselves. The continued support of organized medicine and the healthcare community including treatment professionals is necessary and greatly appreciated.

MEET THE MEDICAL DIRECTOR OF THE WVMPPH P. BRADLEY HALL, M.D.

Dr. Hall is a third-generation Family Practitioner originally from Clarksburg, West Virginia. He attended college at West Virginia University, graduating Cum Laude in Chemistry. He subsequently went to Medical School and did a residency in Family Practice, both at West Virginia University School of Medicine. He served as Chief Resident in Family Practice during his third year. After fifteen (15) years of private practice in Bridgeport, West Virginia, he became involved in the establishment of a Physicians Health Program, the West Virginia Medical Professionals Health Program. He serves on the Board of Directors as the appointed representative for the West Virginia Society of Addiction Medicine, of which he is President. He is the founding Medical Director of the West Virginia Medical Professionals Health Program. Additionally, Dr. Hall is certified by the American Board of Addiction Medicine, the American Society of Addiction Medicine and is a certified Medical Review Officer. Nationally, Dr. Hall is a Board of Director of the Federation of State Physician Health Programs and serves on the American Society of Addiction Medicine's Physicians' Health Committee, Membership Committee and Chapters Council. Within the Federation of State Physician Health Programs, he serves on the Task Force on Guidelines Committee; Task Force on Research Committee; Membership Committee; and Task Force on Toxicology Committee. Dr. Hall is also a member of the Governor's Prescription Drug Abuse Advisory Committee here in West Virginia.

www.wvmpph.org



SOUTHERN OFFICE
4307 MacCorkle Avenue, SE
Charleston, West Virginia 25304
Telephone: 304.414.0400

NORTHERN OFFICE
680 Genesis Boulevard, Suite #201
Bridgeport, West Virginia 26330
Telephone: 304.933.1030

www.wvbom.wv.gov

***The following forms/applications are
available on the Board's website:***

Change of Address Form
Complaint Form
Professional Liability Claim Form
Name Change Affidavit
Request for Continuation of License—Military Deployment
Collaborative Pharmacy Practice Application for Medical Doctor
Collaborative Pharmacy Practice Application for Hospital
Medical Doctor Initial License Application
Drug Dispensing Application Form
Physician Assistant Initial License Application
Physician Assistant Change or Addition of Supervising Physician(s)
and/or
Change or Addition of Job Location(s)
Physician Assistant Prescriptive Writing Privilege Application
Medical Corporation Application Form
Medical Corporation Renewal Form
Professional Limited Liability Corporation Application Form
Professional Limited Liability Corporation Renewal Form



NOTE: WV-PAGE is NOT a Board-approved program for impaired medical doctors, podiatrists, or physician assistants for medical doctors.



BOARD ACTIONS April 2010 — June 2010



BORN, MICHAEL JAMES, M.D. – South Bend, IN (05/28/2010)

WV License No. 22296

Board Conclusion: Relating to presenting a false statement in connection with an application for a license.

Board Action: Dr. Born is granted ACTIVE status for his currently expired license to practice medicine and surgery in the State of West Virginia and shall pay \$300 for providing inaccurate information to the Board on an application submitted to the Board, \$200 of which is designated a fine for his deficiency of two (2) hours of continuing medical education in end-of-life care including pain management, and \$100 of which is designated administrative costs.

DEL GIORNO, LOUIS JOHN, M.D. – Martinsburg, WV (05/14/2010)

WV License No. 16605

Board Conclusion: Unprofessional conduct; professional incompetence; prescribed, dispensed, or administered a prescription drug, including any controlled substance, other than in good faith and in a therapeutic manner, and in excessive amounts; unqualified to practice medicine and surgery in the State of West Virginia.

Board Action: License REVOKED effective June 1, 2010; shall pay to the Board the costs of the proceedings.

HOOVER, KATHERINE ANNE, M.D. – Lost Creek, WV (05/14/2010)

WV License No. 11571

Board Conclusion: Failure to comply with the terms of the Board's September 11, 2008, Order requiring her appearance before the Board's Licensure Committee.

Board Action: Stay of revocation DISSOLVED and TERMINATED; license REVOKED effective at 12:01 a.m. on May 15, 2010.

KOTOUC, JOSHUA THOMAS, M.D. – Morgantown, WV (05/14/2010)

WV License No. 21762

Board Conclusion: Unprofessional conduct and being found guilty of a crime in any jurisdiction, which offense is a felony.

Board Action: License REVOKED effective May 14, 2010.

KUBICKI, KRZYSZTOF JERZY, M.D. – Chester, WV (06/30/2010)

WV License No. 17474

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

Board Action: Effective June 30, 2010, Dr. Kubicki's license to practice medicine and surgery in the State of West Virginia is SURRENDERED until such time as the Board can determine, in its sole discretion, that Dr. Kubicki is fully prepared to return safely to the active practice of medicine.

continued on page 7



BOARD ACTIONS
April 2010 — June 2010
continued from page 6



MOORE, DAVID ALLEN, P.A.-C. – Beckley, WV (07/01/2010)

WV License No. 00877

Board Conclusion: Mr. Moore's supervising physician advised the Board that he no longer wished to employ Mr. Moore as a physician assistant. Under this circumstance, Mr. Moore was unable to meet the condition of his Consent Order entered March 26, 2010, requiring his supervisor to provide a written statement regarding Mr. Moore's ability to practice as a physician assistant.

Board Action: Effective July 1, 2010, Mr. Moore's physician assistant license was terminated.

SCOTT, THOMAS FRANCIS, M.D. – Huntington, WV (04/01/2010)

WV License No. 08379

Board Conclusion: Relating to exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity and unprofessional conduct.

Board Action: PUBLICLY REPRIMANDED for his conduct of exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity and will attend and successfully complete a Board-approved ethics course, which course shall include boundary issues with patients.

DISMISSAL

HABASHI, MAHER F., M.D. – Lincolnton, NC (06/17/2010)

WV License No. 24063

Board Conclusion: Reckless disregard for the accuracy of the information he submitted to the Board.

Board Action: By Order entered January 13, 2010, license approved with a public reprimand and an administrative fine of \$1,000.

Court Action: Dr. Habashi filed an appeal of the Board's Order with the Kanawha County Circuit Court on February 12, 2010. By Order entered June 11, 2010, the Court dismissed this matter from its docket after being advised that the parties have settled and terminated their dispute and that the Board has determined that it is appropriate and lawful to issue a license to practice medicine and surgery to Dr. Habashi without any condition of public reprimand or \$1,000 fine. A permanent, unrestricted medical license was issued to Dr. Habashi effective June 17, 2010.

NATIONAL ASSOCIATION OF DRUG DIVERSION INVESTIGATORS (NADDI) ESTABLISHMENT OF WEST VIRGINIA CHAPTER: NADDI HOSTS FIRST CONFERENCE

West Virginia has once again stepped up its efforts to combat drug diversion across our State. In June, 2010, West Virginia took a major step to establish the 21st NADDI state chapter. If approved by the NADDI Board of Directors, West Virginia will join border states with NADDI Chapters - Maryland, Virginia, Pennsylvania, Kentucky, and Ohio.

The inaugural training conference of NADDI was held on June 17, 2010, at the University of Charleston. Of particular note was the appearance by Governor Joe Manchin, III, who ceremonially signed into law four (4) bills designed to curtail the diversion of prescription drugs in our State. One (1) of the laws requires prescriptions to be written on official tamper-proof paper and requires practitioners to report any loss of a prescription to the West Virginia Board of Pharmacy. The other laws require access to the West Virginia Controlled Substance Monitoring Program database for all prescribers and dispensers. The law increases penalties for withholding information in order to get a prescription for controlled substances. For a more detailed description of these bills, see the Board's Newsletter, Volume 14, Issue 1, at www.wvbom.wv.gov.

Leslie A. Thornton, CMBI, the Board's Investigator, is to be recognized for her major role in the establishment of the West Virginia Chapter of NADDI, as well as her key involvement in developing the June conference at which she was also a speaker.

West Virginia Board of Medicine Board Members

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Point Pleasant

J. David Lynch, Jr., M.D., Vice President
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Catherine Slemm, M.D., M.P.H., Secretary
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Beckley

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Bluefield

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Huntington

Carlos C. Jimenez, M.D.
Glen Dale

Vettivelu Maheswaran, M.D.
Charles Town

G. Mark Moreland, M.D.
Nitro

Badshah J. Wazir, M.D.
South Charleston

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

?????DID YOU KNOW?????

West Virginia Code § 61-2-27. Required reporting of gunshot and other wounds.

(a) Any medical provider who provides medical treatment to a person suffering from a wound caused by a gunshot or a knife or other sharp or pointed instrument, under circumstances which would lead a reasonable person to believe resulted from a violation of the criminal laws of this state, shall report the same to a law-enforcement agency located within the county within which such wound is treated. The report shall be made initially by telephone and shall be followed by a written report delivered to such agency within forty-eight hours following the initial report: *Provided*, That where two or more persons participate in the medical treatment of such wound, the obligation to report imposed by this section shall apply only to the attending physician or, if none, to the person primarily responsible for providing the medical treatment.

(b) Any medical provider person who in good faith reports a wound described in subsection (a) of this section shall be immune from any civil liability which may otherwise result solely from reporting the same.

West Virginia Code § 61-2-27a. Required reporting of burns.

(a) Any health care provider who examines or renders medical treatment to a person suffering from an injury caused by a burn resulting from fire or a chemical, where the circumstances under which the examination is made or treatment is rendered, or where the condition of the injury gives the health care provider reasonable cause to suspect that the injury occurred during the commission, or attempted commission, of an arson as defined in article three of this chapter, shall report the same to the office of the state fire marshal. A written report shall be made by the provider, or by an employee or agent of the provider at the direction of the provider, to the office of the state fire marshal within forty-eight hours after the initial report: *Provided*, That where two or more health care providers participate in the examination or treatment of such injury, the obligation to report imposed by this section applies only to the attending physician or, if none, to the person primarily responsible for providing medical treatment for the injury.

(b) Any health care provider who in good faith makes or causes to be made a report pursuant to subsection (a) of this section is immune from any civil liability which may otherwise arise as the result of making such report.

(c) Within available funding and as may be determined necessary by the state fire marshal, the state fire marshal shall conduct educational programs for persons required to report injuries under this section.



Everyone knows drugs are dangerous. But did you know that sharing prescription drugs can be just as dangerous and deadly too? Sharing prescription drugs is also illegal.

Data indicates social access (sharing) is a major contributor to the misuse of prescription drugs. According to the *National Survey on Drug Use and Health*, **most prescription drug abusers obtain their drugs from family and friends**. In WV, 64% of non-medical users of pain relievers reported getting the most recently used drug from a friend or relative for free, and another 7.6% reported buying them from a friend or relative.

Please don't share prescription drugs. Only take prescriptions as advised by your doctor.

The WV Partnership to Promote Community Well-Being and the WV Prevention Resource Center are launching **Take Care WV** – a social marketing campaign to spread the word that sharing prescription drugs is illegal, and it can be just as dangerous and deadly as illicit drugs.

How can you help support this campaign and reduce the misuse of prescription drugs in our state?

1. Please visit www.takecarewv.org to view/listen to campaign messages, read facts and statistics about RX drug misuse/abuse, and learn about proper RX storage and disposal.
2. Participate in your county's discussions about RX abuse. Community Forums/Discussions on RX abuse are being scheduled across the state this summer. Dates will soon be posted on the WV Prevention Training & Events Calendar available at www.PrevNET.org. Contact information for your County Prevention Partnership is available at PrevNet as well as www.takecarewv.org.
3. Encourage your local coalitions/media/businesses/schools/civic groups to air/print the PSAs as much as possible. All the PSAs can be downloaded at www.takecarewv.org.

Some specific ideas for distributing the campaign messages include:

- E-mail/talk to all your professional and personal contacts about this campaign.
- Print some of the PSAs as flyers and distribute/post them in your community. Ask your doctor, dentist, child care provider, church, employer, etc. to post flyers in their waiting areas, exam rooms, lunch rooms or bathrooms.
- Facebook/Twitter the following message: *Take Care WV: Please don't share prescription drugs. Learn more at www.takecarewv.org.*
- Include the print PSAs in newsletters, church bulletins, meeting packets, mailings, etc.
- Talk to your local pharmacist about the campaign. Ask if they'll post some of the flyers, and tell them later this summer we plan to have RX bags (with the campaign logo/message) for all WV pharmacies to use for a limited time.

Thanks in advance for your support of Take Care WV. Please feel free to contact Michele Burnside, West Virginia Prevention Resource Center, if you have any questions/comments/ideas, at 304.552.7982, or at michele.burnside@marshall.edu.

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)

Address 1 _____

Address 2 _____

City, State, Zip, County _____

Phone _____

Email _____

MAIN WORK ADDRESS:

Check here if same as preferred mailing address

Address 1

Address 2

City, State, Zip, County

Phone

Fax

Email

Enter average weekly on call hours for ALL locations: _____

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

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: _____

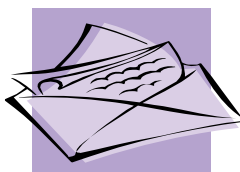
Other Medical/Podiatric Activities: _____

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.wvbom.wv.gov 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 2010 MEETINGS

July 12
September 13
November 8

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

WV Board of Medicine



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Charleston, WV 25311

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Fax: 304.558.2084

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