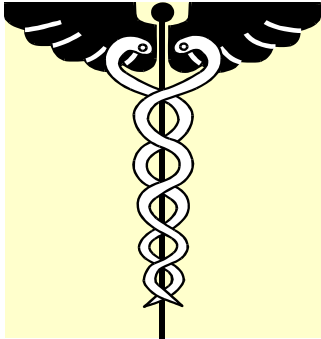


West Virginia Board of Medicine Quarterly Newsletter



2013 RENEWAL PROCESS

Medical Doctors and Podiatrists

Only those medical doctors whose last names begin with the letters M through Z and all podiatrists are required to renew for the years 2013—2015. The Board of Medicine will not be mailing a paper renewal application to all the medical doctors and podiatrists who are renewing their licenses. Beginning May 9, 2013, licensees who meet the criteria for online renewal may go to the Board’s website at www.wvbom.wv.gov and follow the online renewal directions. The criteria are as follows:

1. currently hold an ACTIVE medical/podiatric license; or
2. currently hold an INACTIVE medical/podiatric license and will renew in an INACTIVE status; and,
3. have obtained the required continuing medical/podiatric education;
4. answer “no” to all questions (see “Renewal FAQ’s” currently on the Board’s website); and
5. desire to pay via credit/debit card.

If a licensee is unable to use the online renewal service, he or she will need to request a paper renewal application to complete and return to the Board offices. A request form for a paper application is available on our website under the “FORMS” section. Paper renewal applications will be mailed on May 9, 2013. The online application or paper application must be completed and submitted **BEFORE** Friday, June 28, 2013, at 4:30 p.m.

Physician Assistants

In mid-February 2013, licensure renewal applications will be mailed to all physician assistants. Renewal applications will be mailed to the address of record on file at the Board office. It is the responsibility of the licensee to keep this office apprised of any mailing or email change of address in writing. For a physician assistant license to remain valid and in force, the fully completed renewal application and fee must be RECEIVED in the Board office **BEFORE** Friday, March 29, 2013, at 4:30 p.m. The physician assistant's license will expire if the required continuing medical education has not been obtained (see related article on Page 4). If a licensee does not receive a renewal application, it is his or her responsibility to inform the Board and to request a duplicate. Every application will be computer-generated to include personalized information previously reported by the physician assistant and approved by the Board. However, each licensee will need to review this information to ensure that it is accurate. Physician assistants will not have the option of renewing licenses online.

Drug Dispensing

In mid-April 2013, those medical doctors and podiatrists who are currently registered with the Board as dispensing physicians will be able to renew their drug dispensing certificates online. These dispensing physicians may go to the Board’s website at www.wvbom.wv.gov and follow the online renewal directions. If a drug dispensing physician is unable to use the online renewal service, he or she will need to request a paper renewal application to complete and return to the Board offices. The licensee may call the Board offices at 304.558.2921 x70004 to request a drug dispensing renewal application. The online application or paper application must be completed and submitted **BEFORE** Sunday, June 30, 2013, at 4:30 p.m., in order to maintain a continuous certificate to dispense.

INSIDE THIS ISSUE

Board Actions	2-3
Prescription Drug Conference	3
Deborah Lewis Rodecker; Continuing Education for Physician Assistants; Immunity from Liability for Reporting	4
Advice to PA’s and Supervising Physicians; Board Members	5
Licensing Statistics; Board Staff	6
Change of Address Information; E-mail Addresses; Annual Report; Board Meetings	7



BOARD ACTIONS October 2012 - December 2012



AWA, PAUL KAZUHIKO, M.D. – Ingles, FL (10/10/2012)

WV License No. 13674

Board Conclusion: Probable cause exists relating to unprofessional conduct, including a departure from the standards of acceptable and prevailing medical practice by having his license acted against in another state as a result of engaging in malpractice or by failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances, and failing to keep written records justifying the course of treatment of the patient in that state.

Board Action: Public reprimand. On or before February 15, 2013, Dr. Awa shall submit written documentation to the West Virginia Board of Medicine that he has complied with the requirements of the Final Order entered on February 15, 2012, by the State of Florida Board of Medicine.

BROWN, MICHAEL W., M.D. – Pikesville, MD (10/29/2012)

WV License No. 19205

Board Action: The Board of Medicine took action against Dr. Brown by Order entered on January 13, 2012. Subsequently, the Circuit Court of Kanawha County, West Virginia, reversed the Board's Order of January 13, 2012, insofar as it ordered: (1) that Dr. Brown be subject to a disciplinary action in the form of a \$300 payment to the Board for false information submitted in his 2002 license application, and (2) that he pay costs of proceedings against him. Dr. Brown was granted a West Virginia license effective January 13, 2012. Dr. Brown is not required to pay the \$300 disciplinary fine or costs of the proceedings pursuant to the Circuit Court Order dated October 29, 2012, as amended on November 27, 2012.

FEATHERS, SCOTT JAMES, D.P.M. - Parkersburg, WV (11/05/2012)

WV License No. 00181

Board Conclusion: Inasmuch as Dr. Feathers has been found guilty by a court of competent jurisdiction of a felony involving unlawfully delivering a controlled substance under state law for other than generally accepted therapeutic purposes, his license is revoked pursuant to W. Va. Code § 30-3-14(d).

Board Action: Effective November 6, 2012, the license to practice podiatry of Scott James Feathers, D.P.M., is revoked.

RODGERS, KERRY CLEON, M.D. – Kathleen, GA (10/10/2012)

WV License No. 23837

Board Conclusion: Probable cause may exist to substantiate charges relating to unprofessional conduct and to the renewal of a license to practice medicine and surgery by making a false statement regarding continuing medical education in connection with a licensure application.

Board Action: Dr. Rodgers shall complete within 90 days, and provide certification of his completion to the Board, two hours of approved CME coursework in the subject of end-of-life care including pain management. He shall pay a fine of \$200 in addition to an administrative fee of \$100 before October 1, 2012.

ROSTOCKI, LUKASZ, M.D. - Summersville, WV (11/06/2012)

WV License No. 22220

Board Conclusion: Probable cause may exist to substantiate charges relating to unprofessional conduct and to the renewal of a license to practice medicine and surgery by making a false statement regarding continuing medical education in connection with a licensure application.

Board Action: Dr. Rostocki must complete and provide certification to the Board of his completion of two hours of approved CME coursework in the subject of end-of-life care including pain management. He must pay a fine of \$200 in addition to an administrative fee of \$100.

continued on page 3



BOARD ACTIONS October 2012 - December 2012



continued from page 2

SEEN, KENNETH JAMES, M.D. — Spencer, WV (11/05/2012) WV License No. 15316

Board Conclusion: The West Virginia Board of Medicine summarily suspended the license of Kenneth James Seen, M.D., due to a possible immediate danger to the public safety, health or welfare as a result of his arrest on a felony charge of child abuse creating risk of injury and three misdemeanor charges relating to a child and to a patient.

Board Action: Effective November 5, 2012, at 11:59 p.m., the medical license of Kenneth James Seen, M.D., is summarily suspended. Dr. Seen received notification of the hearing, which was to begin on November 19, 2012, at 6:00 p.m. By Order Granting Respondent's Motion for Continuance dated November 15, 2012, the hearing in this matter has been continued from November 19, 2012, to a date which is subsequent to January 15, 2013, and which is mutually convenient to the parties.

VAN DEREN, III, JOHN MEDEARIS, M.D. – Ashland, KY (11/30/2012) WV License No. 20097

Board Conclusion: Probable cause exists to substantiate disqualification from the practice of medicine due to violations of West Virginia Code § 30-3-14(d). The Board has determined that it is appropriate and lawful to grant Dr. Van Deren a license to practice medicine in the State of West Virginia provided that limitations and conditions are placed upon such license.

Board Action: Dr. Van Deren is granted a license to practice medicine and surgery in the State of West Virginia on a probationary status until February 5, 2014, subject to compliance with certain limitations and conditions.

PRESCRIPTION DRUG CONFERENCE DEEMED A STRONG SUCCESS

Very positive feedback concerning the Controlled Substances Conference held in Charleston on November 30, 2012, has been received. More than 300 physicians and related healthcare professionals attended the conference, which was developed in joint collaboration of the Boards of Medicine and Osteopathic Medicine and State Medical and Osteopathic Associations.

The conference focused upon the treatment of chronic pain, the issues resulting from the prescribing of opioids for such pain and recently-enacted legislation and proposed legislative rules to combat the tide of opioid addiction and Rx drug abuse.

Distinguished author Scott Fishman, M.D., was the featured speaker at the conference. West Virginia Governor Earl Ray Tomblin made a personal appearance at the conference and addressed conferees.

The conference satisfied proposed Continuing Medical Education requirements of both Boards which are mandated by the Governor's recently-enacted prescription drug abuse legislation. Given the degree of success and recognition this conference has received, a second conference to be held in the spring of 2013 is being discussed.

DEBORAH LEWIS RODECKER

The Board of Medicine's long-time attorney, Deborah Lewis Rodecker, has retired and resigned effective October 31, 2012.

After 26 years in various legal positions with the Board, Ms. Rodecker most recently served as the Board's General Counsel. She has been instrumental since the mid-1980s in representing the Board and in drafting legislation for it. Her legal interpretations and successes in various court cases continue to benefit the Board, its licensees and staff.

The Board will miss Ms. Rodecker both personally and professionally, and wishes her well.

CONTINUING EDUCATION FOR PHYSICIAN ASSISTANTS

Pursuant to 11 CSR 1B 15, in order to acquire continuing education satisfactory to the Board, a physician assistant shall provide written documentation of participation in and successful completion during the preceding two (2) year period of:

- ◆ A minimum of fifty (50) hours of continuing education designated as Category I by either the American Medical Association, American Academy of Physician Assistants or the Academy of Family Physicians, **AND**
- ◆ fifty (50) hours of continuing education designated as Category II by the association or either academy.

For those individuals who are not NCCPA certified, written documentation shall consist of original certificates from the entities named above which establishes participation in and successful completion of the fifty (50) hours in Category I and fifty (50) hours in Category II.

There are no other types or categories of continuing education for physician assistants satisfactory to the Board.

IMMUNITY FROM LIABILITY FOR REPORTING

The West Virginia Controlled Substances Act provides that it is a misdemeanor criminal offense for a patient, in an attempt to obtain a prescription for a controlled substance, to knowingly withhold from a practitioner he/she has obtained a prescription for a controlled substance of the same or similar therapeutic use in a concurrent time period from another practitioner.

This is set forth in West Virginia Code §60A-4-410, which also provides that if convicted, one may be confined in jail for not more than nine months, or fined not more than \$2,500, or both fined and confined.

Enrolled Committee Substitute for Senate Bill 437, which was signed into law by Governor Earl Ray Tomblin on June 8, 2012, provides that a practitioner who notifies law enforcement of a violation of this statute is immune from civil, criminal or administrative liability if he or she makes this notification in good faith.

The Board of Medicine's website (at www.wvbom.wv.gov) contains a link for a poster for practitioners to print out and post in their offices regarding West Virginia Code §60A-4-410. The poster is on the Board's homepage under "Notice."

ADVICE TO PHYSICIAN ASSISTANTS AND SUPERVISING PHYSICIANS

Within the past year there has been a substantial increase in the number of physician assistants. Currently, 741 physician assistants are licensed to practice in West Virginia.

With this increase, various issues have arisen with regard to the scope of a physician assistant's practice and with regard to supervision by his/her supervising physician. Some of these issues have resulted in disciplinary action being taken against the physician assistant and/or the supervising physician. Some of these issues include:

- Supervising physicians must notify the Board of Medicine in writing of any termination of the employment of his/her physician assistant within 10 days of the termination. This is required by Legislative Rule 11-1B-9.2.
- Similarly, physician assistants are required by Legislative Rule 11-1B-13.20 to notify the Board within 10 days of any ending of his/her employment.
- A physician assistant, whether employed by a health care facility or by his/her supervising physician, shall perform under the supervision of the supervising physician designated by the Board. (This is required by Rule 11-1B-6.) The supervising physician is legally responsible for the actions of the physician assistant at all times, as set forth in 11-1B-9.
- A physician assistant may not prescribe medications, either in writing, orally or electronically, without being specifically authorized by the Board to do so. The Board's website (www.wvbom.wv.gov) includes the application required to be used to obtain prescription writing privileges from the Board.

These are simply some of the issues which have arisen recently regarding physician assistants and their supervising physicians. The Board of Medicine takes these issues seriously. When making application for licensure of a physician assistant, both the physician assistant and the supervising physician attest, by their signatures, that they have read and understand the West Virginia Medical Practice Act and associated Legislative rules. In its attempts to meet its role of protecting the public, the Board will hold physician assistants and their supervising physicians accountable to these attestations and will require them to abide by each provision of the Medical Practice Act and associated rules.

West Virginia Board of Medicine Board Members	
Rev. O. Richard Bowyer, President Fairmont	Beth Hays, M.A. Bluefield
Michael L. Ferrebee, M.D., Vice President Morgantown	Cheryl Henderson, J.D. Huntington
Marian Swinker, M.D., M.P.H., Secretary Charleston	Carlos C. Jimenez, M.D. Glen Dale
R. Curtis Arnold, D.P.M. South Charleston	G. Mark Moreland, M.D. Nitro
Rusty L. Cain, D.P.M. Fairmont	Kenneth C. Nanners, M.D. Wheeling
Ahmed Faheem, M.D. Beckley	Badshah J. Wazir, M.D. South Charleston
Cathy M. Funk, M.D. Martinsburg	Kenneth Dean Wright, P.A.-C. Huntington
M. Khalid Hasan, M.D. Beckley	

LICENSING STATISTICS As of December 31, 2012

MEDICAL DOCTORS

Medical Licenses Granted
This Year
424

Active Licensed
Medical Doctors
6,020

Active Licensed
Medical Doctors
Practicing in West Virginia
4,111

Inactive Licensed
Medical Doctors
632

PODIATRISTS

Podiatric Licenses Granted
This Year
3

Active Licensed
Podiatrists
103

Active Licensed
Podiatrists
Practicing in West Virginia
74

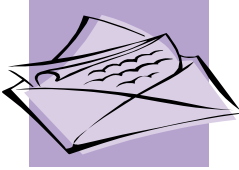
Inactive Licensed
Podiatrists
15

PHYSICIAN ASSISTANTS

Physician Assistant
Licenses Granted
This Year
94

Active Licensed
Physician Assistants
732

Staff of the West Virginia Board of Medicine 304.558.2921		
Ext #		
70005	Robert C. Knittle, M.S.	Executive Director
70007	Rebecca L. Stepto, Esquire	Counsel
70001	M. Ellen Briggs	Executive Assistant
70002	Amy C. Callihan	Physician Assistant Coordinator
70000	Tina R. Gay	Paralegal
70003	Leslie A. Inghram, CMBI	Supervisor of Investigation and Complaints
70004	Kimberly R. Jett	Receptionist/Certification and Verification Coordinator
70006	Austin R. Miller	Information Systems Coordinator
70008	Charlotte Ann Pulliam	Complaint Coordinator
70010	Deborah D. Scott	Fiscal Officer
70011	Sheree J. Thompson	Licensure Analyst
70012	Teresa L. Westfall	Records Management Assistant



CHANGE OF ADDRESS INFORMATION

The Board's website (www.wvbom.wv.gov) contains a change of address form. By law, all licensees of the Board of Medicine must keep the Board apprised of any and all address changes. The preferred mailing address of a licensee is the licensee's address of record and is public information. Telephone numbers and e-mail addresses are not public information.

E-MAIL ADDRESSES



Since the Board is no longer mailing paper copies of its newsletter, it is important that you keep it apprised of your current e-mail address. As licensees of this Board, you are charged with knowledge of the contents of each newsletter.

To provide a current e-mail address, please send an e-mail containing your name and license number to the Board at wvbomnewsletter@wv.gov.

All newsletters may be accessed at our website at www.wvbom.wv.gov/newsletter.asp. Publication dates are: January, April, July, and October.

ANNUAL REPORT TO THE LEGISLATURE

In accordance with West Virginia State statute, the Board has submitted its Annual Report to the Legislature which outlines its activities during the past calendar year. A copy of the report is available on the Board's website at www.wvbom.wv.gov.

WEST VIRGINIA BOARD OF MEDICINE 2013 MEETINGS

January 14
March 11
May 20
July 8
September 9
November 18

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