

West Virginia Board of Medicine Quarterly Newsletter

UPDATE ON BOARD POLICIES

At its September meeting, the Board elected to adopt new iterations of two established Board policies. The new policies update prior Board policy on the treatment of opioid addiction in office based settings, and the use of opioids in the treatment of chronic non-malignant pain. Each of these revised policies were developed from the Model Policy Guidelines of the Federation of State Medical Boards of the United States, Inc., which were adopted by the FSMB House of Delegates in April 2013. The Board encourages all licensees to take time to review these updated policies, which are available on the Board's website.



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The West Virginia Board of Medicine Policy on DATA 2000 and Treatment of Opioid Addiction in the Medical Office provides an overview of the requirements of DATA 2000 for physicians who seek and/or who have received a SAMSHA/DATA 2000 waiver to treat opioid addiction in office based settings with treatment including the prescribing of buprenorphine products. The policy also establishes guidelines for patient assessment, treatment planning, patient education, informed consent, the content of a treatment agreement, induction, stabilization and follow-up, preventing and managing relapses and duration of treatment. The policy sets forth standard components which should be maintained as part of the medical record for patients who are being treated for opioid addiction in medical offices and discusses the federal confidentiality requirements which attach to such treatment records.

In addition to reviewing this policy, physicians who engage in the office based treatment of opioid addiction through DATA 2000 are strongly encouraged to review the DEA guidance and regulations referenced in the policy as well as West Virginia prescribing laws. For example, under West Virginia law, prescriptions for buprenorphine/naloxone combination product must be written for sublingual films

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UPDATE ON BOARD POLICIES

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unless there is a legitimate medical reason why the patient cannot utilize the films. In such cases, the justification for prescribing tablet form buprenorphine/naloxone instead of films must be clearly established in the medical record.

The Board's new *[Policy on the Use of Opioid Analgesics in the Treatment of Chronic Pain](#)* articulates the Board's position on the use of controlled substances for pain, and specifically the use of opioid analgesics for the treatment of chronic pain. This policy seeks to encourage practitioners to be knowledgeable about the best clinical practices for the prescribing of opioids for chronic pain and to be wary of the panoply of associated risks in an effort to ensure that, to the extent that a physician is engaged in the treatment of pain or chronic pain, safe and effective pain management strategies are employed.

While this Policy defines inappropriate treatment of pain to include non-treatment, inadequate treatment, overtreatment and continued use of ineffective treatments, the Board considers overtreatment and the continued use of ineffective treatments to be the most common and problematic iterations of the inappropriate treatment of pain. Nothing in this policy should be construed to compel or encourage the prescription of opioid analgesics or other narcotics when, in the judgment of the physician, as recorded in the patient record, such prescription would not be a safe or effective pain management strategy given the totality of the facts and circumstances of the particular case. The Board also encourages licensees to review the Board's legislative rule setting forth practitioner requirements for accessing the West Virginia Controlled Substance Monitoring Program Database. This rule, which can be viewed at http://www.wvbom.wv.gov/CSR_11_10%20csmp.asp, identifies when practitioners must query the database in association with the prescribing of controlled substances for chronic non-malignant pain.

Staff of the West Virginia Board of Medicine		
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70005	Robert C. Knittle, M.S.	Executive Director
70009	Jamie S. Alley, Esq.	Board Attorney
70001	M. Ellen Briggs	Executive Assistant
70002	Amy C. Callihan, CMCO	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 Manager
70008	Charlotte Ann Pulliam	Complaint Coordinator
70010	Deborah D. Scott	Fiscal Officer
70021	Gil Thomas	Information Systems Coordinator
70011	Sheree J. Thompson	Licensure Analyst
70012	Teresa L. Westfall	Records Management Assistant



BOARD ACTIONS July 2013 - September 2013



CLARKE, KEVIN M., M.D. – Fairmont, WV (8/7/2013)

WV License No. 15547

Board Conclusion: It is appropriate and in the public interest to modify the terms and conditions of the prior Consent Order of May 22, 2012.

Board Action: As of August 7, 2013, Dr. Clarke may increase his work hours to forty-eight (48) hours per week.

DELAPORTAS, DINO JAMES, M.D. – Bridgeport, WV (8/31/2013)

WV License No. 22140

Board Conclusion: Probable cause may exist to substantiate disciplinary charges against Dr. Delaportas pursuant to W. Va. Code §§30-3-14(c)(1) and (17) and W. Va. Code R. §§11-1A-12.1(e),(g) and (j).

Board Action: Dr. Delaportas is hereby PUBLICLY REPRIMANDED. He is required to take and successfully complete a Board-approved course in medical recordkeeping.

FARIDI, AHMAD BILAL, M.D. – Logan, WV (8/7/2013)

WV License No. 22245

Board Conclusion: Probable cause may exist to substantiate disciplinary charges against Dr. Faridi pursuant to W. Va. Code §30-3-14 (c)(1) and (17), W. Va. Code R. §11-1A-12.1(a), (e) and (j) and W. Va. Code R. §11-6-5.2 and 5.4

Board Action: Dr. Faridi shall complete, and provide certification of his completion to the Board, before September 1, 2013, thirty (30) hours of continuing medical education coursework. Dr. Faridi shall pay a civil fine in the amount of three thousand dollars (\$3,000.00) and an administrative fee in the amount of one hundred dollars (\$100.00).

HABERMAN, RONALD JAY, M.D. – Huntington, WV (8/15/2013)

WV License No. 22756

Board Conclusion: Probable cause may exist to substantiate disciplinary charges against Dr. Haberman pursuant to W. Va. Code §30-3-14(c)(17) and (21), and W. Va. Code R. §11-1A-12.1(e), (h) and (j). It is appropriate and in the public interest to permit Dr. Haberman to surrender his West Virginia medical license in lieu of his participation in an investigation into the allegations of the complaint against him.

Board Action: Effective on August 15, 2013, at 12:01 a.m., Dr. Haberman's license to practice medicine and surgery in West Virginia, License Number 22756, is hereby SURRENDERED to the Board. Dr. Haberman is not eligible to receive a license to practice medicine and surgery in West Virginia in the future, and any future application he may submit to this Board will be denied.

MAZZA, JASON M., P.A.-C. – Kingwood, WV (8/31/2013)

WV License No. 00975

Board Conclusion: Probable cause may exist to substantiate disciplinary charges against Mr. Mazza pursuant to W. Va. Code §30-3-16(r) and W. Va. Code R. §§11-1B-10.1(c) and (h).

Board Action: Mr. Mazza is hereby PUBLICLY REPRIMANDED for writing prescriptions under one of his supervising physicians without first receiving prescriptive writing privileges from the Board. Mr. Mazza agrees to read and comply with all laws and rules of the Board pertaining to physician assistants, W. Va. Code §30-3-16 and W. Va. Code R. §11-1B-1 *et. seq.* so that he is fully aware of his scope of practice and responsibilities as a physician assistant.

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RANA, NAILA NAUREEN, M.D. – Leesburg, VA (8/31/2013)

WV License No. 24137

Board Conclusion: Probable cause may exist to substantiate disciplinary charges against Dr. Rana pursuant to W. Va. Code §§30-3-14(c)(1) and (17) and W. Va. Code R. §§11-1A-12.1(e),(g) and (j).

Board Action: Dr. Rana's license to practice medicine and surgery in West Virginia is placed on INDEFINITE PROBATION, subject to the successful completion of the terms and conditions of this Consent Order, at which time her probation shall be concluded and her license restored to unrestricted status.

RYDLAND, DANINE ANNE, M.D. – Martinsburg, WV (9/30/2013)

WV License No. 14040

Board Conclusion: On February 3, 2011, Dr. Rydland was convicted of thirty-four counts of health care fraud pursuant to 18 U.S.C. §1347 and 18 U.S.C. §2 in the United States District Court for the Northern District of West Virginia. After a public hearing, the Board determined that Dr. Rydland's felony convictions rendered her unqualified for licensure pursuant to: W. Va. Code §§30-3-14(c)(5), (9) and (17); W. Va. Code R. §§11-1A-12.1(e), (j), (p), (s) and (bb); and W. Va. Code R. §§11-1A-12.2(d).

Board Action: As of September 30, 2013, Dr. Rydland's license to practice medicine and surgery in West Virginia is REVOKED.

TOSSON, HANAN MAHMOUD, M.D. – Milwaukee, WI (9/9/2013)

WV License No. 22845

Board Conclusion: Based upon its review of Dr. Tosson's application and its discussion with her, the Licensure Committee recommended to the Board that Dr. Tosson be granted a license to practice medicine and surgery in West Virginia. At its regular meeting on Monday, September 9, 2013, the Board adopted the Licensure Committee's recommendation and approved the reactivation of Dr. Tosson's West Virginia license.

Board Action: Effective September 9, 2013, Hanan Mahmoud Tosson, M.D., is hereby granted an active license, License No. 22845, without restrictions, to practice medicine and surgery in the State of West Virginia. This Order supersedes the Board's July 15, 2011, Revocation Order.

VYAS, SUBHASH A., M.D. – Williamson, WV (9/30/2013)

WV License No. 12356

Board Conclusion: Probable cause may exist to substantiate charges against Dr. Vyas pursuant to W. Va. Code §30-3-14(c)(17) and W. Va. Code R. §11-1A-12.1(g), in that the license of Dr. Vyas to practice medicine in the Commonwealth of Kentucky has been acted against or subjected to other discipline, most recently by way of a Fourth Amended Consent Order, which was implemented in 2012.

Board Action: The Board's March 11, 2013, ORDER OF REVOCATION OF LICENSE TO PRACTICE MEDICINE with respect to the license of Dr. Vyas, License No. 12356, is hereby RESCINDED. The license of Dr. Vyas to practice medicine and surgery in the State of West Virginia, License No. 12356, is hereby RESTRICTED/LIMITED until January 27, 2016, and subject to the terms and conditions applicable during the effective period of the Amended Consent Order.

NEW SECRETARY OF THE BOARD

It was with surprise and sadness that we learned in late August that Marian Swinker, M.D., was resigning from the position of Commissioner of the Bureau of Public Health in West Virginia, effective September 1, 2013, and returning to her academic post at East Carolina University in North Carolina. As Commissioner of the Bureau of Public Health, Dr. Swinker held the office of Secretary of the Board of Medicine since September of 2011. Her dependability as Secretary, as well as her professional contributions to the Board, will be missed.

Shortly before stepping down as Commissioner of Public Health, Dr. Swinker designated Teresa Frazer, M.D., Deputy Commissioner of Bureau of Public Health to the position as Board Secretary on an interim basis in time for Dr. Frazer to attend the September meeting of the Board.

Moving quickly however, DHHR Cabinet Secretary, Karen Bowling, has appointed Letitia E. Tierney, M.D., J.D., as the new Commissioner of the Bureau of Public Health. Dr. Tierney assumes the office of Commissioner on November 1, 2013, and by statute will also hold the position of Secretary as a member of the Board of Medicine. Most recently, Dr. Tierney practiced as a hospitalist physician and associate quality director at Charleston Area Medical Center. Prior to obtaining her medical degree, Dr. Tierney practiced successfully as an attorney in a number of different venues.

We appreciate Dr. Frazer’s willingness to serve the Board on such short notice and are grateful for her participation. That being said, we congratulate Dr. Tierney on her appointment as Commissioner and look forward to her taking the seat as Secretary to the Board of Medicine.

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

PRESCRIPTIVE WRITING PRIVILEGES FOR PHYSICIAN ASSISTANTS

Please note that two (2) important changes have recently occurred with respect to the prescriptive writing privilege eligibility requirements and application procedures for those physician assistants who seek limited prescriptive writing authority from the Board.

First, in accordance with the recently amended legislative rule, §11-1B-14.1.d, effective July 1, 2013, physician assistants are required to have completed a minimum of three (3) hours of Drug Diversion Training and Best Practice Prescribing of Controlled Substances Training within two (2) years of making an application to the Board for limited prescriptive writing privileges. This includes applications for those PAs who currently have prescriptive writing privileges, but are applying for prescriptive writing privileges under a new supervising physician or for prescriptive writing privileges at a new location.

This amended regulation is in accordance with W. Va. Code §30-1-7a which stipulates that the above noted continuing medical education (CME) is required to be taken every two (2) years as a condition for licensure renewal. This portion of the West Virginia Code also allows for a waiver from this CME requirement, to be completed at the time of license renewal, for those physician assistants who are not prescribing controlled substances. However, this waiver does not apply to the eligibility criteria for prescriptive writing privileges. All applicants for prescriptive writing privileges must complete this training.

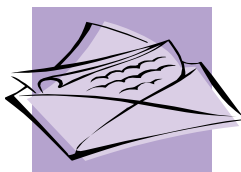
Secondly, at the recommendation of the Physician Assistant Committee, the Board approved an updated prescriptive writing privilege application/formulary at its regularly scheduled meeting on September 9, 2013. The application/formulary was revised in order to clarify the requirements and stipulations for the PA and his or her supervising physician and to simplify the application process. This revised application/formulary can be found on our website at <http://www.wvbom.wv.gov/PWP%20Application.pdf>.

Beginning November 18, 2013, physician assistants applying for prescriptive writing privileges will be required to use the new updated prescriptive writing privilege application/formulary. If outdated versions of the prescriptive writing privileges application and formulary are submitted after this date, they will be returned, and the applicant will be directed to use the proper application/formulary.

If you have any questions, please contact Amy C. Callihan, CMCO, Physician Assistant Coordinator, by e-mail at Amy.C.Callihan@wv.gov

NPDB MERGER

On May 6, 2013, the Healthcare Integrity and Protection Data Bank (HIPDB) merged with the National Practitioner Data Bank (NPDB). These entities are now operating as the National Practitioner Data Bank. Associated with this merger, a final rule was promulgated that modifies the reporting requirements of entities, such as the West Virginia Board of Medicine, to the NPDB. 45 C.F.R. §60 (2013). Pursuant to federal requirements, the Board is required to report all negative actions or findings in Board Orders and Consent Orders to the NPDB. The definition of negative actions or findings excludes administrative fines unless the fine was imposed for conduct “connected to the delivery of health care services.” 45 C.F.R. §60.3 (2013). Previously, all fine-only disciplinary orders were excluded from reporting requirements. Now, the reporting of disciplinary fines will be contingent upon the reason the fine was imposed, and whether the reason relates to the delivery of health care services.



CHANGE OF ADDRESS INFORMATION

The Board's website (<http://www.wvbom.wv.gov/forms.asp>) 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. Personal telephone numbers and personal 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 www.wvbomnewsletter@wv.gov.

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

WEST VIRGINIA BOARD OF MEDICINE 2013 MEETINGS

November 18

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