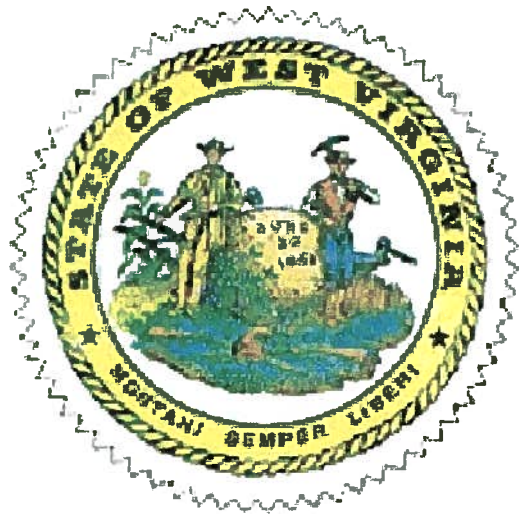


West Virginia Board of Medicine

Annual
Report to
the
Legislature



2010
Volume III

WEST VIRGINIA BOARD OF MEDICINE

2010

ANNUAL REPORT TO THE LEGISLATURE

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NO DISCIPLINARY SANCTION**

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2010

**Closed Cases - No Probable Cause Found/
No Disciplinary Sanction**

MONTH OF JANUARY, 2010

08-143-S Augusto Tenmatay Abad, M.D.
09-14-B Majester Nasheed Abdul-Jalil, M.D.
09-134-M Lo'ay Mahmoud Al-Asadi, M.D.
09-13-H Ahmad Bali, M.D.
09-88-W Rely C. Carbonel, M.D.
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09-147-L Wade Gerard Douglas, M.D.
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09-106-K Susan Leah Garner, M.D.
09-129-S William Douglas Given, M.D.
08-157-F Robert Edmund Johnstone, M.D.
09-137-W James Anthony Kaplan, M.D.
09-47-R Rajan Bakhshish Masih, M.D.
09-141-M Joseph Henry Matusic, M.D.
09-140-M Christopher Scott Nance, M.D.
09-138-F Mohammad Rezaian, M.D.
09-128-R Phillip Kenneth Slampak, D.P.M.
09-143-R Quentin Kalman Tanko, M.D.
09-144-H Adin Lim Timbayan, M.D.
09-136-B Chad Christopher Turner, M.D.
09-139-C Robert Ernest Turner, M.D.
09-166-W Karen Louise Winter, M.D.

TOTAL 24

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

AUGUSTO TENMATAY ABAD, M.D.

COMPLAINT NO. 08-143-S

DECISION

FINDINGS OF FACT

1. Augusto Tenmatay Abad, M.D. ("Dr. Abad"), holds a license to practice medicine and surgery in West Virginia, License No. 17537, and his address of record with the Board is in South Williamson, Kentucky.
2. In October 2008, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Linda G. Stumbo related to the alleged failure of Dr. Abad to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged inappropriate prescribing of narcotics to the complainant's adult daughter allegedly without conducting any examinations.
3. The Complaint Committee began an investigation of the complaint and in February 2009, a response to the complaint was filed by Dr. Abad.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Abad and in March 2009, the Complainant filed an additional reply.
5. Additional records were subpoenaed and reviewed.
6. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Abad failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Abad engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Abad in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Abad is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr.

Abad violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Abad to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Abad engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Abad for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MAJESTER NASHEED ABDUL-JALIL, M.D.

COMPLAINT NO. 09-14-B

DECISION

FINDINGS OF FACT

1. Majester Nasheed Abdul-Jalil, M.D. ("Dr. Abdul-Jalil"), holds a license to practice medicine and surgery in West Virginia, License No. 22431, and his address of record with the Board is in Charleston, West Virginia.

2. In January 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from William B. Burgess, MPA for Thelma V. Burgess, related to the alleged failure of Dr. Abdul-Jalil to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged inappropriate communication with and lack of compassion for the patient's family.

3. The Complaint Committee began an investigation of the complaint and in March 2009, a response to the complaint was filed by Dr. Abdul-Jalil.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Abdul-Jalil and in April 2009, the Complainant filed a reply.

5. Additional records were subpoenaed and reviewed by an independent medical consultant, who filed a written report with the Complaint Committee of the Board stating that there was no indication of "anything inappropriate in the care of the patient

by Dr Abdul-Jalil".

6. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Abdul-Jalil failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Abdul-Jalil engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Abdul-Jalil in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that

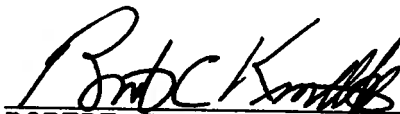
Dr. Abdul-Jalil is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Abdul-Jalil violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Abdul-Jalil to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Abdul-Jalil engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Abdul-Jalil for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

LO'AY MAHMOUD AL-ASADI, M.D.

COMPLAINT NO. 09-134-M

DECISION

FINDINGS OF FACT

1. Lo'ay Mahmoud Al-Asadi, M.D. ("Dr. Al-Asadi"), holds a license to practice medicine and surgery in West Virginia, License No. 16919, and his address of record with the Board is in Charleston, West Virginia.

2. In July 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Randy K. Meadows related to the alleged failure of Dr. Al-Asadi to practice medicine reasonably and his alleged unprofessional conduct with respect to the alleged inappropriate discharge of the Complainant.

3. The Complaint Committee began an investigation of the complaint and in August 2009, a response to the complaint was filed by Dr. Al-Asadi.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Al-Asadi and the Complainant filed no additional response.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Al-Asadi failed to

practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Al-Asadi engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Al-Asadi in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Al-Asadi is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Al-Asadi violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Al-Asadi to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Al-Asadi engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Al-Asadi for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

AHMAD BALI, M.D.

COMPLAINT NO. 09-13-H

DECISION

FINDINGS OF FACT

1. Ahmad Bali, M.D. ("Dr. Bali"), holds a license to practice medicine and surgery in West Virginia, License No. 21044, and his address of record with the Board is in South Charleston, West Virginia.

2. In January 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Matthew Hofeldt, M.D. ("Dr. Hofeldt") and John Deel, M.D. ("Dr. Deel"), relating to alleged unprofessional conduct of Dr. Bali with respect to his alleged inappropriate language and the alleged threat Dr. Bali made against Dr. Deel while confronting Dr. Hofeldt.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2009, a response to the complaint was filed on behalf of Dr. Bali.

4. Subsequently, the Complainants were forwarded Dr. Bali's reply. The Complainants filed no additional response.

5. Additional records were subpoenaed and reviewed.

6. Dr. Bali appeared for a full discussion of the matter before the Complaint Committee on January 10, 2010.

7. At the January 10, 2010, meeting of the Complaint

Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was insufficient evidence in this matter that Dr. Bali engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Bali in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is insufficient evidence in this matter to prove that Dr. Bali is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter proving that Dr. Bali violated any provision of the Medical Practice Act or rule of the Board.

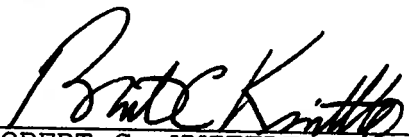
3. The evidence presented in this matter fails to prove that the license of Dr. Bali to practice medicine and surgery in

this State should be restricted or limited because there is insufficient evidence in this matter that Dr. Bali engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Bali for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RELY C. CARBONEL, M.D.

COMPLAINT NO. 09-88-W

DECISION

FINDINGS OF FACT

1. Rely C. Carbonel, M.D. ("Dr. Carbonel"), holds a license to practice medicine and surgery in West Virginia, License No. 11515, and his address of record with the Board is in Logan, West Virginia.

2. In May 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jimmy Carl White relating to alleged unprofessional conduct of Dr. Carbonel with respect to the alleged failure to furnish the medical records of the Complainant and his spouse to their new physician upon their request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in September 2009, a response to the complaint was filed by Dr. Carbonel.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Carbonel. The Complainant filed a reply stating he had subsequently received the records.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Carbonel engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Carbonel in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Carbonel is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Carbonel violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Carbonel to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Carbonel engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Carbonel for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RELY C. CARBONEL, M.D.

COMPLAINT NO. 09-99-B

DECISION

FINDINGS OF FACT

1. Rely C. Carbonel, M.D. ("Dr. Carbonel"), holds a license to practice medicine and surgery in West Virginia, License No. 11515, and his address of record with the Board is in Logan, West Virginia.

2. In June 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Anzie Brewer relating to alleged unprofessional conduct of Dr. Carbonel with respect to the alleged failure to furnish the Complainant's medical records upon request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in September 2009, a response to the complaint was filed by Dr. Carbonel stating that the medical records were hand delivered to the Complainant's new physician.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Carbonel. The Complainant filed no additional response.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Carbonel engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Carbonel in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Carbonel is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Carbonel violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Carbonel to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Carbonel engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Carbonel for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KEVIN MICHAEL CLARKE, M.D.

COMPLAINT NO. 09-103-W

DECISION

FINDINGS OF FACT

1. Kevin Michael Clarke, M.D. ("Dr. Clarke"), holds a license to practice medicine and surgery in West Virginia, License No. 15547, and his address of record with the Board is in Fairmont, West Virginia.

2. In June 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Tammy K. Wisenbaler relating to alleged unprofessional conduct of Dr. Clarke with respect to his alleged inappropriate confrontation with and alleged inappropriate discharge of the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2009, a response to the complaint was filed by Dr. Clarke.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Clarke. In August 2009, the Complainant filed a reply.

5. Additional records were subpoenaed and reviewed.

6. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Clarke engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Clarke in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Clarke is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Clarke violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Clarke to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Clarke engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Clarke for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ALLAN DIP-FIGUEROA, M.D.

COMPLAINT NO. 09-145-B

DECISION

FINDINGS OF FACT

1. Allan Dip-Figueroa, M.D. ("Dr. Dip-Figueroa"), holds a license to practice medicine and surgery in West Virginia, License No. 14444, and his address of record with the Board is in Parkersburg, West Virginia.
2. In August 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Sylvia M. Barnhart, relating to the care and treatment rendered by Dr. Dip-Figueroa during which he allegedly failed to properly treat the Complainant and allegedly made inappropriate changes in the Complainant's medications.
3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Dip-Figueroa.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Dip-Figueroa, and filed no additional response.
5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Dip-Figueroa failed to practice medicine

and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Dip-Figueroa in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Dip-Figueroa is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Dip-Figueroa violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Dip-Figueroa to practice medicine and surgery in this State should be restricted or limited because

there is no evidence that Dr. Dip-Figueroa failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Dip-Figueroa for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

WADE GERARD DOUGLAS, M.D.

COMPLAINT NO. 09-147-L

DECISION

FINDINGS OF FACT

1. Wade Gerard Douglas, M.D. ("Dr. Douglas"), holds a license to practice medicine and surgery in West Virginia, License No. 21963, and his address of record with the Board is in Huntington, West Virginia.

2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ms. Jessie Lewis related to the alleged failure of Dr. Douglas to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged threats Dr. Douglas made to the Complainant.

3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Douglas.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Douglas and in November 2009, the Complainant filed a reply.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Douglas failed to practice

medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Douglas engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Douglas in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.


2. There is no evidence in this matter to prove that Dr. Douglas is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Douglas violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Douglas to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Douglas engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Douglas for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN ALLISON DRAPER, JR., M.D.

COMPLAINT NO. 09-142-N

DECISION

FINDINGS OF FACT

1. John Allison Draper, Jr., M.D. ("Dr. Draper"), holds a license to practice medicine and surgery in West Virginia, License No. 13815, and his address of record with the Board is in Martinsburg, West Virginia.

2. In August 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from John W. Newcomb related to the alleged failure of Dr. Draper to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged inappropriate confrontation with the Complainant and the alleged subsequent improper discharge of the Complainant.

3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Draper.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Draper and the Complainant filed no reply.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Draper failed to practice

medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Draper engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Draper in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Draper is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Draper violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Draper to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Draper engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Draper for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SUSAN LEAH GARNER, M.D.

COMPLAINT NO. 09-106-K

DECISION

FINDINGS OF FACT

1. Susan Leah Garner, M.D. ("Dr. Garner"), holds a license to practice medicine and surgery in West Virginia, License No. 20198, and her address of record with the Board is in Morgantown, West Virginia.

2. In June 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Dean K. Kellerhouse relating to alleged unprofessional conduct of Dr. Garner with respect to her alleged inappropriate denial to establish a patient/physician relationship with the Complainant and other possible patients based on an alleged noncompliant application (i.e. allegedly not in compliance with HIPAA).

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2009, a response to the complaint was filed by Dr. Garner.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Garner. The Complainant filed no reply.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Garner engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Garner in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Garner is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Garner violated any provision of the Medical Practice Act or rule of the Board.

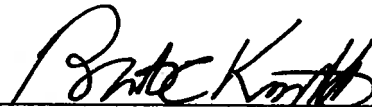
3. The evidence presented in this matter fails to prove that the license of Dr. Garner to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Garner engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Garner for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

WILLIAM DOUGLAS GIVEN, M.D.

COMPLAINT NO. 09-129-S

DECISION

FINDINGS OF FACT

1. William Douglas Given, M.D. ("Dr. Given"), holds a license to practice medicine and surgery in West Virginia, License No. 13986, and his address of record with the Board is in Gassaway, West Virginia.

2. In July 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from William B. Shaw, Jr., relating to alleged unprofessional conduct of Dr. Given with respect to his alleged inappropriate discharge of the Complainant and his alleged failure to furnish medical records to the Complainant's new physician upon request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2009, a response to the complaint was filed by Dr. Given.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Given. In October 2009, the Complainant filed a reply.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Given engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Given in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Given is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Given violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Given to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Given engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Given for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT EDMUND JOHNSTONE, M.D.

COMPLAINT NO. 08-157-F

DECISION

FINDINGS OF FACT

1. Robert Edmund Johnstone, M.D. ("Dr. Johnstone"), holds a license to practice medicine and surgery in West Virginia, License No. 16571, and his address of record with the Board is in Morgantown, West Virginia.

2. In November 2008, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Michael J. Folio, Esq., as the administrator of the Estate of Frank Folio, related to the alleged failure of Dr. Johnstone to practice medicine according to the standard of care, with respect to the care provided to Frank Folio.

3. The Complaint Committee began an investigation of the complaint and in December 2008, a response to the complaint was filed by Dr. Johnstone.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Johnstone, and in January 2009, the Complainant filed a reply.

5. Additional records were subpoenaed and reviewed by an independent medical consultant, who filed a written report with the Complaint Committee of the Board concluding "all aspects of the care Dr. Johnstone provided to Mr. Foley [sic] were well

within the acceptable standards of care".

6. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Johnstone failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Johnstone in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Johnstone is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that

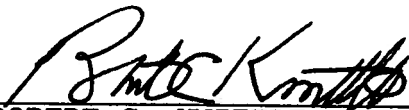
Dr. Johnstone violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Johnstone to practice medicine and surgery in this State should be restricted or limited because there is no evidence that Dr. Johnstone failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Johnstone for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JAMES ANTHONY KAPLAN, M.D.

COMPLAINT NO. 09-137-W

DECISION

FINDINGS OF FACT

1. James Anthony Kaplan, M.D. ("Dr. Kaplan"), holds a license to practice medicine and surgery in West Virginia, License No. 19276, and his address of record with the Board is in Charleston, West Virginia.

2. In August 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Lecia Kaye White, relating to the alleged failure of Dr. Kaplan to meet standards of practice with regard to the autopsy he performed on the Complainant's grandson and the subsequent completion of the death certificate.

3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Kaplan.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Kaplan, and the Complainant filed no additional response.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Kaplan failed to practice medicine and

surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Kaplan in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Kaplan is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Kaplan violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Kaplan to practice medicine and surgery in this State should be restricted or limited because

there is no evidence that Dr. Kaplan failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Kaplan for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RAJAN BAKHSHISH MASIH, M.D.

COMPLAINT NO. 09-47-R

DECISION

FINDINGS OF FACT

1. Rajan Bakhshish Masih, M.D. ("Dr. Masih"), holds a license to practice medicine and surgery in West Virginia, License No. 19166, and his address of record with the Board is in Petersburg, West Virginia.

2. In March 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Joletta L. Rebovich related both to the alleged failure of Dr. Masih to practice medicine reasonably with respect to his alleged failure to properly wean the Complainant from medications and the alleged unprofessional conduct with respect to the alleged inappropriate discharge of the Complainant.

3. The Complaint Committee began an investigation of the complaint and in April 2009, a response to the complaint was filed on behalf of Dr. Masih.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Masih and in May 2009, the Complainant filed a reply.

5. Additional records were subpoenaed and reviewed by an independent medical consultant, who filed a written report with the Complaint Committee of the Board concluding that "both her

(the Complainant's) care and the manner in which she was discharged from the practice were appropriate".

6. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that proved Dr. Masih failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that proved Dr. Masih engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Masih in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Masih is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Masih violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Masih to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Masih engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Masih for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOSEPH HENRY MATUSIC, M.D.

COMPLAINT NO. 09-141-M

DECISION

FINDINGS OF FACT

1. Joseph Henry Matusic, M.D. ("Dr. Matusic"), holds a license to practice medicine and surgery in West Virginia, License No. 16381, and his address of record with the Board is in Hurricane, West Virginia.

2. In August 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Sarah D. Miller relating to alleged unprofessional conduct of Dr. Matusic with respect to the alleged inappropriate discharge of the Complainant's children.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Matusic.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Matusic. In November 2009, the Complainant filed a reply.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Matusic engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Matusic in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Matusic is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Matusic violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Matusic to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Matusic engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as

to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Matusic for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CHRISTOPHER SCOTT NANCE, M.D.

COMPLAINT NO. 09-140-M

DECISION

FINDINGS OF FACT

1. Christopher Scott Nance, M.D. ("Dr. Nance"), holds a license to practice medicine and surgery in West Virginia, License No. 21989, and his address of record with the Board is in Morgantown, West Virginia.

2. In August 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Maria Munro relating to the alleged unprofessional conduct of Dr. Nance with respect to the alleged unlawful access of the Complainant's medical records in violation of HIPAA and Dr. Nance's alleged interference of the Complainant establishing a patient/physician relationship with another physician.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Nance.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Nance. The Complainant filed no additional response.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Nance engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Nance in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Nance is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Nance violated any provision of the Medical Practice Act or rule of the Board.

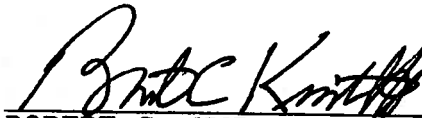
3. The evidence presented in this matter fails to prove that the license of Dr. Nance to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Nance engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Nance for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MOHAMMAD REZAIAN, M.D.

COMPLAINT NO. 09-138-F

DECISION

FINDINGS OF FACT

1. Mohammad Rezaian, M.D. ("Dr. Rezaian"), holds a license to practice medicine and surgery in West Virginia, License No. 16112, and his address of record with the Board is in Martinsburg, West Virginia.

2. In August 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Dr. Robert S. Frazier relating to alleged unprofessional conduct of Dr. Rezaian with respect to his alleged refusal to wean the Complainant off of narcotics despite alleged signs of addiction and despite the Complainant's repeated requests and with respect to Dr. Rezaian's alleged prescribing narcotics other than in good faith.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Rezaian.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Rezaian. The Complainant filed no additional response.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Rezaian engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Rezaian in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Rezaian is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Rezaian violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Rezaian to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. Rezaian engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Rezaian for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PHILLIP KENNETH SLAMPAK, D.P.M.

COMPLAINT NO. 09-128-R

DECISION

FINDINGS OF FACT

1. Phillip Kenneth Slampak, D.P.M. ("Dr. Slampak"), holds a license to practice podiatry in West Virginia, License No. 00339, and his address of record with the Board is in New Martinsville, West Virginia.

2. In July 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Reverend John Rogers related to the alleged failure of Dr. Slampak to practice podiatry reasonably, the alleged unprofessional conduct with respect to Dr. Slampak's alleged failure to replace or assist in the replacement of faulty medical equipment when notified by the Complainant, and the alleged failure to supply the Complainant with his medical records upon request.

3. The Complaint Committee began an investigation of the complaint and in September 2009, a response to the complaint was filed by Dr. Slampak.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Slampak and the Complainant filed no additional response.

5. At the January 10, 2010, meeting of the Complaint

Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Slampak failed to practice podiatry with that level of care, skill and treatment which is recognized by a reasonable, prudent podiatrist engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Slampak engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice podiatry of Dr. Slampak in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Slampak is unqualified to practice podiatry in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically


there is no evidence in this matter proving that Dr. Slampak violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Slampak to practice podiatry in this State should be restricted or limited because there is no evidence in this matter that Dr. Slampak engaged in unprofessional conduct and/or failed to practice podiatry with that level of care, skill and treatment which is recognized by a reasonable, prudent podiatrist engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of podiatry or to restrict the license to practice podiatry of Dr. Slampak for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

QUENTIN KALMAN TANKO, M.D.

COMPLAINT NO. 09-143-R

DECISION

FINDINGS OF FACT

1. Quentin Kalman Tanko, M.D. ("Dr. Tanko"), holds a license to practice medicine and surgery in West Virginia, License No. 23161, and his address of record with the Board is in Charleston, West Virginia.
2. In August 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Chris Reid related both to the alleged failure of Dr. Tanko to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged charging of excessive fees.
3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Tanko.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Tanko and the Complainant filed no reply.
5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Tanko failed to practice medicine and surgery with that level of care, skill and treatment

which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Tanko engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Tanko in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Tanko is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Tanko violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove

that the license of Dr. Tanko to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Tanko engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Tanko for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ADIN LIM TIMBAYAN, M.D.

COMPLAINT NO.09-144-H

DECISION

FINDINGS OF FACT

1. Adin Lim Timbayan, M.D. ("Dr. Timbayan"), holds a license to practice medicine and surgery in West Virginia, License No. 11489, and his address of record with the Board is in Montgomery, West Virginia.
2. In August 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Rebecca D. Hiser related to Dr. Timbayan's alleged unprofessional conduct and his alleged failure to practice medicine reasonably with respect to his alleged inappropriate comments made to the Complainant and his alleged failure to treat the Complainant.
3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Timbayan.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Timbayan and in November 2009, the Complainant filed a reply.
5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Timbayan failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Timbayan engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Timbayan in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Timbayan is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Timbayan violated any provision of the Medical Practice Act or


rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Timbayan to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Timbayan engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Timbayan for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CHAD CHRISTOPHER TURNER, M.D.

COMPLAINT NO. 09-136-B

DECISION

FINDINGS OF FACT

1. Chad Christopher Turner, M.D. ("Dr. Turner"), holds a license to practice medicine and surgery in West Virginia, License No. 22110, and his address of record with the Board is in Sissonville, West Virginia.

2. In August 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Billy Joe Bragg related to the alleged failure of Dr. Turner to practice medicine reasonably with respect to an alleged refusal to give the Complainant necessary medications leading to withdrawal symptoms and related to the alleged unprofessional conduct by Dr. Turner with respect to the alleged inappropriate discharge of the Complainant.

3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Turner.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Turner and the Complainant filed no reply.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Turner failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Turner engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Turner in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Turner is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Turner violated any provision of the Medical Practice Act or rule


of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Turner to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Turner engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Turner for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT ERNEST TURNER, M.D.

COMPLAINT NO. 09-139-C

DECISION

FINDINGS OF FACT

1. Robert Ernest Turner, M.D. ("Dr. Turner"), holds a license to practice medicine and surgery in West Virginia, License No. 13902, and his address of record with the Board is in Huntington, West Virginia.

2. In August 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Mary G. Carter relating to alleged unprofessional conduct of Dr. Turner with respect to an alleged inappropriate refusal to treat the Complainant and alleged improper comments made to the Complainant and her daughter.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in October 2009, a response to the complaint was filed on behalf of Dr. Turner.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Turner. In December 2009, the Complainant filed an additional response.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Turner engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Turner in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Turner is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Turner violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Turner to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Turner engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Turner for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KAREN LOUISE WINTER, M.D.

COMPLAINT NO. 09-166-W

DECISION

FINDINGS OF FACT

1. Karen Louise Winter, M.D. ("Dr. Winter"), holds a license to practice medicine and surgery in West Virginia, License No. 23829, and her address of record with the Board is in Elyria, Ohio.

2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Neil Williams related to the alleged failure of Dr. Winter to practice medicine reasonably, Dr. Winter's alleged unprofessional conduct with respect to alleged inappropriate treatment of the Complainant, and the alleged failure of Dr. Winter in allowing her assistant to allegedly practice medicine without a license.

3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Winter.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Winter and in November 2009, the Complainant filed a reply.

5. At the January 10, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Winter failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Winter engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Winter in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 11, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Winter is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr.


Winter violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Winter to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Winter engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Winter for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 11, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2010

Closed Cases - No Probable Cause Found/

No Disciplinary Sanction

MONTH OF MARCH, 2010

09-167-H Mohammad Ashraf, M.D.
09-189-M Paul Bachwitt, M.D.
09-162-D Nilima Ravindranath Bhirud, M.D.
09-164-S Nikola Bicak, D.P.M.
09-160-H John Emil Capito, M.D.
09-108-A Rely C. Carbonel, M.D.
09-168-P Subramaniam Chandrasekhar, M.D.
09-163-L Amrik Singh Chattha, M.D.
09-146-S Steven Randolph Downer, D.P.M.
09-161-S Touraj Farid, M.D.
09-174-B Timothy Kevin Jackson, M.D.
09-178-M William Andrew Merva, M.D.
09-58-P Shanis Anay Padgett, M.D.
09-175-M Ward Jackson Paine, M.D.
09-176-B Mustafa Rahim, M.D.
09-97-A Muhammad Salman, M.D.
09-190-W Michael Shramowiat, M.D.
09-104-P Richard Martin Vaglianti, M.D.
09-171-R Thomas Clifford Valley, M.D.
09-191-P Robert Lee Vawter, M.D.
09-177-G Karen Louise Winter, M.D.
09-105-F Robert Cheng Yee, M.D.
09-172-R Robert Cheng Yee, M.D.

TOTAL 23

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MOHAMMAD ASHRAF, M.D.

COMPLAINT NO. 09-167-H

DECISION

FINDINGS OF FACT

1. Mohammad Ashraf, M.D. ("Dr. Ashraf"), holds a license to practice medicine and surgery in West Virginia, License No. 12021, and his address of record with the Board is in Morgantown, West Virginia.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Clara J. Hickey relating to alleged unprofessional conduct of Dr. Ashraf with respect to his alleged uncaring and brusque treatment of the Complainant with regard to her stage IV cancer during an appointment with the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Ashraf.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Ashraf. The Complainant did not file a reply.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Ashraf engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Ashraf in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Ashraf is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Ashraf violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Ashraf to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Ashraf engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Ashraf for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PAUL BACHWITT, M.D.

COMPLAINT NO. 09-189-M

DECISION

FINDINGS OF FACT

1. Paul Bachwitt, M.D. ("Dr. Bachwitt"), holds a license to practice medicine and surgery in West Virginia, License No. 11859, and his address of record with the Board is in Charleston, West Virginia.

2. In November 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from James Masley relating to alleged unprofessional conduct of Dr. Bachwitt with respect to his alleged inappropriate comments and suggestions made to the Complainant during an Independent Medical Evaluation.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Bachwitt.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Bachwitt. The Complainant filed an additional response in January 2010.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Bachwitt engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Bachwitt in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Bachwitt is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Bachwitt violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Bachwitt to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Bachwitt engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Bachwitt for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

NILIMA RAVINDRANATH BHIRUD, M.D.

COMPLAINT NO. 09-162-D

DECISION

FINDINGS OF FACT

1. Nilima Ravindranath Bhirud, M.D. ("Dr. Bhirud"), holds a license to practice medicine and surgery in West Virginia, License No. 13751, and her address of record with the Board is in Marmet, West Virginia.

2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Edward Daniel related to Dr. Bhirud's alleged failure to practice medicine reasonably and alleged unprofessional conduct when Dr. Bhirud allegedly instigated a boisterous argument with the Complainant allegedly leading to patient abandonment.

3. The Complaint Committee began an investigation of the complaint and in November 2009, a response to the complaint was filed by Dr. Bhirud.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Bhirud and the Complainant filed no reply.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Bhirud failed to practice medicine and surgery with that level of care, skill and treatment

which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Bhirud engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Bhirud in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Bhirud is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Bhirud violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove

that the license of Dr. Bhirud to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Bhirud engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Bhirud for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

NIKOLA BICAK, D.P.M.

COMPLAINT NO. 09-164-S

DECISION

FINDINGS OF FACT

1. Nikola Bicak, D.P.M. ("Dr. Bicak"), holds a license to practice podiatry in West Virginia, License No. 00307, and his address of record with the Board is in Ripley, West Virginia.

2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Sharon R. Stewart relating to the alleged unprofessional conduct of Dr. Bicak with respect to his alleged failure to furnish medical records to the Complainant's new podiatrist upon request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Bicak.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Bicak. The Complainant filed no additional response.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Bicak engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice podiatry of Dr. Bicak in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Bicak is unqualified to practice podiatry in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Bicak violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Bicak to practice podiatry in this State should be restricted or limited because there is no evidence in this matter that Dr. Bicak engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit

discipline by the West Virginia Board of Medicine. W. Va. Code §30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of podiatry or to restrict the license to practice podiatry of Dr. Bicak for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN EMIL CAPITO, M.D.

COMPLAINT NO. 09-160-H

DECISION

FINDINGS OF FACT

1. John Emil Capito, M.D. ("Dr. Capito"), holds a license to practice medicine and surgery in West Virginia, License No. 13351, and his address of record with the Board is in Weirton, West Virginia.

2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Denise Holloway relating to the alleged unprofessional conduct of Dr. Capito with respect to his alleged inappropriate behavior and comments to the Complainant during an examination.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Capito.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Capito. In January 2010, the Complainant filed a reply.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Capito engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Capito in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Capito is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Capito violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Capito to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Capito engaged in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Capito for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RELY C. CARBONEL, M.D.

COMPLAINT NO. 09-108-A

DECISION

FINDINGS OF FACT

1. Rely C. Carbonel, M.D. ("Dr. Carbonel"), holds a license to practice medicine and surgery in West Virginia, License No. 11515, and his address of record with the Board is in Logan, West Virginia.

2. In July 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Pansy Adkins relating to the alleged unprofessional conduct of Dr. Carbonel with respect to his alleged failure to furnish medical records to the Complainant upon request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in September 2009, a response to the complaint was filed by Dr. Carbonel.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Carbonel. The Complainant filed a reply in November 2009.

5. Additional information was requested from Dr. Carbonel and reviewed.

6. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Carbonel engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Carbonel in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Carbonel is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Carbonel violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Carbonel to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. Carbonel engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Carbonel for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SUBRAMANIYAM CHANDRASEKHAR, M.D.

COMPLAINT NO. 09-168-P

DECISION

FINDINGS OF FACT

1. Subramaniyam Chandrasekhar, M.D. ("Dr. Chandrasekhar"), holds a license to practice medicine and surgery in West Virginia, License No. 20461, and his address of record with the Board is in New Martinsville, West Virginia.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Amy Parsons relating to the alleged unprofessional conduct of Dr. Chandrasekhar with respect to his alleged inappropriate behavior and confrontation with the Complainant during an evaluation.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Chandrasekhar.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Chandrasekhar. The Complainant filed no additional response.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Chandrasekhar engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Chandrasekhar in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Chandrasekhar is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Chandrasekhar violated any provision of the Medical Practice Act or rule of the Board.

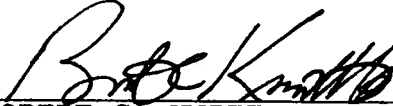
3. The evidence presented in this matter fails to prove that the license of Dr. Chandrasekhar to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Chandrasekhar engaged

in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Chandrasekhar for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

AMRIK SINGH CHATTHA, M.D.

COMPLAINT NO. 09-163-L

DECISION

FINDINGS OF FACT

1. Amrik Singh Chattha, M.D. ("Dr. Chattha"), holds a license to practice medicine and surgery in West Virginia, License No. 10069, and his address of record with the Board is in Weirton, West Virginia.

2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from William D. Lough, relating to the care and treatment rendered by Dr. Chattha during which Dr. Chattha allegedly reported a false medical history to another physician regarding the Complainant and allegedly withheld vital test results.

3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Chattha.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Chattha, and in December 2009, the Complainant filed a reply.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence that Dr. Chattha failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Chattha in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Chattha is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Chattha violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Chattha to practice medicine and

surgery in this State should be restricted or limited because there is no evidence that Dr. Chattha failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Chattha for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

STEVEN RANDOLPH DOWNER, D.P.M.

COMPLAINT NO. 09-146-S

DECISION

FINDINGS OF FACT

1. Steven Randolph Downer, D.P.M. ("Dr. Downer"), holds a license to practice podiatry in West Virginia, License No. 00237, and his address of record with the Board is in Marietta, Ohio.

2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Sharon Stephens, relating to the care and treatment rendered by Dr. Downer. The complaint alleged that Dr. Downer failed to properly perform surgery and to provide proper postoperative treatment to the Complainant.

3. The Complaint Committee began an investigation of the complaint and in November 2009, a response to the complaint was filed by Dr. Downer.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Downer, and in November 2009, the Complainant filed a reply.

5. Additional records were subpoenaed and reviewed.

6. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence that Dr. Downer failed to practice podiatry with that level of care, skill and treatment which is recognized by a reasonable, prudent podiatrist engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice podiatry of Dr. Downer in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Downer is unqualified to practice podiatry in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Downer violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Downer to practice podiatry in this State should be restricted or limited because there is no evidence

that Dr. Downer failed to practice podiatry with that level of care, skill and treatment which is recognized by a reasonable, prudent podiatrist engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of podiatry or to restrict the license to practice podiatry of Dr. Downer for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

TOURAJ FARID, M.D.

COMPLAINT NO. 09-161-S

DECISION

FINDINGS OF FACT

1. Touraj Farid, M.D. ("Dr. Farid"), holds a license to practice medicine and surgery in West Virginia, License No. 13804, and his address of record with the Board is in Beckley, West Virginia.

2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Danny L. Stone relating to alleged unprofessional conduct of Dr. Farid with respect to the alleged inappropriate treatment of the Complainant during an examination and the alleged overbilling of the Complainant subsequent to this appointment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Farid.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Farid. The Complainant filed no additional response.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Farid engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Farid in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Farid is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Farid violated any provision of the Medical Practice Act or rule of the Board.

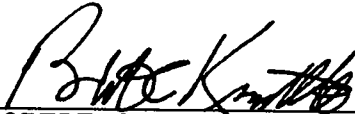
3. The evidence presented in this matter fails to prove that the license of Dr. Farid to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Farid engaged in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Farid for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

TIMOTHY KEVIN JACKSON, M.D.

COMPLAINT NO. 09-174-B

DECISION

FINDINGS OF FACT

1. Timothy Kevin Jackson, M.D. ("Dr. Jackson"), holds a license to practice medicine and surgery in West Virginia, License No. 13532, and his address of record with the Board is in Morgantown, West Virginia.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Roy Bittinger, Jr., relating to the alleged inappropriate care and treatment rendered by Dr. Jackson.

3. The Complaint Committee began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Jackson.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Jackson, and in January 2010, the Complainant filed a reply.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Jackson failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same

specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Jackson in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Jackson is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Jackson violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Jackson to practice medicine and surgery in this State should be restricted or limited because there is no evidence that Dr. Jackson failed to practice medicine and surgery with that level of care, skill and treatment which is

recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Jackson for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

WILLIAM ANDREW MERVA, M.D.

COMPLAINT NO. 09-178-M

DECISION

FINDINGS OF FACT

1. William Andrew Merva, M.D. ("Dr. Merva"), holds a license to practice medicine and surgery in West Virginia, License No. 14198, and his address of record with the Board is in Princeton, West Virginia.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Laura J. Meadows relating to alleged unprofessional conduct by Dr. Merva with respect to his alleged refusal to establish a patient/physician relationship with the Complainant at the time of her previously scheduled appointment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Merva.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Merva. The Complainant filed a reply in January 2010.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Merva engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Merva in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Merva is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Merva violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Merva to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Merva engaged in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Merva for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SHANIS ANAY PADGETT, M.D.

COMPLAINT NO. 09-58-P

DECISION

FINDINGS OF FACT

1. Shanis Anay Padgett, M.D. ("Dr. Padgett"), holds a license to practice medicine and surgery in West Virginia, License No. 21384, and her address of record with the Board is in Daniels, West Virginia.

2. In April 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Bruce Padgett alleging: failure of Dr. Padgett to practice medicine reasonably; unprofessional conduct; and substance abuse of Dr. Padgett both during and after working hours putting her patients and herself in jeopardy.

3. The Complaint Committee began an investigation of the complaint and in May 2009, a response to the complaint was filed on behalf of Dr. Padgett.

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Padgett and the Complainant filed a reply in June 2009.

5. Additional records were subpoenaed and reviewed.

6. Dr. Padgett appeared for a full discussion of the matter before the Complaint Committee of the Board in November 2009, at the Committee's regularly scheduled meeting.

7. Dr. Padgett voluntarily submitted to a drug and alcohol

test and submitted the results to the Complaint Committee. The results of the drug and alcohol test did not reveal any drug use or alcohol abuse.

8. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Padgett failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Padgett engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Padgett in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Padgett is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and

specifically there is no evidence in this matter proving that Dr. Padgett violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Padgett to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Padgett engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Padgett for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

WARD JACKSON PAINE, M.D.

COMPLAINT NO. 09-175-M

DECISION

FINDINGS OF FACT

1. Ward Jackson Paine, M.D. ("Dr. Paine"), holds a license to practice medicine and surgery in West Virginia, License No. 20635, and his address of record with the Board is in Morgantown, West Virginia.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Joseph M. McGrath alleging: failure of Dr. Paine to practice medicine reasonably; unprofessional conduct with respect to inappropriate refusal to re-establish a patient/physician relationship with the Complainant; and improper comments made to the Complainant in public.

3. The Complaint Committee began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Paine.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Paine and the Complainant filed a reply in January 2010.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Paine failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Paine engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Paine in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Paine is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Paine violated any provision of the Medical Practice Act or rule


of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Paine to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Paine engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Paine for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MUSTAFA RAHIM, M.D.

COMPLAINT NO. 09-176-B

DECISION

FINDINGS OF FACT

1. Mustafa Rahim, M.D. ("Dr. Rahim"), holds a license to practice medicine and surgery in West Virginia, License No. 18191, and his address of record with the Board is in Beckley, West Virginia.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Brittany L. Bauer related to alleged unprofessional conduct by Dr. Rahim with respect to his alleged failure to furnish medical records to the Complainant or her new physician upon their requests.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Rahim.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Rahim. The Complainant filed no additional response.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Rahim engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Rahim in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Rahim is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Rahim violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Rahim to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Rahim engaged in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Rahim for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MUHAMMAD SALMAN, M.D.

COMPLAINT NO. 09-97-A

DECISION

FINDINGS OF FACT

1. Muhammad Salman, M.D. ("Dr. Salman"), holds a license to practice medicine and surgery in West Virginia, License No. 19711, and his address of record with the Board is in Nutter Fort, West Virginia.

2. In June 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Danelle I. Ashcraft on behalf of her son, Adam W. Ashcraft, alleging: Dr. Salman failed to practice medicine reasonably; unprofessional conduct with respect to the alleged failure to provide the Complainant's son with needed medication; and the alleged inappropriate attempts to coerce the Complainant to utilize Dr. Salman's pharmacy.

3. The Complaint Committee began an investigation of the complaint and in August 2009, a response to the complaint was filed by Dr. Salman.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Salman and the Complainant filed no reply.

5. Dr. Salman appeared for a full discussion of the matter before the Complaint Committee of the Board on March 7, 2010, where he presented evidence on his behalf.

6. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Salman failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Salman engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Salman in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Salman is unqualified to practice medicine and surgery in this

State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Salman violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Salman to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Salman engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Salman for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MICHAEL SHRAMOWIAT, M.D.

COMPLAINT NO. 09-190-W

DECISION

FINDINGS OF FACT

1. Michael Shramowiat, M.D. ("Dr. Shramowiat"), holds a license to practice medicine and surgery in West Virginia, License No. 17187, and his address of record with the Board is in Vienna, West Virginia.

2. In November 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Gail E. Withers, Sr., related to alleged unprofessional conduct by Dr. Shramowiat with respect to his alleged inappropriate discharge of the Complainant after an adverse drug screen.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Shramowiat.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Shramowiat. In February 2010, the Complainant's wife filed a reply on behalf of the now deceased Complainant.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Shramowiat engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Shramowiat in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Shramowiat is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Shramowiat violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Shramowiat to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Shramowiat engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Shramowiat for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RICHARD MARTIN VAGLIENTI, M.D.

COMPLAINT NO. 09-104-P

DECISION

FINDINGS OF FACT

1. Richard Martin Vaglienti, M.D. ("Dr. Vaglienti"), holds a license to practice medicine and surgery in West Virginia, License No. 15102, and his address of record with the Board is in Morgantown, West Virginia.

2. In June 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Judith Perzanowski related to Dr. Vaglienti's alleged failure to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged failure to keep accurate written records, the alleged failure to properly monitor the Complainant after surgery and the alleged failure to respond to other physicians regarding the Complainant's treatment.

3. The Complaint Committee began an investigation of the complaint and in August 2009, a response to the complaint was filed by Dr. Vaglienti.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Vaglienti and the Complainant filed a reply in September 2009.

5. Dr. Vaglienti appeared with counsel for a full discussion of the matter before the Complaint Committee of the

Board on March 7, 2010.

6. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was insufficient evidence in this matter that Dr. Vaglienti failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and insufficient evidence in this matter that Dr. Vaglienti engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Vaglienti in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is insufficient evidence in this matter to

prove that Dr. Vaglienti is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter proving that Dr. Vaglienti violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Vaglienti to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence in this matter that Dr. Vaglienti engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Vaglienti for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

THOMAS CLIFFORD VALLEY, M.D.

COMPLAINT NO. 09-171-R

DECISION

FINDINGS OF FACT

1. Thomas Clifford Valley, M.D. ("Dr. Valley"), holds a license to practice medicine and surgery in West Virginia, License No. 22226, and his address of record with the Board is in Baker, West Virginia.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Betty C. Rader related to the alleged failure of Dr. Valley to practice medicine reasonably and Dr. Valley's alleged unprofessional conduct. The complaint alleges the following: inappropriate comments made to the Complainant during an appointment for the Complainant's mother, the denial of medical records and necessary orders in an attempt to coerce the Complainant not to place her mother in a nursing home, and Dr. Valley forcing the Complainant to place her mother in the hospital; all of which the Complainant alleges resulted in harm to her mother.

3. The Complaint Committee began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Valley.

4. Subsequently, the Complainant was forwarded the

response filed by Dr. Valley and the Complainant filed a reply in January 2010.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Valley failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Valley engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Valley in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Valley is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Valley violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Valley to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Valley engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Valley for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT LEE VAWTER, M.D.

COMPLAINT NO. 09-191-P

DECISION

FINDINGS OF FACT

1. Robert Lee Vawter, M.D. ("Dr. Vawter"), holds a license to practice medicine and surgery in West Virginia, License No. 16074, and his address of record with the Board is in Wheeling, West Virginia.

2. In November 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Cathy Pyle. The complaint alleged: Dr. Vawter failed to practice medicine reasonably; unprofessional conduct with respect to Dr. Vawter's denial to see the Complainant at a previously scheduled appointment; and the inappropriate comments made to the Complainant by Dr. Vawter's staff.

3. The Complaint Committee began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Vawter.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Vawter and the Complainant filed a reply in January 2010.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Vawter failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Vawter engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Vawter in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Vawter is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Vawter violated any provision of the Medical Practice Act or rule


of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Vawter to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Vawter engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Vawter for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KAREN LOUISE WINTER, M.D.

COMPLAINT NO. 09-177-G

DECISION

FINDINGS OF FACT

1. Karen Louise Winter, M.D. ("Dr. Winter"), holds a license to practice medicine and surgery in West Virginia, License No. 23829, and her address of record with the Board is in Elyria, Ohio.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from James Grass, relating to alleged failure of Dr. Winter to practice medicine reasonably with respect to Dr. Winter's alleged refusal to prescribe the Complainant medically necessary medications and the alleged failure to properly provide treatment to the Complainant.

3. The Complaint Committee began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Winter.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Winter, and in January 2010, the Complainant filed a reply.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence that Dr. Winter failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Winter in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Winter is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Winter violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Winter to practice medicine and

surgery in this State should be restricted or limited because there is no evidence that Dr. Winter failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Winter for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT CHENG YEE, M.D.

COMPLAINT NO. 09-105-F

DECISION

FINDINGS OF FACT

1. Robert Cheng Yee, M.D. ("Dr. Yee"), holds a license to practice medicine and surgery in West Virginia, License No. 11456, and his address of record with the Board is in Beckley, West Virginia.

2. In June 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Dixie Joyce Farmer related to the alleged failure of Dr. Yee to practice medicine reasonably and his alleged unprofessional conduct with respect to the alleged unhygienic practices resulting from Dr. Yee having pets in his medical office and Dr. Yee's alleged performing of examinations without taking proper sanitary precautions.

3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Yee.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Yee and the Complainant filed a reply in November 2009.

5. Dr. Yee appeared for a full discussion of the matter before the Complaint Committee of the Board on March 7,

2010.

6. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Yee failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Yee engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Yee in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that


Dr. Yee is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Yee violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Yee to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Yee engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Yee for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT CHENG YEE, M.D.

COMPLAINT NO. 09-172-R

DECISION

FINDINGS OF FACT

1. Robert Cheng Yee, M.D. ("Dr. Yee"), holds a license to practice medicine and surgery in West Virginia, License No. 11456, and his address of record with the Board is in Beckley, West Virginia.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Susan Richmond related both to the alleged failure of Dr. Yee to practice medicine reasonably and his alleged unprofessional conduct with respect to the alleged continued prescribing of narcotics to the Complainant's husband after Dr. Yee knew her husband was addicted to the medication.

3. The Complaint Committee began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Yee.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Yee and the Complainant filed no reply.

5. At the March 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Yee failed to practice

medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Yee engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Yee in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.


2. There is no evidence in this matter to prove that Dr. Yee is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Yee violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Yee to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Yee engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Yee for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations – 2010

Closed Cases - No Probable Cause Found/

No Disciplinary Sanction

MONTH OF MAY, 2010

10-14-K Adnan Alghadban, M.D.
09-185-S Richard Graham Bowman, II, M.D.
10-01-S Paramjit Chumber, M.D.
10-05-P Ghassan Y. Dagher, M.D.
10-13-B Julie Ann DeTemple, M.D.
09-10-V Peter John Edgerton, M.D.
09-159-F J. Jorge Gordinho, M.D.
10-09-S Priyanka Jain, M.D.
10-12-B Phillip Edward Jarvis, M.D.
09-179-H Sriramloo Kesari, M.D.
09-200-N Myron Alan Lewis, M.D.
09-169-K Ryan Timothy McCarthy, M.D.
09-188-H Elizabeth Ann McClellan, M.D.
09-195-H Farid Mozaffari, M.D.
10-11-W Ali Oliashirazi, M.D.
10-07-C Joseph Michael Petersen, M.D.
09-199-T Mustafa Rahim, M.D.
10-02-M Nicole Mary Rashid, M.D.
09-187-W Kenneth Alan Rock, M.D.
09-202-M Stanley Burnett Schmidt, M.D.
09-203-S Mario Rafael Schwabe, M.D.
09-184-C Carl Randolph Shelton, M.D.
09-180-S Robert Salade Strauch, M.D.
09-194-W Victor Vidal Villarreal, M.D.
09-204-W John Bowman White, III, D.P.M.

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2010

**Closed Cases - No Probable Cause Found/
No Disciplinary Sanction**

MONTH OF MAY, 2010 - continued

09-181-G Karen Louise Winter, M.D.
09-198-B Karen Louise Winter, M.D.
09-186-D Jessica Rose Galang Ybanez-Morano, M.D.

TOTAL 28

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ADNAN ALGHADBAN, M.D.

COMPLAINT NO. 10-14-K

DECISION

FINDINGS OF FACT

1. Adnan Alghadban, M.D. ("Dr. Alghadban"), holds a license to practice medicine and surgery in West Virginia, License No. 21350, and his address of record with the Board is in Nutter Fort, West Virginia.

2. In February 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Judy E. Kelley. Ms. Kelley, in her complaint, alleged that Dr. Alghadban failed to practice medicine acceptably with respect to his alleged failure to examine the patient with regards to the complaints for which she was referred to his office. The complaint also alleged unprofessional conduct on the part of Dr. Alghadban with respect to alleged exploitation of the Complainant for financial gain.

3. The Complaint Committee began an investigation of the complaint and in February 2010, a response to the complaint was filed by Dr. Alghadban.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Alghadban and in April 2010, the Complainant filed a reply.

5. At the May 9, 2010, meeting of the Complaint

Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Alghadban failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Alghadban engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Alghadban in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Alghadban is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c)


and specifically there is no evidence in this matter proving that Dr. Alghadban violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Alghadban to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Alghadban engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Alghadban for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RICHARD GRAHAM BOWMAN, II, M.D.

COMPLAINT NO. 09-185-S

DECISION

FINDINGS OF FACT

1. Richard Graham Bowman, II, M.D. ("Dr. Bowman"), holds a license to practice medicine and surgery in West Virginia, License No. 20316, and his address of record with the Board is in Charleston, West Virginia.

2. In November 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Melonie Shaw, relating to the care and treatment rendered by Dr. Bowman during which Dr. Bowman allegedly failed to properly diagnose and treat the Complainant. The Complainant also alleged that Dr. Bowman failed to maintain accurate medical records.

3. The Complaint Committee began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Bowman.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Bowman, and the Complainant filed no additional response.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence that Dr. Bowman failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Bowman in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Bowman is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Bowman violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Bowman to practice medicine and

surgery in this State should be restricted or limited because there is no evidence that Dr. Bowman failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Bowman for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PARAMJIT CHUMBER, M.D.

COMPLAINT NO. 10-01-S

DECISION

FINDINGS OF FACT

1. Paramjit Chumber, M.D. ("Dr. Chumber"), holds a license to practice medicine and surgery in West Virginia, License No. 21896, and his address of record with the Board is in Bridgeport, West Virginia.

2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Connie Rae Smith ("Ms. Smith"), relating to the care and treatment rendered by Dr. Chumber to Ms. Smith. The complaint alleged that Dr. Chumber failed to properly diagnose and treat Ms. Smith, alleged prescribed inappropriate medication, and allegedly accessed her medical insurance without her knowledge or approval.

3. The Complaint Committee began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Chumber.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Chumber, and the Complainant filed no additional response.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Chumber failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Chumber in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Chumber is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Chumber violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to

prove that the license of Dr. Chumber to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Chumber failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Chumber for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GHASSAN Y. DAGHER, M.D.

COMPLAINT NO. 10-05-P

DECISION

FINDINGS OF FACT

1. Ghassan Y. Dagher, M.D. ("Dr. Dagher"), holds a license to practice medicine and surgery in West Virginia, License No. 12037, and his address of record with the Board is in Montgomery, West Virginia.

2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Clifford Allen Powers, relating to the care and treatment rendered by Dr. Dagher during which Dr. Dagher allegedly failed to properly diagnose and treat the Complainant.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Dagher.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Dagher, and in March 2010, the Complainant filed a reply.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Dagher failed to practice medicine and surgery with that level of care, skill and treatment which is

recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Dagher in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Dagher is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Dagher violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Dagher to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Dagher failed to

practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Dagher for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JULIE ANN DETEMPLE, M.D.

COMPLAINT NO. 10-13-B

DECISION

FINDINGS OF FACT

1. Julie Ann DeTemple, M.D. ("Dr. DeTemple"), holds a license to practice medicine and surgery in West Virginia, License No. 19920, and her address of record with the Board is in South Charleston, West Virginia.

2. In February 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Larry E. Blankenship relating to alleged unprofessional conduct of Dr. DeTemple with respect to the allegedly inappropriate discharge of the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. DeTemple.

4. Subsequently, the Complainant was forwarded the response filed by Dr. DeTemple. The Complainant filed a reply in April 2010.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. DeTemple engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. DeTemple in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. DeTemple is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. DeTemple violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. DeTemple to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. DeTemple engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as

to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. DeTemple for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PETER JOHN EDGERTON, M.D.

COMPLAINT NO. 09-10-V

DECISION

FINDINGS OF FACT

1. Peter John Edgerton, M.D. ("Dr. Edgerton"), holds a license to practice medicine and surgery in West Virginia, License No. 19774, and his address of record with the Board is in Weston, West Virginia.
2. In January 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Dean Van Bibber, relating to the care and treatment rendered by Dr. Edgerton. The Complainant alleged that Dr. Edgerton failed to appropriately diagnose and treat the Complainant.
3. The Complaint Committee began an investigation of the complaint and in February 2009, a response to the complaint was filed by Dr. Edgerton.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Edgerton, and in March 2009, the Complainant filed a reply.
5. Additional records were subpoenaed and reviewed by an independent medical consultant, who filed a written report with the Complaint Committee of the Board stating that "...based on the review of the records provided and the standard of care in this situation, I feel that Dr. Edgerton should have provided better documentation regarding patient encounters and that a biopsy of this area in the bladder should have been performed at an earlier date so that treatment could be undertaken." Additionally the medical consultant noted "according to the

patient, biopsies were discussed but were never scheduled, and according to Dr. Edgerton, the biopsies were recommended but the patient refused." The medical consultant concluded that "...the determination as to whether a cystectomy could have been avoided cannot be made in this particular case."

6. Dr. Edgerton appeared with counsel for a full discussion of the matter before the Complaint Committee of the Board on May 9, 2010.

7. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was insufficient evidence that Dr. Edgerton failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Edgerton in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is insufficient evidence in this matter to prove that Dr. Edgerton is unqualified to practice medicine and surgery in this


State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter proving that Dr. Edgerton violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Edgerton to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence that Dr. Edgerton failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Edgerton for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

J. JORGE GORDINHO, M.D.

COMPLAINT NO. 09-159-F

DECISION

FINDINGS OF FACT

1. J. Jorge Gordinho, M.D. ("Dr. Gordinho"), holds a license to practice medicine and surgery in West Virginia, License No. 16005, and his address of record with the Board is in Beckley, West Virginia.
2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from William Feagin for Sheryl Feagin, relating to the alleged incompetent care and treatment rendered by Dr. Gordinho to the Complainant's wife allegedly resulting in her death.
3. The Complaint Committee began an investigation of the complaint and in December 2009, a response to the complaint was filed by Dr. Gordinho.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Gordinho, and in January 2010, the Complainant filed a reply.
5. Additional records were subpoenaed and reviewed.
6. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Gordinho failed to practice medicine and

surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Gordinho in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Gordinho is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Gordinho violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Gordinho to practice medicine and surgery in this State should be restricted or limited because

there is no evidence that Dr. Gordinho failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Gordinho for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PRIYANKA JAIN, M.D.

COMPLAINT NO. 10-09-S

DECISION

FINDINGS OF FACT

1. Priyanka Jain, M.D. ("Dr. Jain"), is a resident at the Clark K. Sleeth Family Medicine Center at the Robert C. Byrd Health Science Center, in Morgantown, West Virginia, and Dr. Jain's address of record with the Board is in Morgantown, West Virginia.

2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Michael Lee Smallwood, relating to the care and treatment rendered by Dr. Jain. The complaint alleges Dr. Jain failed to adequately perform examinations and allegedly discontinued the Complainant's necessary medications without proper cause.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Jain.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Jain, and in April 2010, the Complainant filed a reply.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence that Dr. Jain failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the ability to practice medicine and surgery of Dr. Jain in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Jain is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Jain violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to

prove that the ability of Dr. Jain to practice medicine and surgery in this State should be restricted or limited because there is no evidence that Dr. Jain failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the ability to practice medicine and surgery of Dr. Jain for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PHILLIP EDWARD JARVIS, M.D.

COMPLAINT NO. 10-12-B

DECISION

FINDINGS OF FACT

1. Phillip Edward Jarvis, M.D. ("Dr. Jarvis"), holds a license to practice medicine and surgery in West Virginia, License No. 13144, and his address of record with the Board is in Rainelle, West Virginia.

2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Barry Boles related to the alleged failure of Dr. Jarvis to practice medicine reasonably when Dr. Jarvis allegedly stopped the Complainant's necessary medications without warning, therefore allegedly endangering the Complainant's health. The complaint also alleges unprofessional conduct on the part of Dr. Jarvis with respect to alleged patient abandonment.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Jarvis.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Jarvis and in April 2010, the Complainant filed a reply.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Jarvis failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Jarvis engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Jarvis in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Jarvis is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr.


Jarvis violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Jarvis to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Jarvis engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Jarvis for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SRIRAMLOO KESARI, M.D.

COMPLAINT NO. 09-179-H

DECISION

FINDINGS OF FACT

1. Sriramloo Kesari, M.D. ("Dr. Kesari"), holds a license to practice medicine and surgery in West Virginia, License No. 12006, and his address of record with the Board is in Danville, West Virginia.
2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Rachel P. Hunter relating to alleged unprofessional conduct of Dr. Kesari with respect to the alleged failure to furnish medical records to the Complainant upon request, the alleged disclosure of the Complainant's medical information in violation of HIPAA, and alleged patient abandonment by Dr. Kesari of the Complainant.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Kesari.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Kesari. The Complainant filed no additional response.
5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Kesari engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Kesari in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW


1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Kesari is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Kesari violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Kesari to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. Kesari engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Kesari for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MYRON ALAN LEWIS, M.D.

COMPLAINT NO. 09-200-N

DECISION

FINDINGS OF FACT

1. Myron Alan Lewis, M.D. ("Dr. Lewis"), holds a license to practice medicine and surgery in West Virginia, License No. 18370, and his address of record with the Board is in Huntington, West Virginia.
2. In December 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ethel M. Nelson, relating to the care and treatment rendered by Dr. Lewis to the Complainant during which Dr. Lewis allegedly prescribed contraindicated medications allegedly leading to the Complainant experiencing unnecessary complications.
3. The Complaint Committee began an investigation of the complaint and in February 2010, a response to the complaint was filed on behalf of Dr. Lewis.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Lewis, and in March 2010, the Complainant filed a reply.
5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Lewis failed to practice medicine and

surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Lewis in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Lewis is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Lewis violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Lewis to practice medicine and surgery in this State should be restricted or limited because

there is no evidence that Dr. Lewis failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Lewis for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RYAN TIMOTHY MCCARTHY, M.D.

COMPLAINT NO. 09-169-K

DECISION

FINDINGS OF FACT

1. Ryan Timothy McCarthy, M.D. ("Dr. McCarthy"), holds a license to practice medicine and surgery in West Virginia, License No. 22072, and his address of record with the Board is in Martinsburg, West Virginia.
2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Francis L. Kilmer relating to alleged unprofessional conduct of Dr. McCarthy with respect to inappropriate comments allegedly made during an examination. The complaint also alleged that Dr. McCarthy improperly discharged the Complainant.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. McCarthy.
4. Subsequently, the Complainant was forwarded the response filed by Dr. McCarthy. The Complainant filed no additional response.
5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. McCarthy engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. McCarthy in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. McCarthy is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. McCarthy violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. McCarthy to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. McCarthy engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. McCarthy for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ELIZABETH ANN MCCLELLAN, M.D.

COMPLAINT NO. 09-188-H

DECISION

FINDINGS OF FACT

1. Elizabeth Ann McClellan, M.D. ("Dr. McClellan"), holds a license to practice medicine and surgery in West Virginia, License No. 21941, and her address of record with the Board is in South Charleston, West Virginia.
2. In November 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Tammy M. Hardman relating to alleged unprofessional conduct of Dr. McClellan with respect to her alleged inappropriate confrontation with the Complainant during an appointment for the Complainant's daughter.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. McClellan.
4. Subsequently, the Complainant was forwarded the response filed by Dr. McClellan. In March 2010, the Complainant filed a reply.
5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. McClellan engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. McClellan in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. McClellan is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. McClellan violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. McClellan to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. McClellan engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. McClellan for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

FARID MOZAFFARI, M.D.

COMPLAINT NO. 09-195-H

DECISION

FINDINGS OF FACT

1. Farid Mozaffari, M.D. ("Dr. Mozaffari"), holds a license to practice medicine and surgery in West Virginia, License No. 22324, and his address of record with the Board is in Huntington, West Virginia.
2. In December 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kimberly I. Hartman relating to alleged unprofessional conduct of Dr. Mozaffari with respect to his alleged failure to furnish medical records to the Complainant's new physician upon her request and Dr. Mozaffari's alleged abandonment of the Complainant.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in February 2010, a response to the complaint was filed by Dr. Mozaffari.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Mozaffari. In March 2010, the Complainant filed a reply.
5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Mozaffari engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Mozaffari in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Mozaffari is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Mozaffari violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Mozaffari to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. Mozaffari engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Mozaffari for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ALI OLIASHIRAZI, M.D.

COMPLAINT NO. 10-11-W

DECISION

FINDINGS OF FACT

1. Ali Oliashirazi, M.D. ("Dr. Oliashirazi"), holds a license to practice medicine and surgery in West Virginia, License No. 19175, and his address of record with the Board is in Huntington, West Virginia.

2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Lark A. Willis related to the alleged failure of Dr. Oliashirazi to practice medicine acceptably in the performance of surgery on the Complainant's knee. The Complainant also alleges that Dr. Oliashirazi acted in an unprofessional manner when Dr. Oliashirazi allegedly confronted the Complainant during an appointment.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Oliashirazi.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Oliashirazi and in April 2010, the Complainant filed a reply.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Oliashirazi failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Oliashirazi engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Oliashirazi in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Oliashirazi is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that

Dr. Oliashirazi violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Oliashirazi to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Oliashirazi engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Oliashirazi for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOSEPH MICHAEL PETERSEN, M.D.

COMPLAINT NO. 10-07-C

DECISION

FINDINGS OF FACT

1. Joseph Michael Petersen, M.D. ("Dr. Petersen"), holds a license to practice medicine and surgery in West Virginia, License No. 13832, and his address of record with the Board is in Saint Clairsville, Ohio.

2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Clare J. Casuto, relating to the care and treatment rendered by Dr. Petersen during which he allegedly discussed the Complainant's medical condition with an unauthorized individual and allegedly physically attacked the Complainant.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Petersen.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Petersen, and in March 2010, the Complainant filed a reply.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Petersen failed to practice medicine and

surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Petersen in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW


1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Petersen is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Petersen violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Petersen to practice medicine and surgery in this State should be restricted or limited because

there is no evidence in this matter that Dr. Petersen failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Petersen for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MUSTAFA RAHIM, M.D.

COMPLAINT NO. 09-199-T

DECISION

FINDINGS OF FACT

1. Mustafa Rahim, M.D. ("Dr. Rahim"), holds a license to practice medicine and surgery in West Virginia, License No. 18191, and his address of record with the Board is in Beckley, West Virginia.

2. In December 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kevin D. Thompson relating to alleged unprofessional conduct of Dr. Rahim with respect to alleged inappropriate comments made to the Complainant during a hospital consultation.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in February 2010, a response to the complaint was filed by Dr. Rahim.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Rahim. The Complainant filed no additional response.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Rahim engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Rahim in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Rahim is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Rahim violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Rahim to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Rahim engaged in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Rahim for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

NICOLE MARY RASHID, M.D.

COMPLAINT NO. 10-02-M

DECISION

FINDINGS OF FACT

1. Nicole Mary Rashid, M.D. ("Dr. Rashid"), holds a license to practice medicine and surgery in West Virginia, License No. 21994, and her address of record with the Board is in South Charleston, West Virginia.
2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Samuel A. Morgan, relating to the care and treatment rendered by Dr. Rashid during which she allegedly failed to supply the Complainant with suitable glasses.
3. The Complaint Committee began an investigation of the complaint and in February 2010, a response to the complaint was filed by Dr. Rashid.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Rashid, and in April 2010, the Complainant filed a reply.
5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Rashid failed to practice medicine and surgery with that level of care, skill and treatment which is

recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Rashid in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Rashid is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Rashid violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Rashid to practice medicine and surgery in this State should be restricted or limited because there is no evidence that Dr. Rashid failed to practice medicine

and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Rashid for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KENNETH ALAN ROCK, M.D.

COMPLAINT NO. 09-187-W

DECISION

FINDINGS OF FACT

1. Kenneth Alan Rock, M.D. ("Dr. Rock"), holds a license to practice medicine and surgery in West Virginia, License No. 23528, and his address of record with the Board is in Keyser, West Virginia.
2. In November 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Hope Watts, relating to the care and treatment rendered by Dr. Rock during which he allegedly failed to properly treat the Complainant's stepson.
3. The Complaint Committee began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Rock.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Rock, and in March 2010, a reply was filed on behalf of the Complainant.
5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Rock failed to practice medicine and surgery with that level of care, skill and treatment

which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Rock in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Rock is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Rock violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Rock to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Rock failed to

practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Rock for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

STANLEY BURNETT SCHMIDT, M.D.

COMPLAINT NO. 09-202-M

DECISION

FINDINGS OF FACT

1. Stanley Burnett Schmidt, M.D. ("Dr. Schmidt"), holds a license to practice medicine and surgery in West Virginia, License No. 14480, and his address of record with the Board is in Morgantown, West Virginia.

2. In December 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Joseph Mark McGrath, relating to the care and treatment received by the Complainant during which Dr. Schmidt allegedly failed to properly sedate the Complainant during surgery and allegedly failed to correct the error upon discovery.

3. The Complaint Committee began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Schmidt.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Schmidt, and the Complainant filed no reply.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Schmidt failed to practice medicine and surgery with that level of care, skill and treatment which is

recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Schmidt in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Schmidt is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Schmidt violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Schmidt to practice medicine and surgery in this State should be restricted or limited because there is no evidence that Dr. Schmidt failed to practice medicine

and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Schmidt for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MARIO RAFAEL SCHWABE, M.D.

COMPLAINT NO. 09-203-S

DECISION

FINDINGS OF FACT

1. Mario Rafael Schwabe, M.D. ("Dr. Schwabe"), holds a license to practice medicine and surgery in West Virginia, License No. 14704, and his address of record with the Board is in Parkersburg, West Virginia.
2. In December 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Connie Rae Smith related to the alleged failure of Dr. Schwabe to practice medicine reasonably when he allegedly misdiagnosed the Complainant and prescribed inappropriate medication. The complaint also alleges Dr. Schwabe's unprofessional conduct in relation to the alleged inappropriate disclosure of the Complainant's medical information.
3. The Complaint Committee began an investigation of the complaint and in February 2010, a response to the complaint was filed by Dr. Schwabe.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Schwabe and the Complainant filed no additional response.
5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Schwabe failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Schwabe engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Schwabe in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Schwabe is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that

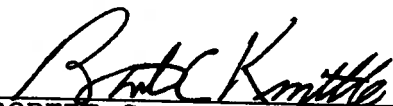
Dr. Schwabe violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Schwabe to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Schwabe engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Schwabe for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CARL RANDOLPH SHELTON, M.D.

COMPLAINT NO. 09-184-C

DECISION

FINDINGS OF FACT

1. Carl Randolph Shelton, M.D. ("Dr. Shelton"), holds a license to practice medicine and surgery in West Virginia, License No. 16669, and his address of record with the Board is in Princeton, West Virginia.

2. In November 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Debra A. Covey relating to alleged unprofessional conduct of Dr. Shelton with respect to his alleged inappropriate discharge of the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Shelton.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Shelton. The Complainant filed no additional response.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Shelton engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Shelton in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Shelton is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Shelton violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Shelton to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Shelton engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as

to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Shelton for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT SALADE STRAUCH, M.D.

COMPLAINT NO. 09-180-S

DECISION

FINDINGS OF FACT

1. Robert Salade Strauch, M.D. ("Dr. Strauch"), holds a license to practice medicine and surgery in West Virginia, License No. 11195, and his address of record with the Board is in Martinsburg, West Virginia.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Simon-Peter Shaffer relating to alleged unprofessional conduct of Dr. Strauch with respect to alleged inappropriate care and storage of the Complainant's medical records and Dr. Strauch's alleged failure to timely and properly inform the Complainant that his medical records and personal information were stolen.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Strauch.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Strauch. The Complainant filed no additional response.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Strauch engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Strauch in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Strauch is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Strauch violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Strauch to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. Strauch engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Strauch for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

VICTOR VIDAL VILLARREAL, M.D.

COMPLAINT NO. 09-194-W

DECISION

FINDINGS OF FACT

1. Victor Vidal Villarreal, M.D. ("Dr. Villarreal"), holds a license to practice medicine and surgery in West Virginia, License No. 15773, and his address of record with the Board is in Clarksburg, West Virginia.

2. In December 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kelly S. White relating to alleged unprofessional conduct of Dr. Villarreal with respect to alleged inappropriate comments and failure to discharge the Complainant with appropriate instructions following surgery.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Villarreal.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Villarreal. The Complainant filed no additional response.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Villarreal engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Villarreal in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Villarreal is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Villarreal violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Villarreal to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Villarreal engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Villarreal for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN BOWMAN WHITE, III, D.P.M.

COMPLAINT NO. 09-204-W

DECISION

FINDINGS OF FACT

1. John Bowman White, III, D.P.M. ("Dr. White"), holds a license to practice podiatry in West Virginia, License No. 00313, and his address of record with the Board is in Cross Lanes, West Virginia.

2. In December 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Slyvia Williamson related to the alleged failure of Dr. White to practice podiatry reasonably due to his alleged failure to appropriately follow up with the Complainant's care and treatment and to supply the Complainant with test results. The complaint also alleged unprofessional conduct by Dr. White with respect to the alleged inappropriate discharge of the Complainant.

3. The Complaint Committee began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. White.

4. Subsequently, the Complainant was forwarded the response filed by Dr. White and in March 2010, the Complainant filed a reply.

5. At the May 9, 2010, meeting of the Complaint

Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. White failed to practice podiatry with that level of care, skill and treatment which is recognized by a reasonable, prudent podiatrist as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. White engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice podiatry of Dr. White in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. White is unqualified to practice podiatry in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. White


violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. White to practice podiatry in this State should be restricted or limited because there is no evidence in this matter that Dr. White engaged in unprofessional conduct and/or failed to practice podiatry with that level of care, skill and treatment which is recognized by a reasonable, prudent podiatrist as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of podiatry or to restrict the license to practice podiatry of Dr. White for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KAREN LOUISE WINTER, M.D.

COMPLAINT NO. 09-181-G

DECISION

FINDINGS OF FACT

1. Karen Louise Winter, M.D. ("Dr. Winter"), holds a license to practice medicine and surgery in West Virginia, License No. 23829, and her address of record with the Board is in Elyria, Ohio.

2. In October 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from James Grass, relating to the care and treatment rendered by Dr. Winter when she allegedly discontinued the Complainant's necessary medications, failed to properly prescribe medications, and to appropriately treat the Complainant's medical conditions.

3. The Complaint Committee began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Winter.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Winter, and in February 2010, the Complainant filed a reply.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence that Dr. Winter failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Winter in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Winter is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Winter violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Winter to practice medicine and

surgery in this State should be restricted or limited because there is no evidence that Dr. Winter failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Winter for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KAREN LOUISE WINTER, M.D.

COMPLAINT NO. 09-198-B

DECISION

FINDINGS OF FACT

1. Karen Louise Winter, M.D. ("Dr. Winter"), holds a license to practice medicine and surgery in West Virginia, License No. 23829, and her address of record with the Board is in Elyria, Ohio.

2. In December 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Luther C. Basham, relating to the care and treatment rendered by Dr. Winter when she allegedly failed to supply the Complainant with alleged medically necessary equipment.

3. The Complaint Committee began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Winter.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Winter, and in February 2010, the Complainant filed a reply.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Winter failed to practice medicine and surgery with that level of care, skill and treatment which is

recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Winter in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Winter is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Winter violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Winter to practice medicine and surgery in this State should be restricted or limited because there is no evidence that Dr. Winter failed to practice medicine

and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Winter for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JESSICA ROSE GALANG YBANEZ-MORANO, M.D.

COMPLAINT NO. 09-186-D

DECISION

FINDINGS OF FACT

1. Jessica Rose Galang Ybanez-Morano, M.D. ("Dr. Ybanez-Morano"), holds a license to practice medicine and surgery in West Virginia, License No. 18916, and her address of record with the Board is in Wheeling, West Virginia.

2. In November 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Tammy Dalton relating to alleged unprofessional conduct of Dr. Ybanez-Morano with respect to alleged inappropriate comments made to the Complainant and the alleged improper billing after a prenatal appointment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2010, a response to the complaint was filed by Dr. Ybanez-Morano.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Ybanez-Morano. In March 2010, the Complainant filed a reply.

5. At the May 9, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Ybanez-Morano engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Ybanez-Morano in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 10, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Ybanez-Morano is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Ybanez-Morano violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Ybanez-Morano to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Ybanez-Morano engaged in dishonorable, unethical or unprofessional conduct of a

character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Ybanez-Morano for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 10, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations – 2010

**Closed Cases - No Probable Cause Found/
No Disciplinary Sanction**

MONTH OF JULY, 2010

10-39-M	Debra Marie Auble, M.D.
10-33-S	Ahmad Bali, M.D.
10-22-T	Marilyn Judy Bonfili, M.D.
10-37-H	Richard Osborne Booth, Jr., M.D.
10-56-W	Eric Scott Brecher, M.D.
10-35-H	Joseph Charles Darrow, Jr., M.D.
10-23-H	Sharon Marie DiCristofaro, M.D.
10-31-K	Subhash V. Gajendragadkar, M.D.
10-30-K	Kimberly Michelle Haikal, P.A.-C.
10-29-K	Sandra K. May, P.A.-C.
10-06-S	Ashraf Mena Kamel Mena, M.D.
10-16-F	Susan Wolf Miller, M.D.
10-15-W	Muhammed Samer Nasher-Alneam, M.D.
10-04-E	Elizabeth Johnson Neely, M.D.
10-18-D	Ajay Tribhovanbhai Patel, M.D.
10-08-H	Christine Mae Patton, M.D.
10-25-W	Scott Elliott Pollard, M.D.
10-67-W	Darrell Steven Reisner, M.D.
10-24-W	Matthew Alan Rohrbach, M.D.
10-10-G	Gai Louise Smythe, M.D.
10-19-C	Emmanuel Olusola Soyoola, M.D.
10-28-W	John T. Templeton, Jr., M.D.
10-26-J	Rajeev Isaac Winfred, M.D.

TOTAL 23

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DEBRA MARIE AUBLE, M.D.

COMPLAINT NO. 10-39-M

DECISION

FINDINGS OF FACT

1. Debra Marie Auble, M.D. ("Dr. Auble"), holds a license to practice medicine and surgery in West Virginia, License No. 16617, and her address of record with the Board is in Elkins, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from David L. Mortensen relating to alleged unprofessional conduct with respect to Dr. Auble's alleged failure to allow the Complainant to be seen and therefore, receive his medications, due to the Complainant's alleged failure to pay an upfront co-payment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2010, a response to the complaint was filed by Dr. Auble.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Auble. In June 2010, the Complainant filed a reply.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Auble engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Auble in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Auble is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Auble violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Auble to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Auble engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Auble for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

AHMAD BALI, M.D.

COMPLAINT NO. 10-33-S

DECISION

FINDINGS OF FACT

1. Ahmad Bali, M.D. ("Dr. Bali"), holds a license to practice medicine and surgery in West Virginia, License No. 21044, and his address of record with the Board is in Charleston, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Rebecca Stewart related to the alleged failure of Dr. Bali to practice medicine reasonably when he allegedly failed to provide the Complainant with adequate post-operative care and Dr. Bali's alleged unprofessional conduct with respect to unprofessional communication with the Complainant during an office visit.

3. The Complaint Committee began an investigation of the complaint and in May 2010, a response to the complaint was filed by Dr. Bali.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Bali and in May 2010, the Complainant filed a reply.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Bali failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Bali engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Bali in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Bali is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr.

Bali violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Bali to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Bali engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Bali for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MARILYN JUDY BONFILI, M.D.

COMPLAINT NO. 10-22-T

DECISION

FINDINGS OF FACT

1. Marilyn Judy Bonfili, M.D. ("Dr. Bonfili"), holds a license to practice medicine and surgery in West Virginia, License No. 20406, and her address of record with the Board is in Fairmont, West Virginia.

2. In February 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kelly L. Taylor related to the alleged failure of Dr. Bonfili to practice medicine reasonably and the alleged unprofessional conduct with respect to Dr. Bonfili's alleged failure to properly diagnose and treat the Complainant, the alleged failure to return the Complainant's inquiries, and the alleged failure to adequately apprise and communicate test results and treatment options regarding the Complainant's medical condition.

3. The Complaint Committee began an investigation of the complaint and in April 2010, a response to the complaint was filed by Dr. Bonfili.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Bonfili and in April 2010, the Complainant filed a reply.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Bonfili failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Bonfili engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Bonfili in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Bonfili is unqualified to practice medicine and surgery in

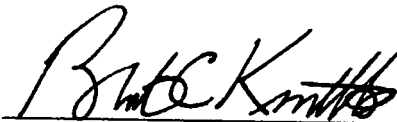
this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Bonfili violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Bonfili to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Bonfili engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Bonfili for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RICHARD OSBORNE BOOTH, JR., M.D.

COMPLAINT NO. 10-37-H

DECISION

FINDINGS OF FACT

1. Richard Osborne Booth, Jr., M.D. ("Dr. Booth"), holds a license to practice medicine and surgery in West Virginia, License No. 20669, and his address of record with the Board is in Huntington, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Suzanne Hurley relating to alleged unprofessional conduct of Dr. Booth with respect to his alleged inappropriate contact with the Complainant during an exam and the alleged demanding of payment from the Complainant following the exam, despite an alleged previous payment arrangements being agreed upon.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2010, a response to the complaint was filed by Dr. Booth.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Booth. The Complainant filed no additional response.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Booth engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Booth in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Booth is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Booth violated any provision of the Medical Practice Act or rule of the Board.

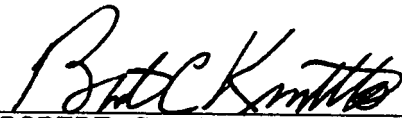
3. The evidence presented in this matter fails to prove that the license of Dr. Booth to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. Booth engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Booth for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ERIC SCOTT BRECHER, M.D.

COMPLAINT NO. 10-56-W

DECISION

FINDINGS OF FACT

1. Eric Scott Brecher, M.D., held a license to practice medicine and surgery in West Virginia, License No. 21211, which expired as of June 30, 2010. His address of record with the Board is in Marietta, Pennsylvania.

2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine initiated a complaint against Dr. Brecher, which related to having his license acted against by another state when the Colorado State Board of Medical Examiners disciplined Dr. Brecher regarding Dr. Brecher having rendered treatment to a patient that was deemed by the Colorado Board as being "below the standard of care".

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint, and by letter dated May 9, 2010, the Committee requested a response by Dr. Brecher be filed within thirty (30) days. A second request was issued on June 2, 2010.

4. In June 2010, a response to the complaint was filed by Dr. Brecher.

5. On June 30, 2010, Dr. Brecher's license to practice surgery in the State of West Virginia automatically expired due to his failure to file his renewal application.

6. At the July 11, 2010, meeting of the Complaint Committee of the Board, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that the West Virginia Board of Medicine no longer has jurisdiction over the matter as Dr. Brecher is no longer licensed to practice medicine and surgery in the State of West Virginia. Accordingly, it was determined that there was no reason to proceed against the license to practice medicine and surgery of Dr. Brecher in the State of West Virginia, and the Complaint Committee voted to close the case with prejudice, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

In accordance with the foregoing Findings of Fact, the following Conclusions of Law are reached:

1. The West Virginia Board of Medicine and its Complaint Committee have no jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in W. Va. Code § 30-3-14(c), which requires that a physician be "licensed or otherwise lawfully practicing in this State".

2. The evidence presented shows that there is a violation of the provisions of the Medical Practice Act and Rules of the Board and that probable cause exists to substantiate disqualification of Dr. Brecher from the practice of medicine and surgery in this State for the reasons set forth in the W. Va. Code

§30-3-14(c)(17) and 11 CSR 1A 12.1(g), in that the license of Dr. Brecher to practice medicine and surgery has been acted against or subjected to disciplinary action in another state. However, the Board is not empowered to discipline Dr. Brecher as he does not hold a valid license to practice medicine and surgery in the State of West Virginia.

3. This matter is therefore closed and dismissed by the West Virginia Board of Medicine with prejudice toward any future application of Dr. Brecher for a license to practice medicine and surgery in West Virginia because of the existing finding of probable cause to substantiate disqualification from the practice of medicine.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOSEPH CHARLES DARROW, JR., M.D.

COMPLAINT NO. 10-35-H

DECISION

FINDINGS OF FACT

1. Joseph Charles Darrow, Jr., M.D. ("Dr. Darrow"), holds a license to practice medicine and surgery in West Virginia, License No. 19291, and his address of record with the Board is in Parkersburg, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Denver Ray Hoover, Medical Power of Attorney for his mother, Rea Darlene Hoover, related to the alleged failure of Dr. Darrow to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged failure to properly treat, and the alleged subsequent patient abandonment of, the Complainant's mother.

3. The Complaint Committee began an investigation of the complaint and in May 2010, a response to the complaint was filed by Dr. Darrow.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Darrow and in May 2010, the Complainant filed a reply.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Darrow failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Darrow engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Darrow in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Darrow is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr.

Darrow violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Darrow to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Darrow engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Darrow for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SHARON MARIE DICRISTOFARO, M.D.

COMPLAINT NO. 10-23-H

DECISION

FINDINGS OF FACT

1. Sharon Marie DiCristofaro, M.D. ("Dr. DiCristofaro"), holds a license to practice medicine and surgery in West Virginia, License No. 20510, and her address of record with the Board is in Huntington, West Virginia.

2. In February 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Dottie L. Holliday regarding her grandson, Joshua Hagley, related to the alleged failure of Dr. DiCristofaro to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged failure of Dr. DiCristofaro to properly treat the Complainant's grandson and the alleged prescribing other than in good faith in accordance with medical standards allegedly resulting in death of the Complainant's grandson.

3. The Complaint Committee began an investigation of the complaint and in April 2010, a response to the complaint was filed by Dr. DiCristofaro.

4. Subsequently, the Complainant was forwarded the response filed by Dr. DiCristofaro and the Complainant filed a reply in May 2010.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was insufficient evidence in this matter that Dr. DiCristofaro failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and insufficient evidence in this matter that Dr. DiCristofaro engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. DiCristofaro in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is insufficient evidence in this matter to prove that Dr. DiCristofaro is unqualified to practice medicine

and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter proving that Dr. DiCristofaro violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. DiCristofaro to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence in this matter that Dr. DiCristofaro engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. DiCristofaro for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SUBHASH V. GAJENDRAGADKAR, M.D.

COMPLAINT NO. 10-31-K

DECISION

FINDINGS OF FACT

1. Subhash V. Gajendragadkar, M.D. ("Dr. Gajendragadkar"), holds a license to practice medicine and surgery in West Virginia, License No. 12558, and his address of record with the Board is in Oak Hill, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Anthony G. Kendrick, relating to the care and treatment rendered by Dr. Gajendragadkar during which he allegedly failed to properly diagnose and treat the Complainant.

3. The Complaint Committee began an investigation of the complaint and in April 2010, a response to the complaint was filed by Dr. Gajendragadkar.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Gajendragadkar, and in June 2010, the Complainant filed a reply.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Gajendragadkar failed to practice medicine and surgery with that level of care, skill and treatment

which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Gajendragadkar in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Gajendragadkar is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Gajendragadkar violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Gajendragadkar to practice medicine and surgery in this State should be restricted or limited because there is no evidence that Dr. Gajendragadkar failed to practice

medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Gajendragadkar for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KIMBERLY MICHELLE HAIKAL, P.A.-C.

COMPLAINT NO. 10-30-K

DECISION

FINDINGS OF FACT

1. Kimberly Michelle Haikal, P.A.-C., has an active license to practice as a physician assistant in West Virginia, License No. 01361, and her address of record with the Board is in Poca, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine received a complaint from Anthony G. Kendrick, which complaint related to the alleged failure of Ms. Haikal to practice as a physician assistant in a reasonable manner when she allegedly failed to properly diagnose and treat the Complainant's medical condition. The complaint also alleged the unprofessional conduct of Ms. Haikal with respect to her alleged patient abandonment of the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2010, Ms. Haikal filed a response to the complaint.

4. Subsequently, the Complainant was forwarded the response filed by Ms. Haikal and the Complainant filed a reply in June 2010.

5. At the July 11, 2010, meeting of the Complaint Committee of the Board, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter of a violation of the regulations pertaining to physician assistants and no reason to proceed against the license to practice as a physician assistant of Ms. Haikal, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

In accordance with the foregoing Findings of Fact, the following Conclusions of Law are reached:

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the complaint under provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to show that Ms. Haikal is unqualified to practice as a physician

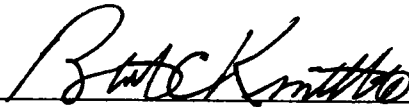
assistant in the State for any reason set forth in W. Va. Code § 30-3-16 and 11 CSR 1B, and specifically there is no evidence in this matter of a violation of any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to show that the license of Ms. Haikal to practice as a physician assistant in the State should be restricted or limited because there is no evidence in this matter of misconduct in her practice as a physician assistant [11 CSR 1B 10.1.h.5.]

4. No probable cause exists to substantiate disqualification as a physician assistant or to restrict the license to practice as a physician assistant of Ms. Haikal for reasons set forth in W. Va. Code § 30-3-16 or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SANDRA K. MAY, P.A.-C.

COMPLAINT NO. 10-29-K

DECISION

FINDINGS OF FACT

1. Sandra K. May, P.A.-C., has an active license to practice as a physician assistant in West Virginia, License No. 01366, and her address of record with the Board is in Charleston, West Virginia.
2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine received a complaint from Anthony G. Kendrick, which complaint related to the alleged failure of Ms. May to practice as a physician assistant in a reasonable manner when she allegedly failed to properly diagnose and treat the Complainant's medical condition. The complaint also alleges the unprofessional conduct of Ms. May with respect to her alleged patient abandonment of the Complainant.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2010, Ms. May filed a response to the complaint.

4. Subsequently, the Complainant was forwarded the response filed by Ms. May and the Complainant filed a reply in June 2010.

5. At the July 11, 2010, meeting of the Complaint Committee of the Board, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter of a violation of the regulations pertaining to physician assistants and no reason to proceed against the license to practice as a physician assistant of Ms. May, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

In accordance with the foregoing Findings of Fact, the following Conclusions of Law are reached:

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the complaint under provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to show that Ms. May is unqualified to practice as a physician assistant

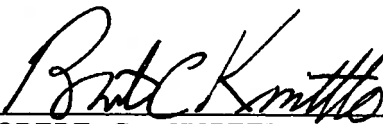
in the State for any reason set forth in W. Va. Code § 30-3-16 and 11 CSR 1B, and specifically there is no evidence in this matter of a violation of any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to show that the license of Ms. May to practice as a physician assistant in the State should be restricted or limited because there is no evidence in this matter of misconduct in her practice as a physician assistant [11 CSR 1B 10.1.h.5.]

4. No probable cause exists to substantiate disqualification as a physician assistant or to restrict the license to practice as a physician assistant of Ms. May for reasons set forth in W. Va. Code § 30-3-16 or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ASHRAF MENA KAMEL MENA, M.D.

COMPLAINT NO. 10-06-S

DECISION

FINDINGS OF FACT

1. Ashraf Mena Kamel Mena, M.D. ("Dr. Mena"), holds a license to practice medicine and surgery in West Virginia, License No. 19793, and his address of record with the Board is in Princeton, West Virginia.

2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Marvaneen Starr, relating to the care and treatment rendered by Dr. Mena during which he allegedly failed to properly diagnose and treat the Complainant and allegedly prescribed unsuitable medications for the Complainant's medical conditions.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Mena.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Mena, and in April 2010, the Complainant filed a reply.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Mena failed to practice medicine and

surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Mena in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Mena is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Mena violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Mena to practice medicine and surgery in this State should be restricted or limited because

there is no evidence that Dr. Mena failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Mena for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SUSAN WOLF MILLER, M.D.

COMPLAINT NO. 10-16-F

DECISION

FINDINGS OF FACT

1. Susan Wolf Miller, M.D. ("Dr. Miller"), holds a license to practice medicine and surgery in West Virginia, License No. 13068, and her address of record with the Board is in Bridgeport, West Virginia.

2. In February 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Shelley M. Fittro related to the alleged failure of Dr. Miller to practice medicine reasonably and Dr. Miller's alleged unprofessional conduct with respect to Dr. Miller allegedly refusing to prescribe the Complainant's required medications while the Complainant was in the process of transferring to another physician.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Miller.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Miller and in April 2010, the Complainant filed a reply.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Miller failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Miller engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Miller in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Miller is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr.


Miller violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Miller to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Miller engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Miller for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MUHAMMED SAMER NASHER-ALNEAM, M.D.

COMPLAINT NO. 10-15-W

DECISION

FINDINGS OF FACT

1. Muhammed Samer Nasher-Alneam, M.D. ("Dr. Nasher-Alneam"), holds a license to practice medicine and surgery in West Virginia, License No. 21191, and his address of record with the Board is in South Charleston, West Virginia.

2. In February 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Slyvia Williamson relating to alleged unprofessional conduct of Dr. Nasher-Alneam with respect to his alleged inappropriate discharge of the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Nasher-Alneam.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Nasher-Alneam. The Complainant filed no additional response.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Nasher-Alneam engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Nasher-Alneam in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Nasher-Alneam is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Nasher-Alneam violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Nasher-Alneam to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Nasher-Alneam engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any

member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Nasher-Alneam for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ELIZABETH JOHNSON NEELY, M.D.

COMPLAINT NO. 10-04-E

DECISION

FINDINGS OF FACT

1. Elizabeth Johnson Neely, M.D. ("Dr. Neely"), holds a license to practice medicine and surgery in West Virginia, License No. 13779, and her address of record with the Board is in Morgantown, West Virginia.
2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Patrick R. Esposito, II, relating to the care and treatment rendered to the Complainant's infant daughter by Dr. Neely during which she ordered the wrong vaccine to be administered to the Complainant's daughter.
3. The Complaint Committee began an investigation of the complaint and in February 2010, a response to the complaint was filed by Dr. Neely in which she acknowledged that the error did take place and admitted full responsibility.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Neely, and the Complainant filed no additional response.
5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was insufficient evidence that Dr. Neely failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Neely in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is insufficient evidence in this matter to prove that Dr. Neely is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter proving that Dr. Neely violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Neely to practice medicine and

surgery in this State should be restricted or limited because there is insufficient evidence that Dr. Neely failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Neely for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

AJAY TRIBHOVANBHAI PATEL, M.D.

COMPLAINT NO. 10-18-D

DECISION

FINDINGS OF FACT

1. Ajay Tribhovanbhai Patel, M.D. ("Dr. Patel"), holds a license to practice medicine and surgery in West Virginia, License No. 20391, and his address of record with the Board is in Saint Albans, West Virginia.

2. In February 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from William D. Duncan, Medical Power of Attorney for his mother, Alma C. Duncan. The complaint related to the alleged failure of Dr. Patel to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged failure to prescribe necessary medications and the alleged refusal to communicate with the Complainant regarding the Complainant's mother.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Patel.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Patel and in April 2010, the Complainant filed a reply.

5. At the July 11, 2010, meeting of the Complaint

Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Patel failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Patel engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Patel in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Patel is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and

specifically there is no evidence in this matter proving that Dr. Patel violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Patel to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Patel engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Patel for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CHRISTINE MAE PATTON, M.D.

COMPLAINT NO. 10-08-H

DECISION

FINDINGS OF FACT

1. Christine Mae Patton, M.D. ("Dr. Patton"), holds a license to practice medicine and surgery in West Virginia, License No. 23601, and her address of record with the Board is in Cranberry TWP, Pennsylvania.

2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Melinda Kay Harple related to the alleged failure of Dr. Patton to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged prescribing of a medication of which Dr. Patton had previously been informed that the Complainant was allergic to and the alleged inappropriate comments by Dr. Patton made to the Complainant during an emergency room visit.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Patton.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Patton and in April 2010 a reply was filed on behalf of the Complainant.

5. At the July 11, 2010, meeting of the Complaint

Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Patton failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Patton engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Patton in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Patton is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and

specifically there is no evidence in this matter proving that Dr. Patton violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Patton to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Patton engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Patton for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SCOTT ELLIOTT POLLARD, M.D.

COMPLAINT NO. 10-25-W

DECISION

FINDINGS OF FACT

1. Scott Elliott Pollard, M.D. ("Dr. Pollard"), holds a license to practice medicine and surgery in West Virginia, License No. 13281, and his address of record with the Board is in Morgantown, West Virginia.
2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Cynthia J. Winfree, relating to the care and treatment rendered by Dr. Pollard during which he allegedly prescribed excessive dosages of inappropriate medications allegedly resulting in harm to the Complainant.
3. The Complaint Committee began an investigation of the complaint and in April 2010, a response to the complaint was filed by Dr. Pollard.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Pollard, and in May 2010, the Complainant filed a reply.
5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Pollard failed to practice medicine and

surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Pollard in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Pollard is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Pollard violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Pollard to practice medicine and surgery in this State should be restricted or limited because

there is no evidence that Dr. Pollard failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Pollard for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DARRELL STEVEN REISNER, M.D.

COMPLAINT NO. 10-67-W

DECISION

FINDINGS OF FACT

1. Darrell Steven Reisner, M.D. ("Dr. Reisner"), holds a license to practice medicine and surgery in West Virginia, License No. 22827, and his address of record with the Board is in Oak Hill, Virginia.

2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint related to the alleged failure of Dr. Reisner to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged performing of surgeries by Dr. Reisner without providing adequate pre-operative and post-operative care.

3. The Complaint Committee began an investigation of the complaint and in June 2010, a response to the complaint was filed by Dr. Reisner.

4. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Reisner failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in

the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Reisner engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Reisner in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Reisner is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Reisner violated any provision of the Medical Practice Act or rule of the Board.

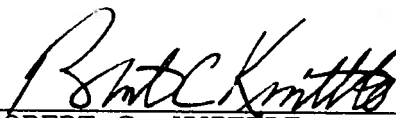
3. The evidence presented in this matter fails to prove that the license of Dr. Reisner to practice medicine and surgery

in this State should be restricted or limited because there is no evidence in this matter that Dr. Reisner engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Reisner for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MATTHEW ALAN ROHRBACH, M.D.

COMPLAINT NO. 10-24-W

DECISION

FINDINGS OF FACT

1. Matthew Alan Rohrbach, M.D. ("Dr. Rohrbach"), holds a license to practice medicine and surgery in West Virginia, License No. 16189, and his address of record with the Board is in Huntington, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint after receiving a notice from St. Mary's Medical Center in Huntington of an Adverse Action Report filed with the National Practitioner Data Bank related to the alleged failure of Dr. Rohrbach to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged failure of Dr. Rohrbach to respond to a call requesting he come to the hospital to see a patient with a GI bleed and Dr. Rohrbach's alleged subsequent voluntary surrender of his privileges at the hospital while he was still under investigation.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed on behalf of Dr. Rohrbach.

4. Additional records were subpoenaed and reviewed.

5. Dr. Rohrbach appeared for a full discussion of the matter before the Complaint Committee of the Board on July 11, 2010,

where he presented evidence on his behalf including the St. Mary's amended statement to the National Practitioner's Data Bank.

6. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Rohrbach failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Rohrbach engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Rohrbach in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Rohrbach is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and

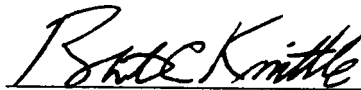
specifically there is no evidence in this matter proving that Dr. Rohrbach violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Rohrbach to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Rohrbach engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Rohrbach for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GAI LOUISE SMYTHE, M.D.

COMPLAINT NO. 10-10-G

DECISION

FINDINGS OF FACT

1. Gai Louise Smythe, M.D. ("Dr. Smythe"), holds a license to practice medicine and surgery in West Virginia, License No. 20569, and her address of record with the Board is in Charleston, West Virginia.

2. In January 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Robert A. Goff related to the alleged failure of Dr. Smythe to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged prescribing of inappropriate medications to the Complainant, alleged inappropriate prescribing practices, alleged inaccurate record keeping and alleged patient abandonment by Dr. Smythe.

3. The Complaint Committee began an investigation of the complaint and in March 2010, a response to the complaint was filed by Dr. Smythe.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Smythe and the Complainant filed a reply in June 2010.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Smythe failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Smythe engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Smythe in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Smythe is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr.

Smythe violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Smythe to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Smythe engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Smythe for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

EMMANUEL OLUSOLA SOYOOLA, M.D.

COMPLAINT NO. 10-19-C

DECISION

FINDINGS OF FACT

1. Emmanuel Olusola Soyoola, M.D. ("Dr. Soyoola"), holds a license to practice medicine and surgery in West Virginia, License No. 21399, and his address of record with the Board is in Logan, West Virginia.

2. In February 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Robin A. Canterbury and John Canterbury related to the alleged failure of Dr. Soyoola to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged failure to properly notify his patient, Robin Canterbury, of all her treatment options; the alleged performance of a surgical procedure without informed consent; the alleged failure to keep surgical records; the alleged improper notification to the Complainants of a fatal diagnosis with imminent mortality without any testing or basis to do so; the alleged improper performance of surgery allegedly resulting in permanent disability with Dr. Soyoola's alleged failure to notify the Complainants of any damage that occurred during surgery; and the alleged subsequent perjury committed by Dr. Soyoola during a deposition on this matter.

3. The Complaint Committee began an investigation of the complaint and in April 2010, a response to the complaint was filed

on behalf of Dr. Soyoola.

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Soyoola and the Complainant filed no reply.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was insufficient evidence in this matter to prove that Dr. Soyoola failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and insufficient evidence in this matter to prove that Dr. Soyoola engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Soyoola in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is insufficient evidence in this matter to prove that Dr. Soyoola is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter proving that Dr. Soyoola violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Soyoola to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence in this matter that proves Dr. Soyoola engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Soyoola for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN J. TEMPLETON, JR., M.D.

COMPLAINT NO. 10-28-W

DECISION

FINDINGS OF FACT

1. John J. Templeton, Jr., M.D. ("Dr. Templeton"), holds a license to practice medicine and surgery in West Virginia, License No. 11709, and his address of record with the Board is in Glendale, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Floyd and Donna White relating to alleged unprofessional conduct of Dr. Templeton with respect to his alleged threatening of Floyd White while Dr. Templeton was treating Donna White in an emergency room visit and Dr. Templeton's alleged failure to allow Mr. White to see his wife during this time.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in May 2010, a response to the complaint was filed by Dr. Templeton.

4. Subsequently, the Complainants were forwarded the response filed by Dr. Templeton. The Complainants filed no additional response.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Templeton engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Templeton in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Templeton is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Templeton violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Templeton to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. Templeton engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Templeton for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RAJEEV ISAAC WINFRED, M.D.

COMPLAINT NO. 10-26-J

DECISION

FINDINGS OF FACT

1. Rajeev Isaac Winfred, M.D. ("Dr. Winfred"), holds a license to practice medicine and surgery in West Virginia, License No. 19812, and his address of record with the Board is in Fairmont, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Nancy A. Jackson, Ph.D., related to the alleged failure of Dr. Winfred to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged failure to respond to the Complainant's medical needs in a timely manner during a hospital stay and the alleged failure to keep accurate medical records.

3. The Complaint Committee began an investigation of the complaint and in May 2010, a response to the complaint was filed on behalf Dr. Winfred.

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Winfred and the Complainant filed a reply in June 2010.

5. At the July 11, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Winfred failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Winfred engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Winfred in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on July 12, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Winfred is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that

Dr. Winfred violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Winfred to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Winfred engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Winfred for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 12, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations – 2010

Closed Cases - No Probable Cause Found/

No Disciplinary Sanction

MONTH OF SEPTEMBER, 2010

08-146-P Dennis Morgan Burton, M.D.
10-53-L Ellen Mary Cabe, M.D.
10-54-L Ellen Mary Cabe, M.D.
10-47-M Larry Van Carson, M.D.
10-78-D Emil Anton Dameff, M.D.
10-83-D Tressie Montene Duffy, M.D.
10-40-W Daniel Elliot Elswick, M.D.
10-85-U Mary Elizabeth Faw, M.D.
10-43-M Kelly Colleen Fluharty, M.D.
10-77-F John Charles France, M.D.
10-41-L Joseph Ivan Golden, M.D.
10-34-C Somes Chandra Guha, M.D.
10-51-S Ronald Jay Haberman, M.D.
09-114-W David Elwood Hess, M.D.
10-79-W Malcolm Barrett Loudon, Jr., M.D.
10-42-H Sandra K. May, P.A.-C.
10-82-N Scott Weston Mitchell, M.D.
10-32-C H. S. Ramesh, M.D.
10-44-S Jaiyoung Ryu, M.D.
10-49-M Stephen John Saletta, M.D.
10-45-F Judy Marie Spencer, P.A.-C.
10-17-B Eric Ethon Stollings, P.A.-C.
10-21-F Eric Ethon Stollings, P.A.-C.

TOTAL 23

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DENNIS MORGAN BURTON, M.D.

COMPLAINT NO. 08-146-P

DECISION

FINDINGS OF FACT

1. Dennis Morgan Burton, M.D. ("Dr. Burton"), holds a license to practice medicine and surgery in West Virginia, License No. 13392, and his address of record with the Board is in Carlisle, Pennsylvania.

2. In October 2008 the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Surendra V. Pawar, M.D., relating to alleged unprofessional conduct of Dr. Burton with respect to his alleged failure to pay the Complainant, an employee, benefits and wages earned.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2009, a response to the complaint was filed on behalf of Dr. Burton noting a pending bankruptcy case.

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Burton. The Complainant filed a reply in February 2009.

5. Additional information was requested and at the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with

respect to the complaint and determined that there was no evidence in this matter that Dr. Burton engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Burton in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Burton is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Burton violated any provision of the Medical Practice Act or rule of the Board.

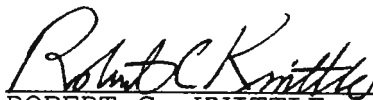
3. The evidence presented in this matter fails to prove that the license of Dr. Burton to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. Burton engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Burton for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ELLEN MARY CABE, M.D.

COMPLAINT NO. 10-53-L

DECISION

FINDINGS OF FACT

1. Ellen Mary Cabe, M.D. ("Dr. Cabe"), holds a license to practice medicine and surgery in West Virginia, License No. 22133, and her address of record with the Board is in Chapmanville, West Virginia.

2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Katrina Lambert regarding her daughter, relating to the care and treatment rendered by Dr. Cabe during which Dr. Cabe allegedly failed to properly monitor the Complainant's daughter by allegedly cancelling office appointments repeatedly although the Complainant's daughter was continually given her medications.

3. The Complaint Committee began an investigation of the complaint and in June 2010, a response to the complaint was filed by Dr. Cabe.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Cabe, and the Complainant filed no reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Cabe failed to

medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Cabe in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Cabe is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Cabe violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Cabe to practice medicine and surgery in this State should be restricted or limited because

there is no evidence that Dr. Cabe failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Cabe for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ELLEN MARY CABE, M.D.

COMPLAINT NO. 10-54-L

DECISION

FINDINGS OF FACT

1. Ellen Mary Cabe, M.D. ("Dr. Cabe"), holds a license to practice medicine and surgery in West Virginia, License No. 22133, and her address of record with the Board is in Chapmanville, West Virginia.

2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Katrina Lambert regarding her son, relating to the care and treatment rendered by Dr. Cabe during which Dr. Cabe allegedly failed to properly monitor the Complainant's son by allegedly cancelling office appointments repeatedly although Dr. Cabe allegedly continued to write prescriptions for medications.

3. The Complaint Committee began an investigation of the complaint and in June 2010, a response to the complaint was filed by Dr. Cabe.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Cabe, and the Complainant filed no reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Cabe failed to

medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Cabe in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Cabe is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Cabe violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Cabe to practice medicine and surgery in this State should be restricted or limited because

there is no evidence in this matter that Dr. Cabe failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Cabe for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

LARRY VAN CARSON, M.D.

COMPLAINT NO. 10-47-M

DECISION

FINDINGS OF FACT

1. Larry Van Carson, M.D. ("Dr. Carson"), holds a license to practice medicine and surgery in West Virginia, License No. 14284, and his address of record with the Board is in Pinehurst, North Carolina.

2. In April 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ralph E. Meeks, relating to the care and treatment rendered by Dr. Carson when he performed surgery on the Complainant and allegedly caused severe burning, blistering and nerve damage to the Complainant's back.

3. The Complaint Committee began an investigation of the complaint and in June 2010, a response to the complaint was filed by Dr. Carson.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Carson and in July 2010, the Complainant filed a reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Carson failed

medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Carson in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Carson is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Carson violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Carson to practice medicine and surgery in this State should be restricted or limited because

there is no evidence in this matter that Dr. Carson failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Carson for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

EMIL ANTON DAMEFF, M.D.

COMPLAINT NO. 10-78-D

DECISION

FINDINGS OF FACT

1. Emil Anton Dameff, M.D. ("Dr. Dameff"), holds a license to practice medicine and surgery in West Virginia, License No. 23504, and his address of record with the Board is in Punta Gorda, Florida.
2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Miguel Angel Delgado, relating to the care and treatment rendered by Dr. Dameff when he allegedly failed to properly treat the Complainant's skin condition by allegedly discontinuing special instructions pertaining to the Complainant's laundry.
3. The Complaint Committee began an investigation of the complaint and in July 2010, a response to the complaint was filed by Dr. Dameff.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Dameff, and in August 2010, the Complainant filed a reply.
5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Dameff failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Dameff in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Dameff is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Dameff violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Dameff to practice medicine and

surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Dameff failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Dameff for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

TRESSIE MONTENE DUFFY, M.D.

COMPLAINT NO. 10-83-D

DECISION

FINDINGS OF FACT

1. Tressie Montene Duffy, M.D. ("Dr. Duffy"), holds a license to practice medicine and surgery in West Virginia, License No. 19978, and her address of record with the Board is in Martinsburg, West Virginia.

2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from David Davis related to the alleged failure of Dr. Duffy to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged failure to treat the Complainant during an office visit and the alleged inappropriate discharge of the Complainant.

3. The Complaint Committee began an investigation of the complaint and in July 2010, a response to the complaint was filed by Dr. Duffy.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Duffy and the Complainant filed no reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Duffy failed to

medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Duffy engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Duffy in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Duffy is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Duffy violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Duffy to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Duffy engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Duffy for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DANIEL ELLIOT ELSWICK, M.D.

COMPLAINT NO. 10-40-W

DECISION

FINDINGS OF FACT

1. Daniel Elliot Elswick, M.D. ("Dr. Elswick"), holds a license to practice medicine and surgery in West Virginia, License No. 21748, and his address of record with the Board is in Morgantown, West Virginia.
2. In April 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Cynthia J. Winfree, relating to the care and treatment rendered by Dr. Elswick during which he allegedly failed to properly treat the Complainant by allegedly prescribing inappropriate dosages of medications.
3. The Complaint Committee began an investigation of the complaint and in May 2010, a response to the complaint was filed by Dr. Elswick.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Elswick, and in June 2010, the Complainant filed a reply.
5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Elswick failed to practice

medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Elswick in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Elswick is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Elswick violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Elswick to practice medicine and surgery in this State should be restricted or limited because

there is no evidence in this matter that Dr. Elswick failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Elswick for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MARY ELIZABETH FAW, M.D.

COMPLAINT NO. 10-85-U

DECISION

FINDINGS OF FACT

1. Mary Elizabeth Faw, M.D. ("Dr. Faw"), holds a license to practice medicine and surgery in West Virginia, License No. 20376, and her address of record with the Board is in Charleston, West Virginia.

2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Shirley Underwood relating to alleged unprofessional conduct of Dr. Faw with respect to allegedly failing to timely examine the Complainant for an office visit and allegedly billing the Complainant a "no show" fee although the Complainant had appeared for the scheduled appointment and been assured that the office visit could be rescheduled.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in June 2010, a response to the complaint was filed by Dr. Faw.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Faw. The Complainant filed no reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Faw engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Faw in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

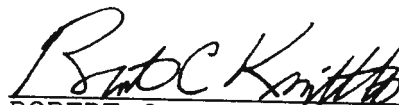
1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Faw is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Faw violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Faw to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Faw engaged in dishonorable,

unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Faw for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KELLY COLLEEN FLUHARTY, M.D.

COMPLAINT NO. 10-43-M

DECISION

FINDINGS OF FACT

1. Kelly Colleen Fluharty, M.D. ("Dr. Fluharty"), holds a license to practice medicine and surgery in West Virginia, License No. 19215, and her address of record with the Board is in Vienna, West Virginia.
2. In April 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ellenor Morton relating to alleged unprofessional conduct of Dr. Fluharty with respect to her alleged inappropriate discharge of the Complainant.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in May 2010, a response to the complaint was filed on behalf of Dr. Fluharty.
4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Fluharty. The Complainant filed a reply in July 2010.
5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Fluharty engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Fluharty in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Fluharty is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Fluharty violated any provision of the Medical Practice Act or rule of the Board.

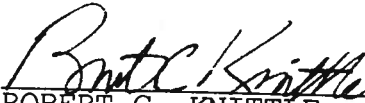
3. The evidence presented in this matter fails to prove that the license of Dr. Fluharty to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Fluharty engaged in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Fluharty for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN CHARLES FRANCE, M.D.

COMPLAINT NO. 10-77-F

DECISION

FINDINGS OF FACT

1. John Charles France, M.D. ("Dr. France"), holds a license to practice medicine and surgery in West Virginia, License No. 18257, and his address of record with the Board is in Morgantown, West Virginia.

2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Michael J. Folio, Esq., relating to the care and treatment rendered to his father by Dr. France during which Dr. France allegedly failed to properly diagnose and treat the Complainant's father, allegedly delegated care to an intern unqualified to treat the Complainant's father, and allegedly ordered the inappropriate discharge of the Complainant's father from the hospital.

3. The Complaint Committee began an investigation of the complaint and in July 2010, a response to the complaint was filed by Dr. France.

4. Subsequently, the Complainant was forwarded the response filed by Dr. France, and in August 2010, the Complainant filed a reply.

5. At the September 12, 2010, meeting of the Complaint

Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. France failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. France in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. France is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. France violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. France to practice medicine and surgery in this State should be restricted or limited because there is no evidence that Dr. France failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. France for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOSEPH IVAN GOLDEN, M.D.

COMPLAINT NO. 10-41-L

DECISION

FINDINGS OF FACT

1. Joseph Ivan Golden, M.D. ("Dr. Golden"), holds a license to practice medicine and surgery in West Virginia, License No. 11922, and his address of record with the Board is in Sophia, West Virginia.

2. In April 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Bennie Jane Leshar related to the alleged failure of Dr. Golden to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged unnecessarily painful examination of the Complainant, the alleged refusal of necessary medications, and the alleged inappropriate demeanor towards and comments regarding the Complainant.

3. The Complaint Committee began an investigation of the complaint and in May 2010, a response to the complaint was filed by Dr. Golden.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Golden and the Complainant filed no reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

was no evidence in this matter that Dr. Golden failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Golden engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Golden in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Golden is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Golden violated any provision of the Medical Practice Act or rule

of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Golden to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Golden engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Golden for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SOMES CHANDRA GUHA, M.D.

COMPLAINT NO. 10-34-C

DECISION

FINDINGS OF FACT

1. Some Chandra Guha, M.D. ("Dr. Guha"), holds a license to practice medicine and surgery in West Virginia, License No. 20961, and his address of record with the Board is in Charleston, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Karen S. Cantley relating to the alleged unprofessional conduct of Dr. Guha with respect to his alleged touching of the Complainant in an inappropriate manner during an office visit.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in May 2010, a response to the complaint was filed on behalf of Dr. Guha.

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Guha. In June 2010, the Complainant filed a reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Guha engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Guha in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Guha is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Guha violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Guha to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Guha engaged in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c) (17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Guha for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RONALD JAY HABERMAN, M.D.

COMPLAINT NO. 10-51-S

DECISION

FINDINGS OF FACT

1. Ronald Jay Haberman, M.D. ("Dr. Haberman"), holds a license to practice medicine and surgery in West Virginia, License No. 22756, and his address of record with the Board is in Huntington, West Virginia.

2. In April 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Nancy D. Stephens, relating to the care and treatment rendered by Dr. Haberman during which he allegedly refused to treat the Complainant's pre-existing condition and allegedly failed to properly provide the Complainant with adequate post operative care.

3. The Complaint Committee began an investigation of the complaint and in June 2010, a response to the complaint was filed on behalf of Dr. Haberman.

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Haberman, and in July 2010, the Complainant filed a reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined

was no evidence in this matter that Dr. Haberman failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Haberman in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Haberman is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Haberman violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Haberman to practice medicine and

surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Haberman failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Haberman for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DAVID ELWOOD HESS, M.D.

COMPLAINT NO. 09-114-W

DECISION

FINDINGS OF FACT

1. David Elwood Hess, M.D. ("Dr. Hess"), holds a license to practice medicine and surgery in West Virginia, License No. 17552, and his address of record with the Board is in Bridgeport, West Virginia.

2. In July 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint after reviewing the West Virginia Board of Pharmacy Scheduled Controlled Substance Monitoring Report regarding Dr. Hess. The complaint alleged the failure of Dr. Hess to practice medicine reasonably and alleged unprofessional conduct with respect to the alleged unethical and illegal prescribing or dispensing of excessive amounts of prescription drugs to patients other than in good faith and in a therapeutic manner in accordance with accepted medical standards.

3. The Complaint Committee began an investigation of the complaint and in August 2009, a response to the complaint was filed on behalf of Dr. Hess.

4. Additional records were subpoenaed and reviewed by an independent medical consultant, who filed a written report with the Complaint Committee of the Board concluding that Dr. Hess had

in some cases: prescribed highly addictive substances in inappropriate doses, used class II opioids when non-opioids or lower potency medications would have been more proper and prescribed doses that would present a potential hazard if taken as prescribed or to society if diverted. However, the consultant noted that doctors prescribe inappropriately for several reasons and the consultant could not opine as to the reason in the present case.

5. In August 2010, Dr. Hess submitted a rebuttal report by a consultant which concluded that Dr. Hess had not prescribed opioids inappropriately and had taken "excellent care of highly complex patients with pain and multiple other chronic health conditions".

6. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was insufficient evidence in this matter to substantiate that Dr. Hess failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and there was insufficient evidence in this matter to substantiate that Dr. Hess engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to

practice medicine and surgery of Dr. Hess in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is insufficient evidence in this matter to prove that Dr. Hess is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter to prove that Dr. Hess violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Hess to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence in this matter to prove that Dr. Hess engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions

and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Hess for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MALCOLM BARRETT LOUDEN, JR., M.D.

COMPLAINT NO. 10-79-W

DECISION

FINDINGS OF FACT

1. Malcolm Barrett Louden, Jr., M.D. ("Dr. Louden"), holds a license to practice medicine and surgery in West Virginia, License No. 11173, and his address of record with the Board is in Parkersburg, West Virginia.

2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jonathan Lee Wingrove relating to alleged unprofessional conduct of Dr. Louden with respect to the alleged inappropriate discharge of, and the alleged failure to communicate with, the Complainant regarding his condition.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2010, a response to the complaint was filed by Dr. Louden.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Louden. The Complainant filed no reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter to substantiate that Dr. Louden engaged in dishonorable, unethical or unprofessional conduct of a

character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Louden in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Louden is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Louden violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Louden to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Louden engaged in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Loudon for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SANDRA K. MAY, P.A.-C.

COMPLAINT NO. 10-42-H

DECISION

FINDINGS OF FACT

1. Sandra K. May, P.A.-C., has an active license to practice as a physician assistant in West Virginia, License No. 01366, and her address of record with the Board is in Charleston, West Virginia.

2. In April 2010, the Complaint Committee of the West Virginia Board of Medicine received a complaint from Warren Hester, II, which complaint related to the alleged unprofessional conduct of Ms. May with respect to the alleged refusal to allow the Complainant to see a physician, the alleged refusal to treat the Complainant, and the alleged hostile treatment of the Complainant by Ms. May.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in June 2010, Ms. May filed a response to the complaint.

4. Subsequently, the Complainant was forwarded the response filed by Ms. May and the Complainant filed a reply in July 2010.

5. At the September 12, 2010, meeting of the Complaint Committee of the Board, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter of a violation of the regulations pertaining to physician assistants and no reason to proceed against the license to practice as a physician assistant of Ms. May, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

In accordance with the foregoing Findings of Fact, the following Conclusions of Law are reached:

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the complaint under provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to show that Ms. May is unqualified to practice as a physician assistant

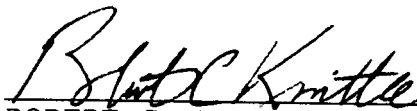
in the State for any reason set forth in W. Va. Code § 30-3-16 and 11 CSR 1B, and specifically there is no evidence in this matter of a violation of any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to show that the license of Ms. May to practice as a physician assistant in the State of West Virginia should be restricted or limited because there is no evidence in this matter of misconduct in her practice as a physician assistant [11 CSR 1B 10.1.h.5.]

4. No probable cause exists to substantiate disqualification as a physician assistant or to restrict the license to practice as a physician assistant of Ms. May for reasons set forth in W. Va. Code § 30-3-16 or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SCOTT WESTON MITCHELL, M.D.

COMPLAINT NO. 10-82-N

DECISION

FINDINGS OF FACT

1. Scott Weston Mitchell, M.D. ("Dr. Mitchell"), holds a license to practice medicine and surgery in West Virginia, License No. 21327, and his address of record with the Board is in Culloden, West Virginia.

2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ethel M. Nelson related to the alleged failure of Dr. Mitchell to practice medicine reasonably and to his alleged unprofessional conduct. The complaint alleges that Dr. Mitchell prescribed medications to the Complainant for a condition she did not have, without her knowledge and informed consent.

3. The Complaint Committee began an investigation of the complaint and in June 2010, a response to the complaint was filed by Dr. Mitchell.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Mitchell and the Complainant filed no reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Mitchell failed

practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Mitchell engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Mitchell in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

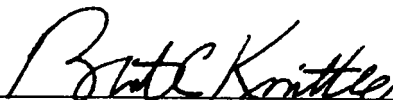
2. There is no evidence in this matter to prove that Dr. Mitchell is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Mitchell violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Mitchell to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Mitchell engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Mitchell for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

H. S. RAMESH, M.D.

COMPLAINT NO. 10-32-C

DECISION

FINDINGS OF FACT

1. H. S. Ramesh, M.D. ("Dr. Ramesh"), holds a license to practice medicine and surgery in West Virginia, License No. 17815, and his address of record with the Board is in Charleston, West Virginia.

2. In March 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Thomas L. Copping relating to the alleged unprofessional conduct of Dr. Ramesh with respect to his alleged aggressive behavior and inappropriate comments made towards the Complainant during an examination.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2010, a response to the complaint was filed by Dr. Ramesh.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Ramesh. The Complainant filed no reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Ramesh engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Ramesh in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Ramesh is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Ramesh violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Ramesh to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Ramesh engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as

to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Ramesh for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JAIYOUNG RYU, M.D.

COMPLAINT NO. 10-44-S

DECISION

FINDINGS OF FACT

1. Jaiyoung Ryu, M.D. ("Dr. Ryu"), holds a license to practice medicine and surgery in West Virginia, License No. 16912, and his address of record with the Board is in Morgantown, West Virginia.

2. In April 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Joyce A. Shahan, relating to the care and treatment rendered by Dr. Ryu during which he allegedly ordered unnecessary x-rays, allegedly misinformed the Complainant regarding her condition and allegedly demanded that the Complainant have needless surgery.

3. The Complaint Committee began an investigation of the complaint and in May 2010, a response to the complaint was filed by Dr. Ryu.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Ryu, and the Complainant filed no reply.

5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence that Dr. Ryu failed to practice medicine and

surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Ryu in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Ryu is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Ryu violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Ryu to practice medicine and surgery in this State should be restricted or limited because there is no

evidence that Dr. Ryu failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Ryu for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

STEPHEN JOHN SALETTA, M.D.

COMPLAINT NO. 10-49-M

DECISION

FINDINGS OF FACT

1. Stephen John Saletta, M.D. ("Dr. Saletta"), holds a license to practice medicine and surgery in West Virginia, License No. 17670, and his address of record with the Board is in Saint Petersburg, Florida.
2. In April 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jenna Michael, relating to the care and treatment rendered by Dr. Saletta to the Complainant's infant daughter. Dr. Saletta allegedly failed to properly treat the Complainant's daughter, allegedly resulting in permanent scarring.
3. The Complaint Committee began an investigation of the complaint and in July 2010, a response to the complaint was filed by Dr. Saletta.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Saletta, and in August 2010, the Complainant filed a reply.
5. At the September 12, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Saletta failed to practice

medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Saletta in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW


1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Saletta is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Saletta violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that the license of Dr. Saletta to practice medicine and surgery in this State should be restricted or limited because

there is no evidence that Dr. Saletta failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Saletta for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JUDY MARIE SPENCER, P.A.-C.

COMPLAINT NO. 10-45-F

DECISION

FINDINGS OF FACT

1. Judy Marie Spencer, P.A.-C., has an active license to practice as a physician assistant in West Virginia, License No. 00778, and her address of record with the Board is in Fenwick, West Virginia.

2. In April 2010, the Complaint Committee of the West Virginia Board of Medicine received a complaint from Opal D. Fox, which complaint related to the alleged unprofessional conduct of Ms. Spencer with respect to Ms. Spencer's refusal to sign a Physician's Report of Occupational Injury allegedly to allow the Complainant to see a workers' compensation physician.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in June 2010, Ms. Spencer filed a response to the complaint.

4. Subsequently, the Complainant was forwarded the response filed by Ms. Spencer and the Complainant filed a reply in July 2010.

5. At the September 12, 2010, meeting of the Complaint Committee of the Board, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter of a violation of the regulations pertaining to physician assistants and no reason to proceed against the license to practice as a physician assistant of Ms. Spencer, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

In accordance with the foregoing Findings of Fact, the following Conclusions of Law are reached:

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the complaint under provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to show that Ms. Spencer is unqualified to practice as a physician assistant in this State for any reason set forth in W. Va. Code § 30-3-16 and 11 CSR 1B, and specifically there is no

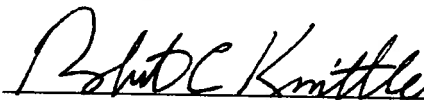
evidence in this matter of a violation of any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to show that the license of Ms. Spencer to practice as a physician assistant in the State should be restricted or limited because there is no evidence in this matter of misconduct in her practice as a physician assistant. 11 CSR 1B 10.1.h.5.

4. No probable cause exists in this matter to substantiate disqualification as a physician assistant or to restrict the license to practice as a physician assistant of Ms. Spencer for reasons set forth in W. Va. Code § 30-3-16 or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE



ROBERT C. KNITTLE

Executive Director

West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ERIC ETHON STOLLINGS, P.A.-C.

COMPLAINT NO. 10-17-B

DECISION

FINDINGS OF FACT

1. Eric Ethon Stollings, P.A.-C., had an active license to practice as a physician assistant in West Virginia, License No. 00497 at all times pertinent to this decision. His address of record with the Board is in Charleston, West Virginia.

2. In February 2010, the Complaint Committee of the West Virginia Board of Medicine received a complaint from Kathleen Bailey, which complaint related to the alleged unprofessional conduct of Mr. Stollings with respect to his alleged inappropriate removal and destruction of sections of the Complainant's medical record.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2010, Mr. Stollings filed a response to the complaint.

4. Subsequently, the Complainant was forwarded the response filed by Mr. Stollings and the Complainant did not file a reply.

5. Additional information was requested and at the September 12, 2010, meeting of the Complaint Committee of the Board, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter of a violation of the regulations pertaining to physician assistants and no reason to proceed against the license to practice as a physician assistant of Mr. Stollings, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

In accordance with the foregoing Findings of Fact, the following Conclusions of Law are reached:

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the complaint under provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to show that Mr. Stollings is unqualified to practice as a physician assistant in the State for any reason set forth in W. Va. Code § 30-3-16 and 11 CSR 1B, and specifically there is no evidence in this matter of a violation of any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to show that the license of Mr. Stollings to practice as a physician assistant in the State should be restricted or limited because there is no evidence in this matter of misconduct in his practice as a physician assistant. 11 CSR 1B 10.1.h.5.

4. No probable cause exists to substantiate disqualification as a physician assistant or to restrict the license to practice as a physician assistant of Mr. Stollings for reasons set forth in W. Va. Code § 30-3-16 or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ERIC ETHON STOLLINGS, P.A.-C.

COMPLAINT NO. 10-21-F

DECISION

FINDINGS OF FACT

1. Eric Ethon Stollings, P.A.-C., had an active license to practice as a physician assistant in West Virginia, License No. 00497 at all times pertinent to this decision. His address of record with the Board is in Charleston, West Virginia.

2. In February 2010, the Complaint Committee of the West Virginia Board of Medicine received a complaint from Steven C. Ford, which complaint related to the alleged unprofessional conduct of Mr. Stollings with respect to the alleged inappropriate removal and destruction of sections of the Complainant's medical record.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2010, Mr. Stollings filed a response to the complaint.

4. Subsequently, the Complainant was forwarded the response filed by Mr. Stollings and the Complainant filed a reply in March 2010.

5. Additional information was requested and received. At the September 12, 2010, meeting of the Complaint Committee of the Board, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter of a violation of the regulations pertaining to physician assistants and no reason to proceed against the license to practice as a physician assistant of Mr. Stollings, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 13, 2010.

CONCLUSIONS OF LAW

In accordance with the foregoing Findings of Fact, the following Conclusions of Law are reached:

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the complaint under provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.


2. There is no evidence in this matter to show that Mr. Stollings is unqualified to practice as a physician assistant in the State for any reason set forth in W. Va. Code § 30-3-16 and 11 CSR 1B, and specifically there is no evidence in this matter of a violation of any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to show that the license of Mr. Stollings to practice as a physician assistant in the State should be restricted or limited because there is no evidence in this matter of misconduct in his practice as a physician assistant. 11 CSR 1B 10.1.h.5.

4. No probable cause exists to substantiate disqualification as a physician assistant or to restrict the license to practice as a physician assistant of Mr. Stollings for reasons set forth in W. Va. Code § 30-3-16 or in the rules promulgated thereunder.

DATE ENTERED: September 13, 2010

FOR THE COMMITTEE



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations – 2010

**Closed Cases - No Probable Cause Found/
No Disciplinary Sanction**

MONTH OF NOVEMBER, 2010

10-80-S Emil Anton Dameff, M.D.
10-105-W Sanjit Kaur Dhaliwal, M.D.
10-86-W Agnes Agatep Enrico-Simon, M.D.
10-20-F Mohamad Bassam Haffar, M.D.
10-98-S Elizabeth Kristi Hensley, M.D.
10-89-W Ignacio H. Luna, Jr., M.D.
10-94-W Muhammed Samer Nasher-Alneam, M.D.
09-70-M George Phillip Naum, Jr., M.D.
10-97-S Shivshankar Uchila Navada, M.D.
09-152-W Mitchell Eric Nutt, M.D.
09-197-D Govindbhai Mafatlal Patel, M.D.
10-84-F Jondavid Pollock, M.D.
10-100-W Augusto Portillo, M.D.
10-88-W Romeo Bihag Tan, M.D.
10-91-P Chad Christopher Turner, M.D.

TOTAL 15

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

EMIL ANTON DAMEFF, M.D.

COMPLAINT NO. 10-80-S

DECISION

FINDINGS OF FACT

1. Emil Anton Dameff, M.D. ("Dr. Dameff"), holds a license to practice medicine and surgery in West Virginia, License No. 23504, and his address of record with the Board is in Punta Gorda, Florida.
2. In May 2010 the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Morgan Shepherd, relating to the care and treatment rendered by Dr. Dameff during which Dr. Dameff allegedly denied the Complainant treatment and allegedly falsified the Complainant's medical records.
3. The Complaint Committee began an investigation of the complaint and in July 2010 a response to the complaint was filed by Dr. Dameff.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Dameff, and in August 2010 the Complainant filed a reply.
5. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was insufficient evidence in this matter to prove that Dr. Dameff

failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was insufficient reason in this matter to proceed against the license to practice medicine and surgery of Dr. Dameff in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is insufficient evidence in this matter to prove that Dr. Dameff is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter proving that Dr. Dameff violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Dameff to practice medicine and surgery in this State should be restricted or limited because

there is insufficient evidence in this matter that Dr. Dameff failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Dameff for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SANJIT KAUR DHALIWAL, M.D.

COMPLAINT NO. 10-105-W

DECISION

FINDINGS OF FACT

1. Sanjit Kaur Dhaliwal, M.D. ("Dr. Dhaliwal"), holds a license to practice medicine and surgery in West Virginia, License No. 21522, and her address of record with the Board is in Beckley, West Virginia.

2. In July 2010 the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint related to alleged failure of Dr. Dhaliwal to practice medicine reasonably and to alleged unprofessional conduct with respect to Dr. Dhaliwal allegedly entering a false assessment into a patient's medical record resulting in inappropriate treatment. Additionally, Dr. Dhaliwal allegedly entered an incorrect report into another patient's medical record resulting in the improper diagnosis of the patient and therefore allegedly contributing to the patient's death.

3. The Complaint Committee began an investigation of the complaint and in August 2010 a response to the complaint was filed by Dr. Dhaliwal.

4. Dr. Dhaliwal appeared for a full discussion of the matter before the Complaint Committee of the Board on November 7, 2010.

5. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was insufficient evidence in this matter to prove that Dr. Dhaliwal failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and insufficient evidence in this matter to prove that Dr. Dhaliwal engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Dhaliwal in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is insufficient evidence in this matter to

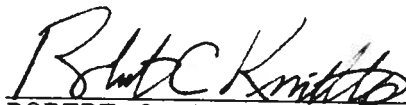
prove that Dr. Dhaliwal is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter proving that Dr. Dhaliwal violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Dhaliwal to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence in this matter to prove that Dr. Dhaliwal engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Dhaliwal for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

AGNES AGATEP ENRICO-SIMON, M.D.

COMPLAINT NO. 10-86-W

DECISION

FINDINGS OF FACT

1. Agnes Agatep Enrico-Simon, M.D. ("Dr. Enrico-Simon"), holds a license to practice medicine and surgery in West Virginia, License No. 20514, and her address of record with the Board is in Point Pleasant, West Virginia.
2. In May 2010 the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Michael Whalen, II, relating to the alleged unprofessional conduct of Dr. Enrico-Simon with respect to her alleged inappropriate discharge of the Complainant.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2010 a response to the complaint was filed by Dr. Enrico-Simon.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Enrico-Simon. The Complainant filed a reply in August 2010.
5. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter to prove that Dr. Enrico-Simon engaged in dishonorable, unethical or unprofessional conduct of a

character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Enrico-Simon in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Enrico-Simon is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Enrico-Simon violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Enrico-Simon to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that proves Dr. Enrico-Simon engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any

member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Enrico-Simon for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MOHAMAD BASSAM HAFFAR, M.D.

COMPLAINT NO. 10-20-F

DECISION

FINDINGS OF FACT

1. Mohamad Bassam Haffar, M.D. ("Dr. Haffar"), holds a license to practice medicine and surgery in West Virginia, License No. 16153, and his address of record with the Board is in Charleston, West Virginia.

2. In February 2010 the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Chad A. Fletcher related to alleged failure of Dr. Haffar to practice medicine reasonably and to the alleged unprofessional conduct with respect to the alleged failure of Dr. Haffar to sedate the Complainant during a procedure and the alleged falsification of the Complainant's medical records regarding the procedure.

3. The Complaint Committee began an investigation of the complaint and in April 2010 a response to the complaint was filed by Dr. Haffar.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Haffar and the Complainant filed a reply in September 2010.

5. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was insufficient evidence in this matter to prove that Dr. Haffar failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and insufficient evidence in this matter to prove that Dr. Haffar engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was insufficient reason in this matter to proceed against the license to practice medicine and surgery of Dr. Haffar in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is insufficient evidence in this matter to prove that Dr. Haffar is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this


matter proving that Dr. Haffar violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Haffar to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence in this matter to prove that Dr. Haffar engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Haffar for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ELIZABETH KRISTI HENSLEY, M.D.

COMPLAINT NO. 10-98-S

DECISION

FINDINGS OF FACT

1. Elizabeth Kristi Hensley, M.D. ("Dr. Hensley"), holds a license to practice medicine and surgery in West Virginia, License No. 19688, and her address of record with the Board is in South Charleston, West Virginia.

2. In July 2010 the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Elizabeth Susan Southall relating to the alleged unprofessional conduct of Dr. Hensley with respect to her alleged inappropriate refusal to treat the Complainant without advance payment in full following an automobile accident; despite the fact that the Complainant had insurance, and relating to Dr. Hensley's alleged inappropriate verbal confrontation with the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2010 a response to the complaint was filed on behalf of Dr. Hensley.

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Hensley. The Complainant filed no reply.

5. At the November 7, 2010, meeting of the Complaint

Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Hensley engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Hensley in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Hensley is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Hensley violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Hensley to practice medicine and surgery

in this State should be restricted or limited because there is no evidence in this matter that Dr. Hensley engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Hensley for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

IGNACIO H. LUNA, JR., M.D.

COMPLAINT NO. 10-89-W

DECISION

FINDINGS OF FACT

1. Ignacio H. Luna, Jr., M.D. ("Dr. Luna"), holds a license to practice medicine and surgery in West Virginia, License No. 10356, and his address of record with the Board is in Glen Dale, West Virginia.
2. In June 2010 the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jessie W. White, relating to the care and treatment rendered by Dr. Luna during which he allegedly failed to properly perform surgery on the Complainant.
3. The Complaint Committee began an investigation of the complaint and in August 2010 a response to the complaint was filed by Dr. Luna.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Luna, and the Complainant filed no reply.
5. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Luna failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in

the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Luna in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Luna is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Luna violated any provision of the Medical Practice Act or rule of the Board.

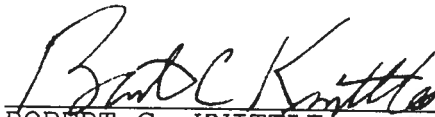
3. The evidence presented in this matter fails to prove that the license of Dr. Luna to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Luna failed to practice medicine and surgery with that level of care, skill and

treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Luna for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MUHAMMED SAMER NASHER-ALNEAM, M.D.

COMPLAINT NO. 10-94-W

DECISION

FINDINGS OF FACT

1. Muhammed Samer Nasher-Alneam, M.D. ("Dr. Nasher-Alneam"), holds a license to practice medicine and surgery in West Virginia, License No. 21191, and his address of record with the Board is in South Charleston, West Virginia.

2. In June 2010 the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Christopher Walker relating to the alleged unprofessional conduct of Dr. Nasher-Alneam with respect to his alleged inappropriate discharge of the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2010 a response to the complaint was filed by Dr. Nasher-Alneam.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Nasher-Alneam. The Complainant filed no reply.

5. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Nasher-Alneam engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Nasher-Alneam in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Nasher-Alneam is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Nasher-Alneam violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Nasher-Alneam to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Nasher-Alneam engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any

member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Nasher-Alneam for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GEORGE PHILLIP NAUM, JR., M.D.

COMPLAINT NO. 09-70-M

DECISION

FINDINGS OF FACT

1. George Phillip Naum, Jr., M.D. ("Dr. Naum"), holds a license to practice medicine and surgery in West Virginia, License No. 08707, and his address of record with the Board is in Martins Ferry, Ohio.

2. In May 2009 the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Robin F. Muir, Ph.D., related to the alleged failure of Dr. Naum to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged failure of Dr. Naum to properly treat some of his patients, and the alleged prescribing other than in good faith in accordance with medical standards; allegedly resulting in diversion and several deaths due to overdose.

3. The Complaint Committee began an investigation of the complaint and in September 2009 a response to the complaint was filed by Dr. Naum noting that the patients in question were actually patients of his son who is a doctor of osteopathy and who has the same name as his father.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Naum and the Complainant filed a reply in September 2009.

5. Dr. Naum appeared for full discussion of the matter before the Complaint Committee of the Board on September 12, 2010.

6. Additional records were subpoenaed and reviewed.

7. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Naum failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and no evidence in this matter that Dr. Naum engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Naum in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

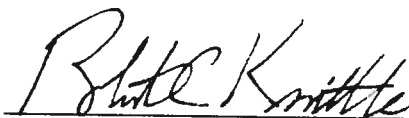
2. There is no evidence in this matter to prove that Dr. Naum is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Naum violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Naum to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Naum engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Naum for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SHIVSHANKAR UCHILA NAVADA, M.D.

COMPLAINT NO. 10-97-S

DECISION

FINDINGS OF FACT

1. Shivshankar Uchila Navada, M.D. ("Dr. Navada"), holds a license to practice medicine and surgery in West Virginia, License No. 16175, and his address of record with the Board is in Clarksburg, West Virginia.

2. In June 2010 the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Mary Short relating to alleged unprofessional conduct of Dr. Navada with respect to his alleged inappropriate behavior and demeanor towards the Complainant and her son during an appointment regarding the Complainant's son, during which Dr. Navada notified the Complainant and her son that they would need to go to another physician.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2010 a response to the complaint was filed by Dr. Navada.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Navada. The Complainant filed a reply in August 2010.

5. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there was no evidence in this matter that Dr. Navada engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Navada in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Navada is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Navada violated any provision of the Medical Practice Act or rule of the Board.

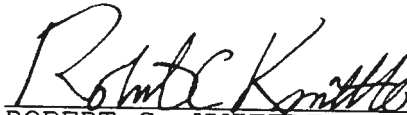
3. The evidence presented in this matter fails to prove that the license of Dr. Navada to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. Navada engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Navada for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MITCHELL ERIC NUTT, M.D.

COMPLAINT NO. 09-152-W

DECISION

FINDINGS OF FACT

1. Mitchell Eric Nutt, M.D. ("Dr. Nutt"), holds a license to practice medicine and surgery in West Virginia, License No. 16655, and his address of record with the Board is in Saint Mary's, Ohio.
2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint after receiving a report from Dr. Patricia A. Buss, the Medical Director of Health Net Federal Services, related to the alleged failure of Dr. Nutt to practice medicine reasonably and the alleged unprofessional conduct with respect to the alleged performance of an unacceptable treatment and the alleged foregoing of the acceptable treatment for a patient with cervical cancer.
3. The Complaint Committee began an investigation of the complaint and in October 2009, a response to the complaint was filed by Dr. Nutt.
4. Additional records were subpoenaed and reviewed by an independent medical consultant, who filed a written report with the Complaint Committee of the Board.
5. Dr. Nutt appeared for a full discussion of the matter before the Complaint Committee of the Board on November 7, 2010.

6. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was insufficient evidence in this matter that Dr. Nutt failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and insufficient evidence in this matter that Dr. Nutt engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. The Complaint Committee determined that there was insufficient reason in this matter to proceed against the license to practice medicine and surgery of Dr. Nutt in the State of West Virginia, and the Complaint Committee voted with one (1) dissenting vote to close the case, all of which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is insufficient evidence in this matter to prove that Dr. Nutt is unqualified to practice medicine and surgery

and specifically there is insufficient evidence in this matter proving that Dr. Nutt violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Nutt to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence in this matter that Dr. Nutt engaged in unprofessional conduct and/or failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e), (j) and (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Nutt for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GOVINDBHAI MAFATLAL PATEL, M.D.

COMPLAINT NO. 09-197-D

DECISION

FINDINGS OF FACT

1. Govindbhai Mafatlal Patel, M.D. ("Dr. Patel"), holds a license to practice medicine and surgery in West Virginia, License No. 13417, and his address of record with the Board is in Fairmont, West Virginia.
2. In December 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jean Ann DeBarr relating to alleged unprofessional conduct of Dr. Patel with respect to his alleged inappropriate comments made to, and alleged inappropriate touching of, the Complainant.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in February 2010, a response to the complaint was filed by Dr. Patel.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Patel. The Complainant filed a reply in March 2010.
5. Additional records were subpoenaed and reviewed.
6. Dr. Patel appeared for a full discussion of the matter before the Complaint Committee of the Board on November 7, 2010.

7. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Patel engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Patel in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Patel is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Patel violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove

that the license of Dr. Patel to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Patel engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Patel for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JONDAVID POLLOCK, M.D.

COMPLAINT NO. 10-84-F

DECISION

FINDINGS OF FACT

1. Jondavid Pollock, M.D. ("Dr. Pollock"), holds a license to practice medicine and surgery in West Virginia, License No. 20089, and his address of record with the Board is in Wheeling, West Virginia.
2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ervin C. Fulst, Jr., relating to the care and treatment rendered to the Complainant's father by Dr. Pollock during which Dr. Pollock allegedly failed to properly diagnose the Complainant's father, allegedly leading to Dr. Pollock sharing inaccurate information with other physicians, which allegedly resulted in the death of the Complainant's father.
3. The Complaint Committee began an investigation of the complaint and in June 2010, a response to the complaint was filed by Dr. Pollock.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Pollock, and in August 2010, the Complainant filed a reply.
5. Additional records were subpoenaed and reviewed.
6. At the November 7, 2010, meeting of the Complaint

Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Pollock failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Pollock in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

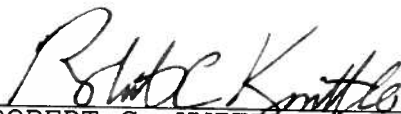
2. There is no evidence in this matter to prove that Dr. Pollock is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Pollock violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Pollock to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Pollock failed to practice medicine and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Pollock for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

AUGUSTO PORTILLO, M.D.

COMPLAINT NO. 10-100-W

DECISION

FINDINGS OF FACT

1. Augusto Portillo, M.D. ("Dr. Portillo"), held a license to practice medicine and surgery in West Virginia, License No. 09191, and his address of record with the Board was in Hurricane, West Virginia.
2. In July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint relating to alleged unprofessional conduct of Dr. Portillo with respect to his alleged making of false statements on his licensing application regarding his deficient Continuing Medical Education (CME) hours in the amount of thirty-six and one quarter (36 $\frac{1}{4}$) hours and his deficiency of two (2) hours of CME in the subject of end-of-life care including pain management for the period from 2001 to June 30, 2009.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2010, a response to the complaint was filed by Dr. Portillo.
4. Subsequent to the filing of this complaint, Dr. Portillo died.
5. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that the complaint was rendered moot by the death of Dr. Portillo, and the Complaint Committee voted to close the case, which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. The Complaint filed against Dr. Portillo in July 2010, has been rendered moot by the death of Dr. Portillo.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROMEO BIHAG TAN, M.D.

COMPLAINT NO. 10-88-W

DECISION

FINDINGS OF FACT

1. Romeo Bihag Tan, M.D. ("Dr. Tan"), holds a license to practice medicine and surgery in West Virginia, License No. 10494, and his address of record with the Board is in Moundsville, West Virginia.
2. In June 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jessie W. White, relating to the care and treatment rendered by Dr. Tan during which Dr. Tan allegedly failed to properly perform surgery on the Complainant.
3. The Complaint Committee began an investigation of the complaint and in July 2010, a response to the complaint was filed by Dr. Tan.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Tan, and in August 2010, the Complainant filed a reply.
5. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Tan failed to practice medicine and surgery with that level of care, skill and treatment

which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Tan in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Tan is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Tan violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that the license of Dr. Tan to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Tan failed to practice medicine

and surgery with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same specialty as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Tan for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CHAD CHRISTOPHER TURNER, M.D.

COMPLAINT NO. 10-91-P

DECISION

FINDINGS OF FACT

1. Chad Christopher Turner, M.D. ("Dr. Turner"), holds a license to practice medicine and surgery in West Virginia, License No. 22110, and his address of record with the Board is in Sissonville, West Virginia.

2. In June 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Clyde Pauley relating to alleged unprofessional conduct of Dr. Turner with respect to Dr. Turner's alleged inappropriate discharge of the Complainant and alleged inappropriate behavior towards the Complainant by Dr. Turner's staff.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2010, a response to the complaint was filed by Dr. Turner.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Turner. The Complainant filed no reply.

5. At the November 7, 2010, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there was no evidence in this matter that Dr. Turner engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, and determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Turner in the State of West Virginia, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on November 8, 2010.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.

2. There is no evidence in this matter to prove that Dr. Turner is unqualified to practice medicine and surgery in this State for reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Turner violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Turner to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Turner engaged in dishonorable, unethical or unprofessional conduct of a character likely to

deceive, defraud or harm the public or any member thereof, so as to merit discipline by the West Virginia Board of Medicine. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e) and (j).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict the license to practice medicine and surgery of Dr. Turner for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 8, 2010

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

2010

COMPLAINTS/INVESTIGATIONS

OPEN CASES, INVESTIGATION INITIATED AND CONTINUING

OPEN CASES, DISCIPLINARY PROCEEDINGS COMMENCED

PROBABLE CAUSE FINDINGS

WEST VIRGINIA BOARD OF MEDICINE

2010

Complaints/Investigations Open Cases, Investigation Initiated and Continuing

Total Number of Open Cases

101

<u>Number of Complaints*</u>	<u>Nature of Complaint</u>
61	Unprofessional Conduct
44	Malpractice or Failure to Practice Acceptably
12	Prescribing Other Than in Good Faith
12	Violation of Laws, Rules and Orders
6	Disciplinary Action in Another State/ License Denial
5	Charging Excessive, Unconscionable Fees
4	Deceptive Representations in Practice
4	Failure to Perform Statutory or Legal Obligation
4	Inability to Practice Safely Due to/ Deterioration, Through Aging, Impairment, Drug or Alcohol Abuse
4	Professional Incompetence
3	Practice Beyond Permitted Scope of Practice
2	Exercising Influence for Sexual Activity with Patient
2	Failure to Keep Written Records Justifying Treatment
1	Exploitation for Financial Gain
1	Failing to Comply with Supervisory or Collaborative Agreement
1	False Reporting/Failing to File Required Report
1	Licensing Application, Renewal: False Statements
1	Performing Other Than at the Direction and Under the Supervision of a Supervising Physician Licensed by the Board
1	Pre-signing Blank Prescription Forms
1	Prescribing Controlled Substances Other Than Medicinally
1	Willful Violation of Confidential Communication

*please note that open cases
may have more than one (1)
nature of complaint

2010

Complaints/Investigations
Open Cases, Disciplinary Proceedings Commenced

West Virginia Board of Medicine, Petitioner, v.
Kevin Michael Clarke, M.D., Respondent.

West Virginia Board of Medicine, Petitioner, v.
Tressie Montene Duffy, M.D., Respondent.

West Virginia Board of Medicine, Petitioner, v.
Rajan B. Masih, M.D., Respondent.

West Virginia Board of Medicine, Petitioner, v.
Seth J. Stinehour, D.P.M., Respondent.

West Virginia Board of Medicine, Petitioner, v.
Hanan Mahmoud Tosson, M.D., Respondent.

Probable Cause Findings
No Disciplinary Proceedings Commenced
As of December 31, 2010

Number

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

KEVIN MICHAEL CLARKE, M.D.,

RESPONDENT.

COMPLAINT AND NOTICE OF HEARING

Now comes the Petitioner, the West Virginia Board of Medicine (“Board”), and for its Complaint against the Respondent, Kevin Michael Clarke, M.D. (“Dr. Clarke”), and states as follows:

1. The Respondent, Dr. Clarke, is licensed to practice medicine in West Virginia and has been so licensed in West Virginia since 1988.
2. The Respondent’s license is identified as West Virginia License No.15547, and his address of record with the Board is in Fairmont, West Virginia.
3. In June 2009, the Complaint Committee of the Board (“Committee”) received information from another physician regarding alleged criminal conduct committed by Dr. Clarke.
4. On July 12, 2009, the Committee reviewed and considered a Criminal Complaint and associated documents related to a Criminal Complaint filed by the Marion County Sheriff’s Department against Dr. Clarke.
5. The Criminal Complaint filed by Sgt. C.L. Phillips of the Marion County Sheriff’s Department charged Dr. Clarke with wanton endangerment, a felony offense. Probable

cause was found in the Magistrate Court of Marion County and the case was bound over to the Circuit Court of Marion County.

6. The allegation underlying the criminal matter against Dr. Clarke is that he discharged a firearm in his residence sending a projectile through the exterior wall of the residence of a neighbor.

7. On July 13, 2009, the Complaint Committee initiated a complaint against Dr. Clarke based upon: dishonorable, unethical or unprofessional conduct and/or committing an act contrary to honesty, justice or good morals; inability to practice medicine with reasonable skill and safety to patients by reason of mental impairment and/or illness; and failing to perform any statutory or legal obligation, failing and/or otherwise violating the law.

8. Dr. Clarke was invited to and did attend an informal conference before the Complaint Committee on November 8, 2009. After the discussion, Dr. Clarke agreed to provide a report and/or chart from his treating psychologist/psychiatrist.

9. Dr. Clarke did not provide a report and/or chart from his treating psychologist/psychiatrist in a timely manner.

10. On December 18, 2009, the Board Investigator interviewed the homeowner whose home was hit by the bullet(s) fired from inside Dr. Clarke's home.

11. Immediately after the shooting, there were four (4) bullet holes in the homeowner's windows, five (5) bullet holes in the stone on the outside of the home and twenty-six (26) bullet exit holes out of Dr. Clarke's home.

12. On December 18, 2009 the Board Investigator went to the home of Dr. Clarke to request to view an indoor firing range in Dr. Clarke's house.

13. Dr. Clarke would not permit the Investigator into the home to view the indoor firing range because, according to Dr. Clarke, the matter was still under investigation by the ATF (U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives). At that time Dr. Clarke confirmed the existence of an indoor firing range in his home and that only one (1) shot was fired from inside his home.

14. On December 23, 2009, the Board received a letter from Dr. Clarke. In the letter Dr. Clarke stated, "I believe I have created a misunderstanding regarding a shooting range at my residence... I misspoke at the hearing and meant to say that my newly purchased Gun [sic], involved in the incident, was out and I was preparing to fire it for the first time at the firing range." Further Dr. Clarke stated in the letter, "...I was tired and angry and shot multiple rounds from the gun at a Mirror [sic] in my residence. One of these projectiles penetrated the foundation footer framing and ricocheted and it [sic] a window of my neighbor..."

15. The Board ordered Dr. Clark to submit to a mental and physical examination including drug and alcohol testing to be completed by a physician or physicians approved by the Board.

16. Dr. Clarke appeared for an exam by Ralph S. Smith, M.D. ("Dr. Smith") on August 5, 2010, and on September 1, 2010.

17. Dr. Smith issued a report on September 8, 2010, regarding his examination of Dr. Clarke.

18. Dr. Smith reported that Dr. Clarke's approach to the testing in Dr. Smith's office, "was one of trying to conceal rather than reveal his issues." Dr. Smith further stated that Dr. Clarke, "had some cognitive test results that are of concern based on the screening test performed during the first session in our office." Dr. Smith planned further testing which was performed

during the second session with Dr. Clarke. Dr. Smith reported however, “Unfortunately, Dr. Clarke did not put forth sufficient effort during that session to rule out any significant cognitive deficits.” Dr. Smith further stated, “He was quite flat in affect, appeared irritated and gave up easily on tasks... [t]he low average scores [sic] and low score on the CNS Vital Signs Report given during the first session in our office do raise questions about his capacity to manage rapidly evolving emergency situations.”

19. Dr. Smith’s notation of Dr. Clarke’s lack of effort was mirrored in the report of his psychological examination performed by Rosemary L. Smith, Psy.D. (“Dr. R. Smith”). Dr. R. Smith noted that on one test the results were an “underestimate of his true abilities due to lack of effort...” Dr. R. Smith also noted, “On the neuropsychological testing, he exhibited inconsistent effort and in fact began just randomly guessing on the Short Category Test. It had to be discontinued.”

20. Dr. Smith was unable to opine as to Dr. Clarke’s capacity to safely practice medicine, saying, “His lack of effort on tests, the discrepancies above and the cognitive screening test results do raise concerns but are insufficient for me to make a definitive judgment.”

21. The Board has a mandate pursuant to W.Va. Code §30-3-1 to protect the public interest.

COUNT I

22. The Petitioner incorporates by reference paragraphs one (1) through twenty-one (21) as fully restated herein.

23. West Virginia Code §30-3-14(f) authorizes the Board, under any circumstances, to require a physician to submit to a mental and physical examination, including appropriate drug testing, by a physician or physicians approved by the Board.

24. Pursuant to the provisions of West Virginia Code §30-3-14(f) any physician who accepts the privilege of practicing medicine in the State of West Virginia is deemed to have given his consent to submit to all such examinations when required to do so in writing by the Board and is deemed to have waived all objections to the admissibility of the testimony or examination report of any examining physician on the ground that the testimony or report is privileged communication.

25. Any failure or refusal by a physician to submit to any such examination under circumstances which the Board finds are not beyond the physician's control is prima facie evidence of his inability to practice medicine competently and in compliance with the standards of acceptable and prevailing medical practice pursuant to West Virginia Code §30-3-14(f).

26. By refusing to participate in good faith in the examination ordered by the Board, by not demonstrating effort and guessing on a test to the point that the test had to be discontinued, Dr. Clarke refused to submit to the examination ordered by the Board in circumstances that were not beyond his control.

27. This refusal by Dr. Clarke is prima facie evidence of Dr. Clarke's inability to practice medicine competently and in compliance with the standards of acceptable and prevailing practice.

28. Dr. Clarke is unable to practice medicine competently and/or with reasonable skill and safety in violation of West Virginia Code §30-3-14(c)(17), (20) and (21) and 11 CSR 1A 12.1 (h), (i) and (x).

COUNT II

29. The Petitioner incorporates by reference paragraphs one (1) through twenty-one (21) as fully restated herein.

30. On or about April 7, 2009, Dr. Clarke discharged a firearm multiple times while in his residence. The bullets penetrated his residence interior and exterior walls and a number of the bullets hit and penetrated his neighbor's home.

31. Dr. Clarke's actions, in discharging his weapon, placed his neighbor and/or members of the public at risk for grave and/or fatal injury.

32. Dr. Clarke's actions, in discharging his weapon, violated West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), and 12.2(d).

COUNT III

33. The Petitioner incorporates by reference paragraphs one (1) through twenty-one (21) as fully restated herein.

34. Dr. Clarke on December 18, 2009, lied to the Board Investigator when he confirmed the existence of a firing range in his home and when he confirmed that there had only been one (1) shot fired into his neighbor's home.

35. Dr. Clarke by letter dated December 21, 2009, contradicted his earlier statements to the Board Investigator, stating, "I believe I have created a misunderstanding regarding a shooting range at my residence... I misspoke at the hearing and meant to say that my newly purchased Gun [sic], involved in the incident, was out and I was preparing to fire it for the first time at the firing range." Dr. Clarke further stated, "...I was tired and angry and shot multiple

from the gun at a Mirror [sic] in my residence. One of these projectiles penetrated the foundation footer framing and ricocheted and it [sic] a window of my neighbor...”

36. By lying to the Board Investigator regarding an ongoing investigation, Dr. Clarke engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof in violation of W.Va. Code §30-3-14(c)(17), 11 CSR 1A 12.1(e) and 12.2(d).

37. By lying to the Board Investigator regarding an ongoing investigation, Dr. Clarke committed an act contrary to honesty, justice or good morals in violation of W.Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1(j).

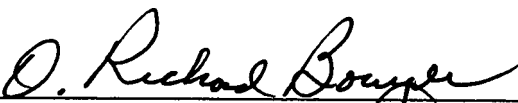
38. The continued practice by Dr. Clarke as a physician in the State of West Virginia will adversely affect the health and welfare of the patients and the public.

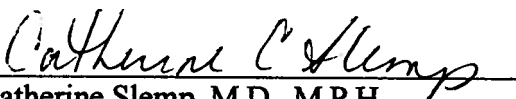
Accordingly, the Respondent, Dr. Clarke, is hereby notified that a hearing will be convened on January 18, 2011, at 9:00 a.m., and shall continue thereafter from day to day until completed, in the offices of the West Virginia Board of Medicine, 101 Dee Drive, Suite 103, Charleston, West Virginia. The purpose of the hearing will be to determine whether disciplinary action should be imposed upon Dr. Clarke’s license to practice medicine in West Virginia. The Respondent, Dr. Clarke, must be present in person, and may be accompanied by an attorney if he desires, and may present witnesses or other evidence which he may desire to present on his behalf. Failure of Dr. Clarke to serve an answer on Petitioner Board within thirty (30) days after service of the Complaint and Notice of Hearing upon him entitles Petitioner Board to take all of the allegations as confessed by Dr. Clarke, under provisions of 11 CSR 3 11.5(s). Dr. Clarke shall, in writing and within fifteen (15) days of receipt of this Complaint and Notice of Hearing,

select as Hearing Examiner, either Carole Bloom, Esq., or Betty Caplan, Esq., to preside at, and conduct, the proceedings.

Dated this 15th day of October, 2010.

WEST VIRGINIA BOARD OF MEDICINE


Reverend O. Richard Bowyer
President

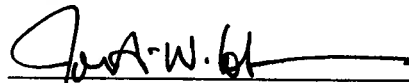

Catherine Slemp, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, John A. W. Lohmann, Esq., counsel for Petitioner, the West Virginia Board of Medicine, do hereby certify that I have served the foregoing "Complaint and Notice of Hearing" upon Respondent, Kevin Michael Clarke, M.D., by depositing a true and accurate copy thereof in an envelope and transmitting the same via certified U.S. Mail, with postage prepaid, this 15th day of October, 2010, addressed as follows:

Kevin Michael Clarke, M.D.
RR 9 Box 495
Fairmont, WV 26554

James D. McQueen, Jr., Esq.
Baker Davis & McQueen, PLLC
320 Ninth Street – Suite 200
Huntington, WV 25701



John A. W. Lohmann, Esq.
Counsel for Petitioner

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

TRESSIE MONTENE DUFFY, M.D.,

RESPONDENT.

COMPLAINT AND NOTICE OF HEARING

Now comes the Petitioner, the West Virginia Board of Medicine ("Board") and for its Complaint against the Respondent, Tressie Montene Duffy, M.D. ("Dr. Duffy"), states as follows:

1. The Respondent, Dr. Duffy, is licensed to practice medicine and surgery in West Virginia and has been so licensed in West Virginia since 1999.
2. The Respondent's license is identified as West Virginia License No.19978, and her address of record with the Board is in Martinsburg, West Virginia.
3. In July 2009, the Board initiated a complaint against Dr. Duffy which complaint alleged certain unprofessional, unethical and illegal conduct by Dr. Duffy including: acquiring or obtaining possession of a prescription medication by misrepresentation, fraud, forgery, deception or subterfuge; conspiracy to commit false and fraudulent billing and/or insurance fraud; dispensing a prescription drug other than in accordance with accepted medical standards and treating herself with that prescription drug.
4. Dr. Duffy filed a response with the Board in August 2009.

4. Dr. Duffy filed a response with the Board in August 2009.

5. On or about October 22, 2009, Dr. Duffy pled “no contest” to the misdemeanor charge of insurance fraud in violation of West Virginia Code §33-41-11, in the Magistrate Court of Berkeley County, West Virginia. The circumstances leading to the criminal charge and ultimate plea of “no contest” are the same circumstances leading to the initiated complaint described in paragraph number three (3), above.

6. Dr. Duffy appeared for a full discussion of the matter before the Complaint Committee of the Board in November 2009.

7. Dr. Duffy entered into a Consent Order with the Board, entered by the Board on February 24, 2010 (attached hereto and made a part hereof by reference).

8. The Consent Order noted that “Probable cause exists to substantiate charges of disqualification of Dr. Duffy from the practice of medicine due to violations of the provisions of: West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), relating to dishonorable, unethical and/or unprofessional conduct; West Virginia Code § 30-3-14(c)(5) and (17) and 11 CSR 1A 12.1(o), (p), (x), and (bb), relating to failing to perform any statutory or legal obligation, filing a report the licensee knows to be false, failing to practice medicine acceptably, and otherwise violating the law; and, West Virginia Code § 30-3-14(c)(9), and 11 CSR 1A 12.1(s) relating to making a deceptive, untrue or fraudulent representation in the practice of medicine and surgery; and 11 CSR 1A 12.2 (d), relating to conduct which is calculated to bring or has the effect of bringing the medical profession into disrepute.”

9. Dr. Duffy, by agreeing to and signing the Consent Order waived certain rights in relation to the charges against her, to wit;

“2. Dr. Duffy acknowledges that she has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at her own expense, the right to cross examine witnesses against her, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to her;

3. Dr. Duffy waives all such rights.” *Consent Order at page 3.*

10. The Consent Order provided that Dr. Duffy was publicly reprimanded “for her misdemeanor conviction and for her multiple poor judgments leading to the circumstances underlying the criminal charge and conviction.”

11. The Consent Order also provided, “Dr. Duffy shall undergo regular, individual psychological counseling by a licensed mental health professional for a period of eighteen (18) months from the date of the entry of this order. The licensed mental health professional must be approved by the Board. Dr. Duffy shall arrange for the licensed health professional to provide quarterly reports to the Board during the eighteen (18) month period, including executing appropriate medical records releases as necessary. Failure to comply with this provision shall expose Dr. Duffy to further disciplinary action by the Board.” (*emphasis added*).

12. By letter of March 17, 2010, the Executive Director of the Board notified Dr. Duffy that the Board had not received information regarding the mental health professional to be approved by the Board as required by the Consent Order.

13. Dr. Duffy, by correspondence dated March 22, 2010, provided the name and address of the mental health professional she had been seeing. Dr. Duffy did not provide the qualifications of the mental health professional.

14. By letter of March 29, 2010, the Board's Disciplinary Counsel requested that Dr. Duffy have her mental health professional forward her credentials/qualifications directly to the Board for consideration.

15. By letter of April 29, 2010, the Board's Executive Director notified Dr. Duffy that the Board had not received the information requested in the March 29, 2010, letter. The Executive Director then directed Dr. Duffy to provide the Board the information within ten (10) days of the receipt of the April 29, 2010, letter so that she could be in compliance with the requirement of her Consent Order.

16. On May 6, 2010, the Board received a two-sentence report from Anita Wilkerson, M.S., Ph.D. noting her treatment of Dr. Duffy. Dr. Wilkerson did not include a CV or other document outlining her qualifications.

17. By letter of May 24, 2010, Disciplinary Counsel for the Board notified Dr. Duffy, that while the Board had received a business card from Dr. Wilkerson, the Board had not received Dr. Wilkerson's qualifications (e.g. a curricula vitae) in order to approve the provider pursuant to the terms of the Consent Order and requested said information at her earliest convenience.

18. On June 16, 2010, Dr. Duffy faxed to the Board another copy of Dr. Wilkerson's business card along with a copy of Dr. Wilkerson's wallet license card from the West Virginia Board of Examiners of Psychologists.

19. On July 11, 2010, at its regularly scheduled meeting, the Complaint Committee reviewed the materials in this matter and concluded that Dr. Duffy was not in compliance with her Consent Order and directed that further disciplinary action be taken against Dr. Duffy for her non-compliance in accordance with the terms of the Consent Order.

20. To date, the Board has not approved any licensed mental health care professional pursuant to the Consent Order due to the lack of information forthcoming from Dr. Duffy and her mental health care professional.

COUNT I

1. On February 24, 2010, the Board entered a lawful Order in relation to Dr. Duffy, to wit: the Consent Order.

2. A condition of the Consent Order was that Dr. Duffy was to receive treatment by a licensed mental health professional approved by the Board.

3. Dr. Duffy has not received treatment by a licensed mental health professional approved by the Board in the approximately six (6) months since the entry of the Consent Order and is in violation of the terms of the Consent Order.

4. Dr. Duffy's conduct as hereinabove described is in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1A (bb) in violating a rule and lawful order of the Board.

5. The continued practice by Dr. Duffy as a physician in the State of West Virginia will adversely affect the health and welfare of patients.


Accordingly, the Respondent, Dr. Duffy, is hereby notified that a hearing will be convened on December 15, 2010, at 9:00 A.M., and shall continue thereafter from day to day

until completed, in the offices of the West Virginia Board of Medicine, 101 Dee Drive, Suite 103, Charleston, West Virginia. The purpose of the hearing will be to determine whether further disciplinary action should be imposed upon Dr. Duffy's license to practice medicine in West Virginia. Respondent, Dr. Duffy, must be present in person, and may be accompanied by an attorney if she desires, and may present witnesses or other evidence which she may desire to present on her behalf. Failure of Dr. Duffy to serve an answer on Petitioner Board within thirty (30) days after service of the Complaint and Notice of Hearing upon her entitles Petitioner Board to take all of the allegations as confessed by Dr. Duffy, under provisions of 11 CSR 3 11.5(s). Dr. Duffy shall, in writing and within fifteen (15) days of receipt of this Complaint and Notice of Hearing, select as Hearing Examiner, either Rebecca L. Stepto, Esq. or Jennifer Taylor, Esq. to preside at, and conduct, the proceedings.

Dated this 26th day of August, 2010.

WEST VIRGINIA BOARD OF MEDICINE


Reverend O. Richard Bowyer
President

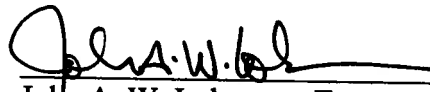

Catherine Slemp, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, John A. W. Lohmann, Esq., counsel for Petitioner, The West Virginia Board of Medicine, do hereby certify that I have served the foregoing "Complaint and Notice of Hearing" upon Respondent, Tressie Montene Duffy, M.D., by depositing a true and accurate copy thereof in an envelope and transmitting the same via certified U.S. Mail, with postage prepaid, this 26th day of August, 2010, addressed as follows:

Tressie Montene Duffy, M.D.
West Virginia Weight and Wellness, Inc.
37 Veronica Drive
Martinsburg, WV 25404

Jonathan D. Boggs, Esq.
209 Capitol Street
Charleston, WV 25301



John A. W. Lohmann, Esq.
Counsel for Petitioner

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: TRESSIE MONTENE DUFFY, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Tressie Montene Duffy, M.D. ("Dr. Duffy") freely and voluntarily enter into the following Order pursuant to West Virginia Code § 30-3-14, *et seq.*

FINDINGS OF FACT

1. Dr. Duffy currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 19978, issued originally in 1999. Dr. Duffy's address of record is in Martinsburg, West Virginia.
2. In July, 2009, the Board initiated a complaint against Dr. Duffy, which complaint alleged certain unprofessional, unethical and illegal conduct by Dr. Duffy including: acquiring or obtaining possession of a prescription medication by misrepresentation, fraud, forgery, deception or subterfuge; conspiracy to commit false and fraudulent billing and/or insurance fraud; dispensing a prescription drug other than in accordance with accepted medical standards and treating herself with that prescription drug.
3. Dr. Duffy filed a response with the Board in August 2009.
4. On or about October 22, 2009, Dr. Duffy pled no contest to the misdemeanor charge of insurance fraud (W.Va. Code §33-41-11) in the Magistrate Court of Berkeley County, West Virginia. The circumstances leading to the criminal charge and ultimate plea of no contest

are the same circumstances which led to the complaint described in paragraph number two (2), above.

5. Dr. Duffy appeared for a full discussion of the matter before the Complaint Committee of the Board in November 2009.

6. The underlying actions leading to Dr. Duffy's criminal conviction and the complaint of the Board were the result of a series of extraordinarily poor decisions on the part of Dr. Duffy in her personal life and were not the result of the treatment of her customary patient population. Dr. Duffy has demonstrated to the Board candor and regret for her actions.

7. Dr. Duffy desires to enter into this Consent Order with the Board in lieu of proceeding to hearing on charges the Board may file against her in relation to the complaint against her, described in paragraph two (2), above.

8. To ensure that Dr. Duffy practices medicine in the State of West Virginia with a reasonable degree of skill and safety to her patients, the agreement to and fulfillment of the terms and conditions of this Consent Order are necessary.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W.Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges of disqualification of Dr. Duffy from the practice of medicine due to violations of the provisions of: West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), relating to dishonorable, unethical and/or unprofessional conduct; West Virginia Code § 30-3-14(c)(5) and (17) and 11 CSR 1A 12.1 (o),

(p), (x), and (bb), relating to failing to perform any statutory or legal obligation, filing a report the licensee knows to be false, failing to practice medicine acceptably, and otherwise violating the law; and, West Virginia Code § 30-3-14(c)(9), and 11 CSR 1A 12.1 (s) relating to making a deceptive, untrue or fraudulent representation in the practice of medicine and surgery; and 11 CSR 1A 12.2 (d), relating to conduct which is calculated to bring or has the effect of bringing the medical profession into disrepute.

3. The Board has determined that it is appropriate and in the public interest to proceed without the filing of formal charges in a Complaint and Notice of Hearing at this time, provided Dr. Duffy enters into this Consent Order.

CONSENT

Tressie Montene Duffy, M.D., by affixing her signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Consent Order provided for and stated herein, and proceedings conducted in accordance with this Consent Order to the following:

1. Dr. Duffy acknowledges that she is fully aware that, without her consent, here given, no permanent legal action may be taken against her except after a hearing held in accordance with West Virginia Code § 30-3-14(h) and §29A-5-1, *et seq.*;

2. Dr. Duffy acknowledges that she has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at her own expense, the right to cross-examine witnesses against her, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to her;

3. Dr. Duffy waives all such rights.

4. Dr. Duffy consents to the entry of this Consent Order relative to her practice of medicine in the State of West Virginia; and,

5. Dr. Duffy understands that this Consent Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Duffy, the Board hereby **ORDERS** as follows:

1. Dr. Duffy is hereby **PUBLICLY REPRIMANDED** for her misdemeanor conviction and for her multiple poor judgments leading to the circumstances underlying the criminal charge and conviction;

2. Dr. Duffy shall undergo regular, individual psychological counseling by a licensed mental health professional for a period of eighteen (18) months from the date of the entry of this order. The licensed mental health professional must be approved by the Board. Dr. Duffy shall arrange for the licensed mental health professional to provide quarterly reports to the Board during the eighteen (18) month period, including executing appropriate medical records releases as necessary. Failure to comply with this provision shall expose Dr. Duffy to further disciplinary action by the Board.

WEST VIRGINIA BOARD OF MEDICINE

DATE ENTERED: February 24, 2010

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

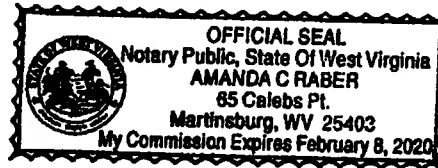
Catherine C. Slemp
Catherine Slemp, M.D., M.P.H.
Secretary

Tressie Montene Duffy
Tressie Montene Duffy, M.D.

Date: 02/11/2010

STATE OF West Virginia

COUNTY OF Berkeley



I, Amanda C. Raber, a Notary Public in and for said county and state, do hereby certify that Tressie Montene Duffy, M.D., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 11 day of February, 2010.

My commission expires February 8, 2020.

Amanda C. Raber
Notary Public

WEST VIRGINIA BOARD OF MEDICINE


IN RE: TRESSIE M. DUFFY, M.D.

ORDER CONTINUING HEARING

This matter was set for hearing before the undersigned Hearing Examiner on Thursday, November 18, 2010. By letter dated October 22, 2010, Dr. Tressie M. Duffy requested a continuance of the hearing, stating that her only witness was not available that day and that she wishes to acquire legal counsel to represent her. There being no objection by the West Virginia Board of Medicine, the request for continuance is hereby GRANTED.

The undersigned does further ORDER that the hearing on this matter shall commence at 9:00 a.m. on Wednesday, February 9, 2011 and continue through February 11, 2010, or for so long thereafter as may be required.

ENTERED this 18th day of November 2010.



Jennifer Narog Taylor, WVSB 4612
1600 Loudon Heights Road
Charleston, WV 25314
Telephone 304-342-1887
Telecopier 304-342-1894
jtaylor@jtaylorlaw.com
Hearing Examiner

XC: Dr. Tressie M. Duffy
John A.W. Lohman, Esq.

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

RAJAN B. MASIH, M.D.,

RESPONDENT.

COMPLAINT AND NOTICE OF HEARING

Now comes the Petitioner, the West Virginia Board of Medicine ("Board") and for its Complaint against the Respondent, Rajan B. Masih, M.D. ("Dr. Masih"), and states as follows:

1. The Respondent, Dr. Masih, is licensed to practice medicine in West Virginia and has been so licensed in West Virginia since 1997.
2. The Respondent's license is identified as West Virginia License No.19166, and his address of record with the Board is in Petersburg, West Virginia.
3. In November 2008, the Board received a complaint against Dr. Masih from a West Virginia pharmacist alleging that Dr. Masih was writing large quantities of controlled substances resulting in Dr. Masih's patients becoming addicted to the substances and leading to the illegal diversion of the substances.
4. Dr. Masih filed a timely response to the Complaint.
5. The Complaint Committee of the Board ("the Committee) after reviewing the

Complaint and response ordered investigation into the matter and investigation ensued. This investigation included, among other elements, the acquisition of medical records of Dr. Masih's patients and Board of Pharmacy reports.

6. In November 2009, the Committee referred the matter to an independent expert, John A. Parker, Jr., M.D., for an independent and impartial review of the materials in this matter, including, but not limited to medical charts, board of pharmacy reports, the complaint and the response of Dr. Masih.

7. Dr. Parker provided a report of his findings in December of 2009.

8. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that pain contracts were missing from many of Dr. Masih's charts.

9. The standard of care for the treatment of chronic pain patients includes the use of a pain contract.

10. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that urine drug screens were likewise missing from many of these charts.

11. The standard of care for the treatment of chronic pain patients includes the use of regular urine drug screens.

12. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that when urine drug screens were done, inconsistent results (to wit, that the patient had something in his/her urine that had not been prescribed, or did not have something that was prescribed) were frequently not mentioned in the notes, and controlled substances continued to be prescribed. Additionally, inconsistent results were not always properly addressed.

13. The standard of care for the treatment of chronic pain patients includes charting of urine drug screen results and addressing all inconsistent urine drug screens.

14. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that Board of Pharmacy (“BOP”) reports were frequently missing from Dr. Masih’s charts and/or did not have BOP reports for each visit.

15. The standard of care for the treatment of chronic pain patients includes the use of regular BOP checks.

16. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that for several patients, Dr. Masih prescribed three or more narcotics concurrently.

17. Prescribing to a patient three or more narcotics concurrently is outside of the standard of care for the treatment of chronic pain patients.

18. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that for several patients, Dr. Masih prescribed two short acting narcotics concurrently.

19. Prescribing to a patient two short acting narcotics is outside of the standard of care for the treatment of chronic pain patients.

20. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that for several patients, Dr. Masih renewed narcotic or benzodiazepine prescriptions before they were due.

21. Renewing a patient’s narcotic and /or benzodiazepine prescription before it is due is outside the standard of care for the treatment of chronic pain patients.

22. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that several of Dr. Masih's patients received prescriptions for controlled substances, including narcotics and benzodiazepines, after the patient over-dosed on controlled substances and/or attempted suicide.

23. Prescribing controlled substances to a patient, including narcotics and benzodiazepines, after a patient has over-dosed on controlled substance and/or attempted suicide, is outside the standard of care for the treatment of chronic pain patients.

24. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that several of Dr. Masih's notes lack physical exam findings (or any physical exam at all except for visual) to support the diagnosis given and that in other notes diagnosis were made that were not supported by ancillary studies.

25. Basic standard of care for any office visit includes, but is not limited to, a physical exam designed to investigate the chief complaint, and/or any items uncovered in the review of symptoms, and ancillary tests and exams, if needed, in order to come to a diagnosis.

26. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, and other materials, Dr. Parker found that Dr. Masih prescribed controlled substances to family members.

27. It is outside the standard of care to prescribe to family members, particularly when the prescriptions are for controlled substances.

28. Based upon the totality of his review of the materials in this matter, Dr. Parker found that on multiple occasions Dr. Masih failed 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.

COUNT I

15. The Petitioner incorporates by reference paragraphs one (1) through twenty eight (28) as fully restated herein.

16. Dr. Masih prescribed prescription drug(s), including controlled substances, other than in good faith and in a therapeutic manner in accordance with the accepted medical standards and in the course of his professional practice as a physician, in violation of W.Va. Code §30-3-13(c)(13) and (17); and 11 CSR 1A 12.1(e) and 12.2(a).

COUNT II

17. The Petitioner incorporates by reference paragraphs one (1) through twenty eight (28) as fully restated herein.

18. Dr. Masih failed to practice medicine with that level of care, skill and treatment recognized by a reasonable, prudent physician, engaged in the same or similar specialty as being acceptable under similar conditions or circumstances in violation of W.Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1(x).

COUNT III

19. The Petitioner incorporates by reference paragraphs one (1) through twenty eight (28) as fully restated herein.

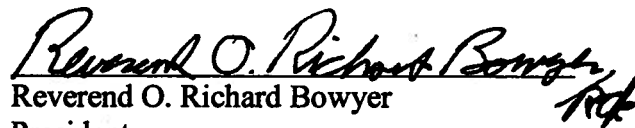
20. Dr. Masih engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof in violation of W.Va. Code §30-3-14(c)(17), 11 CSR 1A 12.1(e) and 12.2(d).


21. The continued practice by Dr. Masih as a physician in the State of West Virginia will adversely affect the health and welfare of patients.

Accordingly, the Respondent, Dr. Masih, is hereby notified that a hearing will be convened on August 24, 2011, at 9:00 A.M., and shall continue thereafter from day to day until completed, in the offices of the West Virginia Board of Medicine, 101 Dee Drive, Suite 103, Charleston, West Virginia. The purpose of the hearing will be to determine whether disciplinary action should be imposed upon Dr. Masih's license to practice medicine in West Virginia. The Respondent, Dr. Masih, must be present in person, and may be accompanied by an attorney if he desires, and may present witnesses or other evidence which he may desire to present on his behalf. Failure of Dr. Masih to serve an answer on Petitioner Board within thirty (30) days after service of the Complaint and Notice of Hearing upon him entitles Petitioner Board to take all of the allegations as confessed by Dr. Masih, under provisions of 11 CSR 3 11.5(s). Dr. Masih shall, in writing and within fifteen (15) days of receipt of this Complaint and Notice of Hearing, select as Hearing Examiner, either, Jack C. McClung, Esq. or Betty L. Kaplan, Esq. to preside at, and conduct, the proceedings.

Dated this 12th day of November, 2010.

WEST VIRGINIA BOARD OF MEDICINE


Reverend O. Richard Bowyer
President

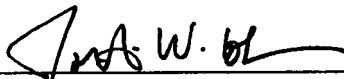

Catherine Slemp, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, John A. W. Lohmann, Esq., counsel for Petitioner, The West Virginia Board of Medicine, do hereby certify that I have served the foregoing "Complaint and Notice of Hearing" upon Respondent, Rajan B. Masih, M.D., by depositing a true and accurate copy thereof in an envelope and transmitting the same via certified U.S. Mail, with postage prepaid, this 12th day of November, 2010, addressed as follows:

Rajan B. Masih, M.D.
P.O. Box 365
Petersburg, WV 26847

Timothy R. Linkous, Esq.
Shuman, McCusky & Slicer, PLLC
1445 Stewartstown Road, Suite 200
Morgantown, WV 26505



John A. W. Lohmann, Esq.
Counsel for Petitioner

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

RAJAN B. MASIH, M.D.,

RESPONDENT.

AMENDED COMPLAINT AND NOTICE OF HEARING

Now comes the Petitioner, the West Virginia Board of Medicine (“Board”) and for its Amended Complaint against the Respondent, Rajan B. Masih, M.D. (“Dr. Masih”), and states as follows:

1. The Respondent, Dr. Masih, is licensed to practice medicine in West Virginia and has been so licensed in West Virginia since 1997.
2. The Respondent’s license is identified as West Virginia License No.19166, and his address of record with the Board is in Petersburg, West Virginia.
3. In November 2008, the Board received a complaint against Dr. Masih from a West Virginia pharmacist alleging that Dr. Masih was writing large quantities of controlled substances resulting in Dr. Masih’s patients becoming addicted to the substances and leading to the illegal diversion of the substances.
4. Dr. Masih filed a timely response to the Complaint.
5. The Complaint Committee of the Board (“the Committee”) after reviewing the

Complaint and response ordered investigation into the matter and investigation ensued. This investigation included, among other elements, the acquisition of medical records of Dr. Masih's patients and Board of Pharmacy reports.

6. In November 2009, the Committee referred the matter to an independent expert, John A. Parker, Jr., M.D., for an independent and impartial review of the materials in this matter, including, but not limited to medical charts, Board of Pharmacy reports, the complaint and the response of Dr. Masih.

7. Dr. Parker provided a report of his findings in December of 2009.

8. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that pain contracts were missing from many of Dr. Masih's charts.

9. The standard of care for the treatment of chronic pain patients includes the use of a pain contract.

10. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that urine drug screens were likewise missing from many of these charts.

11. The standard of care for the treatment of chronic pain patients includes the use of regular urine drug screens.

12. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that when urine drug screens were done, inconsistent results (to wit, that the patient had something in his/her urine that had not been prescribed, or did not have something that was prescribed) were frequently not mentioned in the notes, and controlled substances continued to be prescribed. Additionally, inconsistent results were not always properly addressed.

13. The standard of care for the treatment of chronic pain patients includes charting of urine drug screen results and addressing all inconsistent urine drug screens.

14. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that Board of Pharmacy (“BOP”) reports were frequently missing from Dr. Masih’s charts and/or did not have BOP reports for each visit.

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17. Prescribing to a patient three or more narcotics concurrently is outside of the standard of care for the treatment of chronic pain patients.

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21. Renewing a patient’s narcotic and /or benzodiazepine prescription before it is due is outside the standard of care for the treatment of chronic pain patients.

22. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that several of Dr. Masih's patients received prescriptions for controlled substances, including narcotics and benzodiazepines, after the patient over-dosed on controlled substances and/or attempted suicide.

23. Prescribing controlled substances to a patient, including narcotics and benzodiazepines, after a patient has over-dosed on controlled substances and/or attempted suicide, is outside the standard of care for the treatment of chronic pain patients.

24. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, Dr. Parker found that several of Dr. Masih's notes lack physical exam findings (or any physical exam at all except for vital signs) to support the diagnosis given and that in other notes diagnosis were made that were not supported by ancillary studies.

25. Basic standard of care for any office visit includes, but is not limited to, a physical exam designed to investigate the chief complaint, and/or any items uncovered in the review of symptoms, and ancillary tests and exams, if needed, in order to come to a diagnosis.

26. Based upon his review of the patient charts of Dr. Masih, including chronic pain patients, and other materials, Dr. Parker found that Dr. Masih prescribed controlled substances to family members.

27. It is outside the standard of care to prescribe to family members, particularly when the prescriptions are for controlled substances.

28. Based upon the totality of his review of the materials in this matter, Dr. Parker found that on multiple occasions Dr. Masih failed 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.

COUNT I

29. The Petitioner incorporates by reference paragraphs one (1) through twenty eight (28) as fully restated herein.

30. Dr. Masih prescribed prescription drug(s), including controlled substances, other than in good faith and in a therapeutic manner in accordance with the accepted medical standards and in the course of his professional practice as a physician, in violation of W.Va. Code §30-3-14(c)(13) and (17); and 11 CSR 1A 12.1(e) and 12.2(a)(A), (B), (C), and (D).

COUNT II

31. The Petitioner incorporates by reference paragraphs one (1) through twenty eight (28) as fully restated herein.

32. Dr. Masih failed to practice medicine with that level of care, skill and treatment recognized by a reasonable, prudent physician, engaged in the same or similar specialty as being acceptable under similar conditions or circumstances in violation of W.Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1(x).

COUNT III

33. The Petitioner incorporates by reference paragraphs one (1) through twenty eight (28) as fully restated herein.

34. Dr. Masih engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof in violation of W.Va. Code §30-3-14(c)(17), 11 CSR 1A 12.1(e) and 12.2(d).

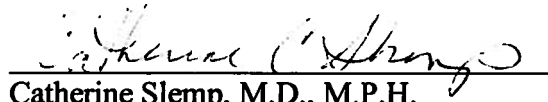
35. The continued practice by Dr. Masih as a physician in the State of West Virginia will adversely affect the health and welfare of patients.

Accordingly, the Respondent, Dr. Masih, is hereby notified that a hearing will be convened on August 24, 2011, at 9:00 A.M., and shall continue thereafter from day to day until completed, in the offices of the West Virginia Board of Medicine, 101 Dee Drive, Suite 103, Charleston, West Virginia. The purpose of the hearing will be to determine whether disciplinary action should be imposed upon Dr. Masih's license to practice medicine in West Virginia. The Respondent, Dr. Masih, must be present in person, and may be accompanied by an attorney if he desires, and may present witnesses or other evidence which he may desire to present on his behalf. Failure of Dr. Masih to serve an answer on Petitioner Board within thirty (30) days after service of the Complaint and Notice of Hearing upon him entitles Petitioner Board to take all of the allegations as confessed by Dr. Masih, under provisions of 11 CSR 3 11.5(s). Dr. Masih shall, in writing and within fifteen (15) days of receipt of this Complaint and Notice of Hearing, select as Hearing Examiner, either, Jack C. McClung, Esq. or Betty L. Kaplan, Esq. to preside at, and conduct, the proceedings.

Dated this 7th day of December, 2010.

WEST VIRGINIA BOARD OF MEDICINE


Reverend O. Richard Bowyer
President

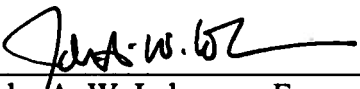

Catherine Slemp, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, John A. W. Lohmann, Esq., counsel for Petitioner, The West Virginia Board of Medicine, do hereby certify that I have served the foregoing "Amended Complaint and Notice of Hearing" upon Respondent, Rajan B. Masih, M.D., by depositing a true and accurate copy thereof in an envelope and transmitting the same via certified U.S. Mail, with postage prepaid, this 7th day of December, 2010, addressed as follows:

Rajan B. Masih, M.D.
P.O. Box 365
Petersburg, WV 26847

Timothy R. Linkous, Esq.
Shuman, McCusky & Slicer, PLLC
1445 Stewartstown Road, Suite 200
Morgantown, WV 26505



John A. W. Lohmann, Esq.
Counsel for Petitioner

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

SETH J. STINEHOUR, D.P.M.,

RESPONDENT.

COMPLAINT AND NOTICE OF HEARING

Now comes the Petitioner, the West Virginia Board of Medicine (“Board”) and for its Complaint against the Respondent, Seth J. Stinehour, D.P.M. (“Dr. Stinehour”), and states as follows:

1. The Respondent, Dr. Stinehour, is licensed to practice podiatric medicine in West Virginia and has been so licensed in West Virginia since 2004.
2. The Respondent’s license is identified as West Virginia License No.10383, and his address of record with the Board is in Rochester, New York.
3. In July 2009, the Complaint Committee of the Board (“Committee”) received a complaint against Dr. Stinehour from a former patient of Dr. Stinehour’s alleging that Dr. Stinehour would not produce the patient’s medical records and that the procedure Dr. Stinehour performed on the patient was ineffective, necessitating another surgery by a different physician.
4. Dr. Stinehour filed a timely response to the Complaint.
5. In his response, Dr. Stinehour claimed that the Complainant was “in possession of all his original pre-op and post-op x-rays, an incident in which I do not appreciate.” Further Dr.

Stinehour claimed that the Complainant had appeared at Dr. Stinehour's office and had been "...disruptive in the waiting room, panicked my staff member handed the original films to him. She acted under duress and in the best interest of the patient(s)."

6. On September 29, 2009, the Complainant, by counsel, filed a reply to the response filed by Dr. Stinehour. The Complainant denied being verbally abusive to Dr. Stinehour's staff and indicated that the Complainant was only given the post-op X-ray, not the pre-op X-ray. The Complainant also indicated that his subsequent treating physician attempted to obtain the complete office records and X-rays of the Complainant, and was unable to do so.

7. Further investigation ensued.

8. In November 2009, a Subpoena Duces Tecum was issued by the Board commanding Dr. Stinehour to produce a number of documents in relation to the treatment of the Complainant.

9. Dr. Stinehour did not produce all of the documents required by the November 2009 Subpoena Duces Tecum, in particular, the purported pre-op X-rays of the Complainant. Dr. Stinehour produced a note from the chart documenting a pre-op appointment with the Complainant, which note indicated that on November 12, 2007, X-rays were taken of the Complainant. The note indicates, "X-ray of the Calcaneus taken in 2 views reveals bone spur at 4. [done by ss]."

10. In January 2010, a Subpoena Duces Tecum was issued by the Board commanding Dr. Stinehour's appearance at a meeting of the Complaint Committee in March, 2010. The January 2010 Subpoena Duces Tecum commanded Dr. Stinehour to bring the entire original medical record(s)/file(s), including any and all pre-op X-rays, including the materials covered by the Subpoena Duces Tecum issued in November 2009.

11. Dr. Stinehour appeared for an informal meeting with the Complaint Committee on March 7, 2010, but did not comply with either the November 2009 Subpoena Duces Tecum or the January 2010 Subpoena Duces Tecum.

12. Further investigation ensued and the Board issued a number of additional subpoenas in this matter.

13. Dr. Stinehour did not maintain an adequate medical chart in his care of the Complainant, including his failure to maintain an original pre-op X-ray.

14. Dr. Stinehour did not adhere to the standard of care in his podiatric practice, including the care of the Complainant, and including, but not limited to, medical record creation and maintenance.

COUNT I

15. The Petitioner incorporates by reference paragraphs one (1) through fourteen (14) as fully restated herein.

16. Dr. Stinehour failed to keep written records justifying the course of treatment, in violation of W.Va. Code §30-3-14(c)(11) and (17) and 11 CSR 1A 12.1(u) and/or (jj).

COUNT II

17. The Petitioner incorporates by reference paragraphs one (1) through fourteen (14) as fully restated herein.

18. Dr. Stinehour failed to practice podiatry with that level of care, skill and treatment recognized by a reasonable, prudent podiatrist, engaged in the same or similar specialty as being acceptable under similar conditions or circumstances in violation of W.Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1(x).

COUNT III

19. The Petitioner incorporates by reference paragraphs one (1) through fourteen (14) as fully restated herein.

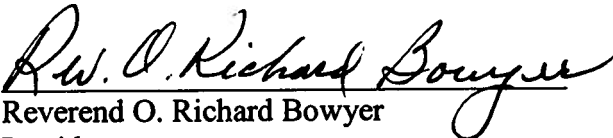
20. Dr. Stinehour engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public or any member thereof in violation of W.Va. Code §30-3-14(c)(17), 11 CSR 1A 12.1(e) and 12.2(d).


21. The continued practice by Dr. Stinehour as a podiatrist in the State of West Virginia will adversely affect the health and welfare of patients.

Accordingly, the Respondent, Dr. Stinehour, is hereby notified that a hearing will be convened on January 26, 2011, at 9:00 A.M., and shall continue thereafter from day to day until completed, in the offices of the West Virginia Board of Medicine, 101 Dee Drive, Suite 103, Charleston, West Virginia. The purpose of the hearing will be to determine whether disciplinary action should be imposed upon Dr. Stinehour's license to practice podiatric medicine in West Virginia. The Respondent, Dr. Stinehour, must be present in person, and may be accompanied by an attorney if he desires, and may present witnesses or other evidence which he may desire to present on his behalf. Failure of Dr. Stinehour to serve an answer on Petitioner Board within thirty (30) days after service of the Complaint and Notice of Hearing upon him entitles Petitioner Board to take all of the allegations as confessed by Dr. Stinehour, under provisions of 11 CSR 3 11.5(s). Dr. Stinehour shall, in writing and within fifteen (15) days of receipt of this Complaint and Notice of Hearing, select as Hearing Examiner, either Jack C. McClung, Esq. or Rebecca L. Stepto, Esq. to preside at, and conduct, the proceedings.

Dated this 12th day of October, 2010.

WEST VIRGINIA BOARD OF MEDICINE


Reverend O. Richard Bowyer
President

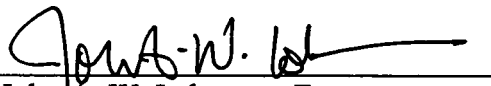

Catherine Slemp, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, John A. W. Lohmann, Esq., counsel for Petitioner, The West Virginia Board of Medicine, do hereby certify that I have served the foregoing "Complaint and Notice of Hearing" upon Respondent, Seth J. Stinehour, D.P.M., by depositing a true and accurate copy thereof in an envelope and transmitting the same via certified U.S. Mail, with postage prepaid, this 12th day of October, 2010, addressed as follows:

Seth J. Stinehour, D.P.M.
150 Fairhaven Road
Rochester, New York 14610

Paul T. Farrell, Esq.
Farrell, Farrell and Farrell
914 Fifth Avenue
P.O. Box 6457
Huntington, WV 25772



John A. W. Lohmann, Esq.
Counsel for Petitioner

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

Petitioner,

v.

Board of Medicine Complaint No. 09-131-A

SETH J. STINEHOUR, D.P.M.,

Respondent.

ORDER GRANTING RESPONDENT'S MOTION TO CONTINUE

On December 1, 2010, came Respondent, Seth J. Stinehour, D.P.M, by counsel, Paul T. Farrell and Farrell, Farrell & Farrell, PLLC, and moved to continue the hearing in this matter from January 26, 2011, to a date approximately 60 to 80 days later.

As grounds for his motion, counsel for Respondent asserts that he would have inadequate time to adequately prepare for the hearing due to his representation of a party in a jury trial in the case of Silk v. Raleigh General Hospital, Civil Action No. 08-C-657-B, pending in the Circuit Court of Raleigh County, West Virginia. Counsel for Respondent further asserts that the trial in that case was scheduled to begin on January 11, 2011, and was expected to last from five to seven days.

Petitioner, the West Virginia Board of Medicine, by counsel, John A.W. Lohmann, opposes the Respondent's motion, and argues that Respondent had discharged Mr. Farrell as counsel in October, 2010, and had apparently recently re-instated Mr. Farrell

as counsel. Petitioner further asserts that Respondent's license to practice podiatry in the state of West Virginia expires on June 30, 2011; that Respondent currently lives and works in New York, and that there is no reason to expect Respondent to renew his West Virginia license in June, 2011. Petitioner argues that to move the hearing date from the currently scheduled date of January 26, 2011, would "create difficult time pressures and complicate issues associated with any potential appeal in this case." Although Petitioner does not explain or expand upon this argument, it further asserts that while it takes the position that it retains jurisdiction over a former licensee in a disciplinary action even after his license has expired, "it is a colorable issue that may lead to unnecessary complications and future appeals."

Petitioner argues that the central issues in this case are fairly simple and straightforward, that the amount of preparation needed to present a defense is not extremely burdensome, that Mr. Farrell is experienced and that his firm letterhead appears to reflect that he has 11 other attorneys, and paralegals, available to assist him. Petitioner further asserts that Respondent "is" presented with Petitioner's mandatory disclosures and materials it will use in its case-in-chief in advance of the hearing, but Petitioner does not state when such disclosures have been made, or will be made.

Respondent responds to Petitioner's arguments by stating that it minimizes the significant impact that the Petitioner's potentially (negative) ruling could have on his license and that the representation of Respondent should not be "handed off" to another attorney in his firm, as he was personally selected to represent Respondent in this matter. Counsel for Respondent further asserts that the trial in the civil action (Silk v.

Raleigh General Hospital) requires significant preparation time, including travel to Philadelphia and then to Beckley, West Virginia, for additional depositions just prior to trial, as well as pre-trial hearings and witness preparation, all of which is "further complicated" by the holiday season.

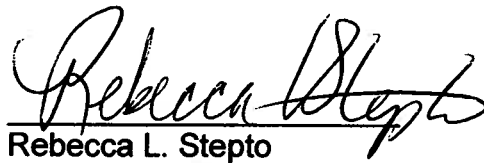
The undersigned Hearing Examiner has been provided with only the Complaint and Notice of Hearing in this matter, which was received on or about December 10, 2010.

In light of the unverified and somewhat vague representations of both Petitioner and Respondent, the undersigned Hearing Examiner makes the following ruling based upon the limited record before her:

It is HEREBY found that good cause has been shown for the continuance of the hearing in this matter until a date no earlier than 45 days following the currently scheduled hearing date of January 26, 2011. It is further found that the Petitioner will not be unduly prejudiced by the granting of this motion.

WHEREFORE, the Respondent's Motion to Continue Hearing is GRANTED, although the Respondent's request to continue the hearing until 60 to 90 days after the currently scheduled date of January 26, 2011, is DENIED. The Petitioner may schedule the hearing to begin on a date on or after March 14, 2011.

Dated this 19th day of December, 2010.


Rebecca L. Stepto
Hearing Examiner

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

HANAN MAHMOUD TOSSON, M.D.,

RESPONDENT.

COMPLAINT AND NOTICE OF HEARING

Now comes the Petitioner, the West Virginia Board of Medicine (“Board”) and for its Complaint against the Respondent, Hanan Mahmoud Tosson, M.D. (“Dr. Tosson”), and states as follows:

1. The Respondent, Dr. Tosson, is licensed to practice medicine in West Virginia and has been so licensed in West Virginia since 2007.
2. The Respondent’s license is identified as West Virginia License No. 22845, and the Respondent’s address of record with the Board is in Morgantown, West Virginia.
3. In January 2010, Dr. Tosson was the subject of a random audit by the Board to determine whether she had completed the required minimum number of fifty (50) hours of Continuing Medical Education (“CME”) coursework, as described in 11 CSR 6 2.2, including two (2) hours in the subject of end-of-life care and pain management, as described in W.Va. Code §30-1-7a, during the licensure period from July 1, 2007, to June 30, 2009.
4. In Dr. Tosson’s licensure renewal application for the period from July 1, 2009, to June 30, 2011, submitted to the Board and dated June 2, 2009, Dr. Tosson represented that she

had completed the required minimum number of fifty (50) hours of CME coursework, including two (2) hours of CME coursework in the subject of end-of-life care and pain management, during the preceding licensure period from July 1, 2007, to June 30, 2009.

5. The random audit revealed that Dr. Tosson failed to complete thirty (30) hours of the fifty (50) hours of approved CME coursework during the preceding licensure period from July 1, 2007, to June 30, 2009, including two (2) hours in the subject of end-of-life care and pain management, as described in W.Va. Code §30-1-7a.

6. On June 17, 2010, Dr. Tosson responded to the Complaint including a letter from the Department of Biochemistry at the West Virginia University School of Medicine indicating that Dr. Tosson had completed BMS 705, a graduate level course in cell structure and metabolism. This course is not qualified as an AMA Category I Continuing Medical Education course.

7. On September 27, 2010, the Complaint Committee sent a subpoena directing Dr. Tosson to appear before the Committee on November 7, 2010. The subpoena and cover letter were received by Dr. Tosson on September 29, 2010.

8. Dr. Tosson failed to appear on November 7, 2010, before the Complaint Committee.

COUNT I

9. The Petitioner incorporates by reference paragraphs one (1) through eight (8) as fully restated herein.

10. The Respondent engaged in unprofessional conduct in violation of W.Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1 (e) and (j).

COUNT II

11. The Petitioner incorporates by reference paragraphs one (1) through eight (8) as fully restated herein.

12. The Respondent made an incorrect statement in connection with a licensure application in violation of W.Va. Code §30-3-14(c)(1) and (17), 11 CSR 1A 12.1(a) and 11 CSR 6 4.2 and 4.4.

COUNT III

13. The Petitioner incorporates by reference paragraphs one (1) through eight (8) as fully restated herein.

14. The Respondent failed to comply with the lawfully issued subpoena of the Board to appear before the Complaint Committee on November 7, 2010, in violation of W.Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1 (bb).

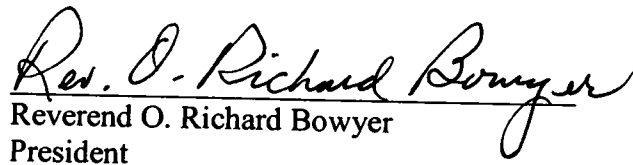
15. The continued practice by Dr. Tosson as a physician in the State of West Virginia will adversely affect the health and welfare of patients.

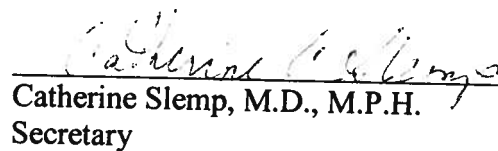
Accordingly, the Respondent, Dr. Tosson, is hereby notified that a hearing will be convened on April 20, 2011, at 9:00 A.M., and shall continue thereafter from day to day until completed, in the offices of the West Virginia Board of Medicine, 101 Dee Drive, Suite 103, Charleston, West Virginia. The purpose of the hearing will be to determine whether disciplinary action should be imposed upon Dr. Tosson's license to practice medicine in West Virginia. The Respondent, Dr. Tosson, must be present in person, and may be accompanied by an attorney if she desires, and may present witnesses or other evidence which she may desire to present on her behalf. Failure of Dr. Tosson to serve an answer on Petitioner Board within thirty (30) days after

service of the Complaint and Notice of Hearing upon her entitles Petitioner Board to take all of the allegations as confessed by Dr. Tosson, under provisions of 11 CSR 3 11.5(s). Dr. Tosson shall, in writing and within fifteen (15) days of receipt of this Complaint and Notice of Hearing, select as Hearing Examiner, either Anne Lambright, Esq. or Jack McClung, Esq. to preside at, and conduct, the proceedings.

Dated this 29 day of December, 2010.

WEST VIRGINIA BOARD OF MEDICINE

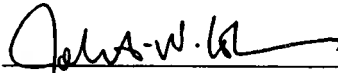

Reverend O. Richard Bowyer
President


Catherine Slemp, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, John A. W. Lohmann, Esq., counsel for Petitioner, the West Virginia Board of Medicine, do hereby certify that I have served the foregoing "Complaint and Notice of Hearing" upon Respondent, Hanan Mahmoud Tosson, M.D., by depositing a true and accurate copy thereof in an envelope and transmitting the same via certified U.S. Mail, with postage prepaid, this 29th day of December, 2010, addressed as follows:

Hanan Mahmoud Tosson, M.D.
140 Meadowridge Drive
Morgantown, WV 26505



John A. W. Lohmann, Esq. (W.Va. # 6343)
Counsel for Petitioner

LICENSES SURRENDERED TO THE BOARD – 2010

WEST VIRGINIA BOARD OF MEDICINE

Licenses Surrendered to the Board - 2010
(no public documents)

MEDICAL DOCTORS

Ryckman, William F., M.D.

ADMINISTRATIVE ACTIONS ON APPEAL – 2010

WEST VIRGINIA BOARD OF MEDICINE

Disciplinary Cases - 2010
Administrative Actions on Appeal

MEDICAL PROVIDER

Dwarka N. Vemuri, M.D.
Circuit Court of Kanawha County
Administrative Appeal No. 10-AA-177

FILED

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA
2010 OCT 15 PM 3:32

DWARKA N. VEMURI, M.D.,

CATHY S. COLE, CLERK
KANAWHA COUNTY CIRCUIT COURT

Petitioner,

v.

Administrative Appeal No. 10-00-177

(Webster, Judge)

WEST VIRGINIA BOARD OF MEDICINE,

Respondent.

PETITION FOR APPEAL

The Petitioner, Dwarka N. Vemuri, M.D., pursuant to and in accordance with the contested case hearing procedure of *W.Va. Code* § 29A-5-1, *et seq.*, and *W.Va. C.S.R* §§ 11-1A-14 and 11-3-1, *et seq.*, hereby appeals the West Virginia Board of Medicine's September 16, 2010 Order denying his request for a hearing and the decision to deny his application for a medical license as set forth in the letter of Executive Director Robert C. Knittle dated July 21, 2010.

The reasons set forth for the denial stated in the Order and stated in Director Knittle's letter are arbitrary, capricious, clearly wrong and constitute an abuse of discretion, and Petitioner appeals all adverse findings of fact and conclusions of law stated therein. The Petitioner is qualified to practice medicine under any reasonable measurement. He further recognizes the seriousness of his past mistakes, and has taken positive actions to ensure such mistakes would never occur in the future. The rationale for the denial stated in the Order and in Director Knittle's letter shows the Board ignored the great weight of information from those who have for many years now worked with, monitored, evaluated and observed Petitioner, including many medical professionals, who find him competent to practice medicine and specifically that he has

taken steps in his life to ensure that his past mistakes never recur.

The Board of Medicine committed error in denying Petitioner any avenue to obtain a medical license, and in denying him an opportunity to present any testimony or evidence in a hearing.

The Board of Medicine committed error in refusing to consider a way to allow Petitioner to prove his medical competence by taking the Board certification examination for internal medicine.

The Board of Medicine committed error in mandating that Petitioner participate in a “Board approved residency training of assessment of your medical skills” but refusing to allow Petitioner any sort of permission to practice, even under supervision and/or restrictions, that would allow him to do so.

The Board of Medicine committed error in finding that Petitioner’s “ability to comprehend and communicate truthfully” was insufficient and a reason to deny his application of a medical license.

The Board of Medicine committed error in failing to consider the great weight of evidence and opinions of medical professionals who believe Petitioner is competent to practice medicine and that the mistakes made previously would not recur.

The Board of Medicine committed error by basing its denial decision on the fact that Petitioner did not appeal his license revocation in 1999.

The Board of Medicine committed error by basing its denial decision on purported reasons that are unsupported by any evidence of record.

The Board of Medicine committed error by basing its denial decision on the timing of the

filing of his application.

The Board of Medicine committed error by basing its denial decision on the wholly arbitrary, unsupported and indeed unsupportable assertion that passage of the SPEX examination by Dr. Vemuri “would be wholly inadequate in this case, because of the extent and magnitude of Dr. Vemuri’s problems.” Indeed, the Board routinely relies on the passage of the SPEX examination as a reflection of a physician’s fitness to practice medicine after a period of suspension, and the refusal to allow Dr. Vemuri that same opportunity to prove his fitness to practice medicine reeks of arbitrary capriciousness.

The Board of Medicine committed error in basing its denial decision on its unfounded assertion that the records of the Physician’s health Program of the Foundation of the Pennsylvania Medical Society do not support a finding that “Dr. Vemuri is mentally and physically sound.”

The Board of Medicine committed error in basing its denial decision on its arbitrary assertion that the records somehow, “continues to have difficulty with stating matters truthfully[.]”

The Board of Medicine committed error in basing its denial decision on the false assertion that Dr. Vemuri has not “had a thorough examination of his physical and mental ability to reenter the practice of medicine and an assessment of his present medical skills and knowledge[.]” In making the denial decision, the Board arbitrarily and capriciously ignored the statements of physicians who have treated and evaluated Dr. Vemuri and rendered the opinion that he is of sound mind and body and that he can resume the practice of medicine.

The Board of Medicine committed error in basing its denial decision on the malpractice

settlement amounts made by Dr. Vemuri's insurer that were part of the basis for his suspension to begin with.

The Board of Medicine committed error in basing its denial decision on the false assertion that, "there has been nothing presented by Dr. Vemuri which is both new and in his favor[.]" This statement is contradicted by the record, and again shows the Board has acted in an arbitrary and capricious manner in denying Dr. Vemuri any opportunity, not simply to practice medicine, but even to present evidence or even take the SPEX examination, that this Board routinely relies upon, to show he is capable to practice medicine.

As stated in *Berlow v. State Bd. of Medicine*, 193 W. Va. 666 (W. Va. 1995):

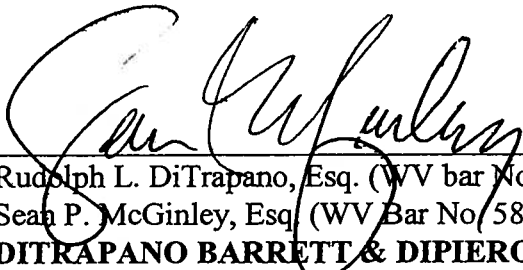
"Upon judicial review of a contested case under the West Virginia Administrative Procedure Act, Chapter 29A, Article 5, Section 4(g), the circuit court may affirm the order or decision of the agency or remand the case for further proceedings. The circuit court shall reverse, vacate or modify the order or decision of the agency if the substantial rights of the petitioner or petitioners have been prejudiced because the administrative findings, inferences, conclusions, decisions or order are: '(1) In violation of constitutional or statutory provisions; or (2) In excess of the statutory authority or jurisdiction of the agency; or (3) Made upon unlawful procedures; or (4) Affected by other error of law, or (5) Clearly wrong in view of the reliable, probative and substantial evidence on the whole record; or (6) Arbitrary or capricious or characterized by abuse of discretion or clearly unwarranted exercise of discretion.'" Syllabus point 2, *Shepherdstown Volunteer Fire Department v. West Virginia Human Rights Commission*, 172 W. Va. 627, 309 S.E.2d 342 (1983)."

Petitioner requests the circuit court reverse, vacate and or modify the Board's decision to deny his application for a medical license, to deny him an opportunity for a full and fair hearing, and/or to mold a license, with reasonable tests, supervision and/or restrictions, that will allow Petitioner the opportunity to prove he is competent to practice medicine and that the mistakes he made in the past will not recur.

The Petitioner designates his application and all papers that are part of that application process, including all letters received by the Board in regard to him, as the record material to the questions in this appeal.

DWARKA N. VEMURI, M.D.

-----By Counsel-----



Rudolph L. DiTrapano, Esq. (WV bar No. 1024)
Sean P. McGinley, Esq. (WV Bar No. 5836)
DITRAPANO BARRETT & DIPIERO, PLLC
604 Virginia Street East
Charleston, WV 25301
Phone: 304-342-0133
Fax: 304-342-4605

CERTIFICATE OF SERVICE

FILED

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I, Sean P. McGinley, hereby certify I have this date, October 14, 2010, by certified mail, the foregoing **PETITION FOR APPEAL**, on the West Virginia Board of Medicine and its

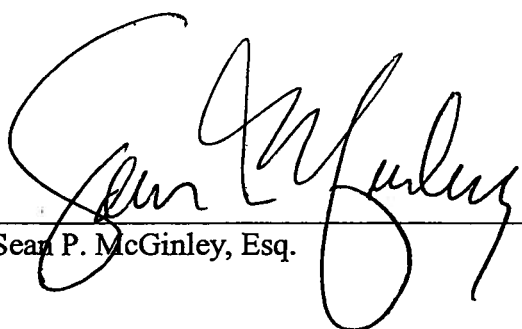
CATHY S. GAYSON, CLERK
OF THE WEST VIRGINIA SUPREME COURT

President, by counsel:

State of West Virginia
Board of Medicine
Rev. Q. Richard Bowyer, President
Deborah L. Rodecker, Esq.
101 Dee Drive, Suite 103
Charleston, WV 25311

and by US mail on:

Hon. Darrell V. McGraw, Jr., Attorney General
State Capitol Complex,
Bldg. 1, Room E-26
Charleston, WV 25305


Sean P. McGinley, Esq.