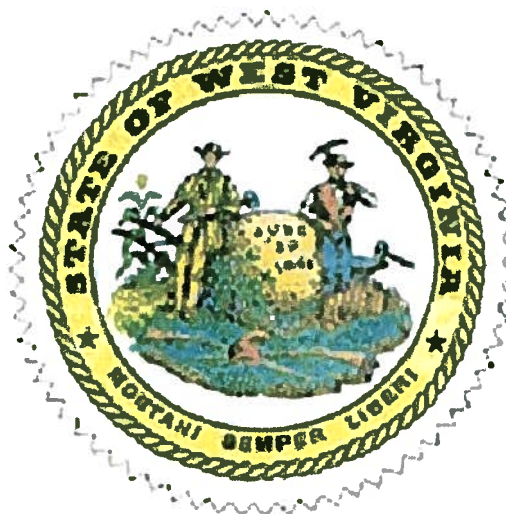


West Virginia Board of Medicine

Annual
Report to
the
Legislature



2011
Volume II

WEST VIRGINIA BOARD OF MEDICINE

2011

ANNUAL REPORT TO THE LEGISLATURE

**Submitted by: Robert C. Knittle, Executive Director
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
Robert.C.Knittle@wv.gov
(304) 558-2921 x227**

TABLE OF CONTENTS

<u>VOLUME I</u>		<u>SECTION</u>
Statement of Receipts and Disbursements - 2011		1
Licensure Activity as of 12/31/11		2
Medical Doctors/Podiatrists Licensed as of 12/31/11		3
Active Medical Doctors/Podiatrists/Physician Assistants by County; Active Medical Doctors/Podiatrists by Specialty; and Active Medical Doctors/Podiatrists by County, by Specialty		4
Physician Assistant Licensure – 2011		5
Complaints/Investigations - 2011		
Disciplinary Cases -	Probable Cause Found/ Disciplinary Sanction	6
<hr style="border: 2px solid black;"/>		
<u>VOLUME II</u>		
Complaints/Investigations - 2011 (continued)		
Closed Cases -	No Probable Cause Found/ No Disciplinary Sanction	7
Open Cases -	Investigations Initiated and Continuing Disciplinary Proceedings Commenced Probable Cause Findings	8
Licensure - 2011		
	Licenses Surrendered to the Board	9
	Licensure Proceedings Open	10
Disciplinary Cases - 2011		
	Administrative Actions on Appeal	11

COMPLAINTS/INVESTIGATIONS - 2011

**CLOSED CASES - NO PROBABLE CAUSE FOUND/
NO DISCIPLINARY SANCTION**

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2011

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

MONTH OF JANUARY, 2011

10-03-W Augusto Tenmatay Abad, M.D.
10-120-C Adnan Alghadban, M.D.
10-99-C Mary Margaret Bland, M.D.
10-126-G Julie Suzanne Bunner, M.D.
10-137-L Mousa Ibrahim Dababnah, M.D.
10-135-B Emil Anton Dameff, M.D.
10-123-S S. Derrick Eddy, M.D.
10-131-C Toni Burnette Goodykoontz, M.D.
10-158-M Richard Allen Hawkins, M.D.
10-127-Z Elizabeth Kristi Hensley, M.D.
10-95-C Robert Melvin Holley, M.D.
10-133-A Rajan Bakhshish Masih, M.D.
10-129-M Kristian Matthew Morrison, M.D.
10-128-J Kris Gan Murthy, M.D.
10-52-P Arun Nagarajan, M.D.
10-121-C Shivshankar Uchila Navada, M.D.
10-136-B Mustafa Rahim, M.D.
10-154-S Mustafa Rahim, M.D.
10-134-W Theresa S. Simon, M.D.
10-117-M Ali Ahmad Suleiman, M.D.
10-124-P Rene Octaviano Sullesta, M.D.
10-122-S William Allen Wood, M.D.

TOTAL 22

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

AUGUSTO TENMATAY ABAD, M.D.

COMPLAINT NO. 10-03-W

DECISION

FINDINGS OF FACT

1. Augusto Tenmatay Abad, M.D. ("Dr. Abad"), held 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 January 2010, the Complaint Committee ("Complaint Committee") of the West Virginia Board of Medicine ("Board") initiated a complaint related to alleged unprofessional conduct by Dr. Abad with respect to the alleged prescribing or dispensing of a prescription drug 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 February 2010, a response to the complaint was filed on behalf of Dr. Abad.
4. Subsequent to the filing of this complaint, on September 13, 2010, Dr. Abad's license to practice medicine in West Virginia was revoked.
5. At the January 9, 2011, 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 revocation of Dr. Abad's

license to practice medicine in West Virginia. The Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on January 10, 2011.

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. Abad in January 2010, has been rendered moot by the subsequent revocation of his West Virginia medical license.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ADNAN ALGHADBAN, M.D.

COMPLAINT NO. 10-120-C

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 July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Donna Crayton, BSN, related to the alleged failure of Dr. Alghadban to practice medicine acceptably and alleged unprofessional conduct all with respect to the alleged improper treatment of the Complainant's medical condition, the alleged breach of physician/patient confidentiality, and the alleged compromising of the Complainant's health care.

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

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

5. At the January 9, 2011, 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 January 10, 2011.

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: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MARY MARGARET BLAND, M.D.

COMPLAINT NO. 10-99-C

DECISION

FINDINGS OF FACT

1. Mary Margaret Bland, M.D. ("Dr. Bland"), holds a license to practice medicine and surgery in West Virginia, License No. 18471, and her address of record with the Board is in Franklin, West Virginia.

2. In July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kimberly L. Crane, relating to the care and treatment rendered by Dr. Bland during which she allegedly failed to properly evaluate, diagnose, and treat the Complainant; allegedly resulting in the alleged improper committing of the Complainant to a mental hospital.

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

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

5. At the January 9, 2011, 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. Bland 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. Bland 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 10, 2011.

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. Bland 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. Bland 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. Bland to practice medicine and surgery in this State should be restricted or limited because

there is no evidence in this matter that Dr. Bland 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. Bland for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JULIE SUZANNE BUNNER, M.D.

COMPLAINT NO. 10-126-G

DECISION

FINDINGS OF FACT

1. Julie Suzanne Bunner, M.D. ("Dr. Bunner"), holds a license to practice medicine and surgery in West Virginia, License No. 19765, and her address of record with the Board is in Wheeling, West Virginia.
2. In July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Mr. Robin A. Green related to the alleged failure of Dr. Bunner to practice medicine acceptably and alleged unprofessional conduct with respect to the alleged refusal of Dr. Bunner to refill the Complainant's vital medications and the alleged inappropriate manner in which Dr. Bunner spoke to the Complainant.
3. The Complaint Committee began an investigation of the complaint and in October 2010, a response to the complaint was filed by Dr. Bunner.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Bunner and the Complainant filed a reply in November 2010.
5. At the January 9, 2011, 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. Bunner 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. Bunner 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. Bunner 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 10, 2011.

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. Bunner 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.

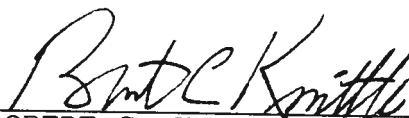
Bunner violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Bunner to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Bunner 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. Bunner for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MOUSA IBRAHIM DABABNAH, M.D.

COMPLAINT NO. 10-137-L

DECISION

FINDINGS OF FACT

1. Mousa Ibrahim Dababnah, M.D. ("Dr. Dababnah"), holds a license to practice medicine and surgery in West Virginia, License No. 10670, and his address of record with the Board is in Beaver, West Virginia.

2. In September 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Patricia A. Lilly relating to the alleged unprofessional conduct of Dr. Dababnah with respect to his alleged inappropriate confrontation with the Complainant during an office visit.

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

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

5. At the January 9, 2011, 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. Dababnah 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. Dababnah 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 10, 2011.

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

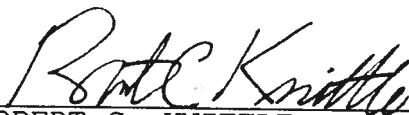
3. The evidence presented in this matter fails to prove that the license of Dr. Dababnah to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Dababnah engaged in dishonorable,

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. Dababnah for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

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. 10-135-B

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 August 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Daniel Best, relating to the care and treatment rendered by Dr. Dameff during which Dr. Dameff allegedly inappropriately changed the Complainant's medications which allegedly put the Complainant's health at risk.

3. The Complaint Committee began an investigation of the complaint and in October 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 October 2010, the Complainant filed a reply.

5. At the January 9, 2011, 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 January 10, 2011.

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: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

S. DERRICK EDDY, M.D.

COMPLAINT NO. 10-123-S

DECISION

FINDINGS OF FACT

1. S. Derrick Eddy, M.D. ("Dr. Eddy"), holds a license to practice medicine and surgery in West Virginia, License No. 23652, and his address of record with the Board is in Wintersville, Ohio.

2. In July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Geri Shane related to the alleged failure of Dr. Eddy to practice medicine acceptably and his alleged unprofessional conduct with respect to alleged failure to appropriately treat the Complainant, alleged subsequent refusal to treat the Complainant, and alleged inappropriate verbal altercation with the Complainant.

3. The Complaint Committee began an investigation of the complaint and in October 2010, a response to the complaint was filed on behalf Dr. Eddy.

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Eddy and the Complainant filed a reply in November 2010.

5. At the January 9, 2011, 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. Eddy 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. Eddy 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. Eddy 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 10, 2011.

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. Eddy 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.

Eddy 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. Eddy to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Eddy 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. Eddy for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

TONI BURNETTE GOODYKOONTZ, M.D.

COMPLAINT NO. 10-131-C

DECISION

FINDINGS OF FACT

1. Toni Burnette Goodykoontz, M.D. ("Dr. Goodykoontz"), holds a license to practice medicine and surgery in West Virginia, License No. 15898, and her address of record with the Board is in Bridgeport, West Virginia.
2. In August 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Donna Crayton, BSN, relating to the care and treatment rendered by Dr. Goodykoontz during which she allegedly failed to properly diagnose and treat the Complainant and allegedly breached physician/patient confidentiality in violation of HIPAA.
3. The Complaint Committee began an investigation of the complaint and in October 2010, a response to the complaint was filed by Dr. Goodykoontz.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Goodykoontz, and in November 2010, the Complainant filed a reply.
5. At the January 9, 2011, 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. Goodykoontz 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. Goodykoontz 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. Goodykoontz 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 10, 2011.

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. Goodykoontz 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. Goodykoontz 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. Goodykoontz to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Goodykoontz 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. Goodykoontz for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RICHARD ALLEN HAWKINS, M.D.

COMPLAINT NO. 10-158-M

DECISION

FINDINGS OF FACT

1. Richard Allen Hawkins, M.D. ("Dr. Hawkins"), holds a license to practice medicine and surgery in West Virginia, License No. 09244, and his address of record with the Board is in Charleston, West Virginia.
2. In October 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Rebecca L. Mynes related to the alleged failure of Dr. Hawkins to practice medicine acceptably and alleged unprofessional conduct with respect to alleged failure of Dr. Hawkins to utilize proper protective equipment when examining the Complainant and his alleged inappropriate disagreement with the Complainant during another examination.
3. The Complaint Committee began an investigation of the complaint and in November 2010, a response to the complaint was filed by Dr. Hawkins.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Hawkins and the Complainant filed a reply in December 2010.
5. At the January 9, 2011, 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. Hawkins 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. Hawkins 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. Hawkins 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 10, 2011.

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. Hawkins 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. Hawkins 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. Hawkins to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Hawkins 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. Hawkins for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

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. 10-127-Z

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 Charles L. Zimmerman, relating to the care and treatment rendered by Dr. Hensley during which she allegedly inappropriately failed to give the Complainant a prescription for a refill on vital medication.

3. The Complaint Committee began an investigation of the complaint and in October 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 and the Complainant did not file a reply.

5. At the January 9, 2011, 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 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. Hensley 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 10, 2011.

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 any reason 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 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. Hensley for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT MELVIN HOLLEY, M.D.

COMPLAINT NO. 10-95-C

DECISION

FINDINGS OF FACT

1. Robert Melvin Holley, M.D. ("Dr. Holley"), holds a license to practice medicine and surgery in West Virginia, License No. 11422, and his address of record with the Board is in Point Pleasant, West Virginia.

2. In June 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Tamara Ann Copley in regard to her nephew, Zachary Fulks, who was a patient of Dr. Holley. The complaint related to the alleged failure of Dr. Holley to practice medicine acceptably and alleged unprofessional conduct with respect to alleged failure of Dr. Holley to properly evaluate the Complainant's nephew as well as alleged inappropriate prescribing of narcotics to the Complainant's nephew, who was reportedly an IV drug user.

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

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

5. Additional records were subpoenaed and reviewed.

6. At the January 9, 2011, 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. Holley 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. Holley 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. Holley 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 10, 2011.

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. Holley 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. Holley 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. Holley to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Holley 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. Holley for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

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. 10-133-A

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 August 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Tammy Jo Lyon Allen related to the alleged failure of Dr. Masih to practice medicine acceptably with respect to alleged failure of Dr. Masih to properly treat the Complainant, allegedly resulting in permanent damage. The complaint also alleged unprofessional conduct by Dr. Masih with respect to his alleged failure to provide the Complainant with a copy of her medical records after several requests.

3. The Complaint Committee began an investigation of the complaint and in November 2010, a response to the complaint was filed on behalf of Dr. Masih.

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Masih and the Complainant filed a reply in December 2010.

5. At the January 9, 2011, 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. 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 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 10, 2011.

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 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KRISTIAN MATTHEW MORRISON, M.D.

COMPLAINT NO. 10-129-M

DECISION

FINDINGS OF FACT

1. Kristian Matthew Morrison, M.D. ("Dr. Morrison"), holds a license to practice medicine and surgery in West Virginia, License No. 23006, and his address of record with the Board is in Shinnston, West Virginia.

2. In August 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Brenda M. Messineo relating to alleged unprofessional conduct of Dr. Morrison 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 October 2010, a response to the complaint was filed by Dr. Morrison.

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

5. At the January 9, 2011, 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. Morrison 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. Morrison 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 10, 2011.

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. Morrison 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. Morrison 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. Morrison to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Morrison 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. Morrison for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KRIS GAN MURTHY, M.D.

COMPLAINT NO. 10-128-J

DECISION

FINDINGS OF FACT

1. Kris Gan Murthy, M.D. ("Dr. Murthy"), holds a license to practice medicine and surgery in West Virginia, License No. 17351, and his address of record with the Board is in Charleston, West Virginia.
2. In July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Michael T. Jett relating to alleged unprofessional conduct of Dr. Murthy with respect to his alleged failure to furnish medical records to the Complainant's new physician upon request of the Complainant to do so.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in October 2010, a response to the complaint was filed by Dr. Murthy.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Murthy. The Complainant filed no additional response.
5. At the January 9, 2011, 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. Murthy 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. Murthy 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 10, 2011.

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. Murthy 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. Murthy 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. Murthy to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Murthy 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. Murthy for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ARUN NAGARAJAN, M.D.

COMPLAINT NO. 10-52-P

DECISION

FINDINGS OF FACT

1. Arun Nagarajan, M.D. ("Dr. Nagarajan"), holds a license to practice medicine and surgery in West Virginia, License No. 21639, and his 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 ("Complaint Committee") received a complaint from Charles E. Priddy on behalf of his deceased wife, Frances Priddy, relating to the care and treatment rendered by Dr. Nagarajan during which he allegedly failed to properly treat the cancer of the Complainant's wife, allegedly leading to her death.

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

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Nagarajan, and in July 2010, the Complainant filed a reply.

5. Additional records were subpoenaed and reviewed by an independent consultant who filed a written report with the Complaint Committee of the Board stating that the Complainant's wife had a rare and "extremely aggressive cancer of the right

breast which spread to other parts of the body" and this was the cause of her death. The consultant also opined that Dr. Nagarajan treated the Complainant's wife with "appropriate regimens and follow-ups" and the Complainant's wife had been "treated appropriately as per the established national guidelines".

6. At the January 9, 2011, 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. Nagarajan 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. Nagarajan 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 10, 2011.

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. Nagarajan 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. Nagarajan 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. Nagarajan to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Nagarajan 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. Nagarajan for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

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. 10-121-C

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 Bridgeport, West Virginia.

2. In July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Donna Crayton, BSN, related to the alleged failure of Dr. Navada to practice medicine acceptably and alleged unprofessional conduct with respect to alleged failure of Dr. Navada to properly treat the Complainant, alleged improper discharge of the Complainant and alleged breach of physician/patient confidentiality.

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

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

5. At the January 9, 2011, 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 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. Navada 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. 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 January 10, 2011.

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 any reason 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 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. Navada for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

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. 10-136-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 August 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Allen D. Bolen relating to alleged unprofessional conduct of Dr. Rahim with respect to his alleged inappropriate behavior toward and comments made to the Complainant during an office visit.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in October 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 a reply in November 2010.
5. At the January 9, 2011, 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 January 10, 2011.

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: January 10, 2011

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. 10-154-S

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 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kristi Simpson relating to alleged unprofessional conduct of Dr. Rahim with respect to his alleged inappropriate accusations leveled against the Complainant, allegedly leading to difficulty in the Complainant finding alternative healthcare.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in December 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 a reply in December 2010.

5. At the January 9, 2011, 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 January 10, 2011.

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: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

THERESA S. SIMON, M.D.

COMPLAINT NO. 10-134-W

DECISION

FINDINGS OF FACT

1. Theresa S. Simon, M.D. ("Dr. Simon"), holds a license to practice medicine and surgery in West Virginia, License No. 22919, and her address of record with the Board is in Point Pleasant, West Virginia.
2. In August 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Joann Wheeler, relating to the care and treatment rendered by Dr. Simon during which she allegedly failed to properly diagnose and treat the Complainant after admission to the hospital and the alleged failure of Dr. Simon to transfer the Complainant to another hospital upon request, allegedly leading to delayed diagnosis.
3. The Complaint Committee began an investigation of the complaint and in October 2010, a response to the complaint was filed by Dr. Simon.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Simon, and in October 2010, the Complainant filed a reply.
5. At the January 9, 2011, 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. Simon 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. Simon 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 10, 2011.

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. Simon 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. 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. Simon to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Simon 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. Simon for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ALI AHMAD SULEIMAN, M.D.

COMPLAINT NO. 10-117-M

DECISION

FINDINGS OF FACT

1. Ali Ahmad Suleiman, M.D. ("Dr. Suleiman"), holds a license to practice medicine and surgery in West Virginia, License No. 16913, and his 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") received a complaint from Gloria M. Matheny relating to alleged unprofessional conduct of Dr. Suleiman with respect to his alleged inappropriate behavior towards the Complainant during a hospital stay.

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

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

5. At the January 9, 2011, 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. Suleiman 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. Suleiman 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 10, 2011.

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

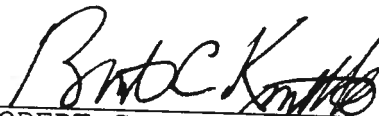
3. The evidence presented in this matter fails to prove that the license of Dr. Suleiman to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Suleiman engaged in dishonorable, unethical or unprofessional conduct of a character 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. Suleiman for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RENE OCTAVIANO SULLESTA, M.D.

COMPLAINT NO. 10-124-P

DECISION

FINDINGS OF FACT

1. Rene Octaviano Sullesta, M.D. ("Dr. Sullesta"), holds a license to practice medicine and surgery in West Virginia, License No. 13663, and his address of record with the Board is in Williamson, West Virginia.

2. In July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Natchee Wayne Proctor relating to alleged unprofessional conduct of Dr. Sullesta with respect to his alleged failure to furnish medical records to the Complainant upon the Complainant's request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in September 2010, a response to the complaint was filed by Dr. Sullesta noting that subsequent to the filing of the complaint, on July 21, 2010, the Complainant had received his medical records.

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

5. At the January 9, 2011, 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. Sullesta 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. Sullesta 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 10, 2011.

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. Sullesta 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. Sullesta 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. Sullesta to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. Sullesta 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. Sullesta for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

WILLIAM ALLEN WOOD, M.D.

COMPLAINT NO. 10-122-S

DECISION

FINDINGS OF FACT

1. William Allen Wood, M.D. ("Dr. Wood"), holds a license to practice medicine and surgery in West Virginia, License No. 23162, and his address of record with the Board is in Charleston, West Virginia.

2. In July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kristal Leah Spry relating to alleged unprofessional conduct of Dr. Wood with respect to his alleged failure to refer the Complainant to another physician, and an alleged inappropriate confrontation with and discharge of the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in October 2010, a response to the complaint was filed on behalf of Dr. Wood.

4. Subsequently, the Complainant was forwarded the response filed on behalf of Dr. Wood. The Complainant filed no reply.

5. At the January 9, 2011, 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. Wood 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. Wood 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 10, 2011.

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. Wood 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. Wood 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. Wood to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Wood 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. Wood for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: January 10, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2011

Closed Cases - No Probable Cause Found/

No Disciplinary Sanction

MONTH OF MARCH, 2011

10-155-C	Steven Albert Artz, M.D.
10-87-S	Rely C. Carbonel, M.D.
10-157-M	David Wellington Cook, M.D.
10-90-E	Michael Lee Ferrebee, M.D.
10-153-T	Catherine E. Grant, M.D.
10-125-W	Jerry Mitchel Hahn, M.D.
10-156-M	Brian Wendell Hawthorne, M.D.
09-158-P	James H. Henick, M.D.
10-148-G	Robert Eugene Jones, M.D.
10-162-D	Amar Nath Khurana, M.D.
10-160-C	Zaveen Ahmad Kureishy, M.D.
09-148-B	Rajan Bakhshish Masih, M.D.
10-96-D	Kalpana Miriyala, M.D.
10-149-A	David Stewart Mullett, M.D.
10-152-C	Husam M. Nazer, M.D.
10-130-B	Joann Audia O'Keefe, M.D.
10-159-S	William Richard Post, M.D.
10-46-M	David Matthew Pryputniewicz, M.D.
10-150-M	Michelle Lynn Putnam, P.A.-C.
10-151-M	Nitesh Ratnakar, M.D.
10-173-B	Francis Maxim Saldanha, M.D.
10-27-S	Michael Anthony Santer, Jr., M.D.
10-118-B	Charles Richard Whiteman, II, M.D.

TOTAL 23

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

STEVEN ALBERT ARTZ, M.D.

COMPLAINT NO. 10-155-C

DECISION

FINDINGS OF FACT

1. Steven Albert Artz, M.D. ("Dr. Artz"), holds a license to practice medicine and surgery in West Virginia, License No. 08929, and his address of record with the Board is in Charleston, West Virginia.

2. In October 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from LaDonna Clemmer relating to alleged unprofessional conduct of Dr. Artz with respect to his alleged inappropriate, condescending and rude behavior towards the Complainant during an office visit.

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

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

5. At the March 13, 2011, 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. Artz 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. Artz 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 14, 2011.

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. Artz 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. Artz 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. Artz to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Artz 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. Artz for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

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. 10-87-S

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 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Rebecca L. Stollings relating to 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 August 2010, a response to the complaint was filed by Dr. Carbonel in which he noted that he had subsequently provided the Complainant with her medical records and any delay was due to a filing error.

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

5. Dr. Carbonel appeared for a full discussion of the matter before the Complaint Committee of the Board on March 13, 2011, where he presented evidence on his behalf.

6. At the March 13, 2011, 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 14, 2011.

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 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DAVID WELLINGTON COOK, M.D.

COMPLAINT NO. 10-157-M

DECISION

FINDINGS OF FACT

1. David Wellington Cook, M.D. ("Dr. Cook"), holds a license to practice medicine and surgery in West Virginia, License No. 13810, and his address of record with the Board is in Huntington, West Virginia.

2. In October 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Essie Moore related to alleged failure of Dr. Cook to practice medicine reasonably and alleged unprofessional conduct with respect to Dr. Cook's alleged failure to correct the Complainant's prescription for glasses and his alleged inappropriate conduct and treatment of the Complainant during an office visit.

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

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

5. At the March 13, 2011, 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. Cook 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. Cook 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. Cook 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 14, 2011.

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. Cook 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.

Cook 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. Cook to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Cook 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. Cook for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MICHAEL LEE FERREBEE, M.D.

COMPLAINT NO. 10-90-E

DECISION

FINDINGS OF FACT

1. Michael Lee Ferrebee, M.D. ("Dr. Ferrebee"), holds a license to practice medicine and surgery in West Virginia, License No. 18262, and his address of record with the Board is in Morgantown, West Virginia.
2. In June 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Linda Huey East, relating to the care and treatment rendered by Dr. Ferrebee during which he allegedly failed to treat the Complainant when she presented at the Emergency Room with withdrawal symptoms from prescription medications and the Complainant alleges she was charged for treatment she did not receive.
3. The Complaint Committee began an investigation of the complaint and in August 2010, a response to the complaint was filed by Dr. Ferrebee.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Ferrebee, and in August 2010, 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 Dr. Ferrebee had "met the standard of care for an emergency physician."

6. At the March 13, 2011, 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. Ferrebee 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. Ferrebee 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 14, 2011. Dr. Ferrebee was not present for and did not participate in making this determination, all in accordance with the Board's Conflict of Interest Policy.

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. Ferrebee 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. Ferrebee 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. Ferrebee to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Ferrebee 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. Ferrebee for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CATHERINE E. GRANT, M.D.

COMPLAINT NO. 10-153-T

DECISION

FINDINGS OF FACT

1. Catherine E. Grant, M.D. ("Dr. Grant"), holds a license to practice medicine and surgery in West Virginia, License No. 15127, and her address of record with the Board is in Glenville, West Virginia.
2. In October 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Rodney Townsend relating to alleged unprofessional conduct of Dr. Grant 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 December 2010, a response to the complaint was filed by Dr. Grant.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Grant. The Complainant filed no additional response.
5. At the March 13, 2011, 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. Grant 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. Grant 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 14, 2011.

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. Grant 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. Grant 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. Grant to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Grant 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. Grant for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JERRY MITCHEL HAHN, M.D.

COMPLAINT NO. 10-125-W

DECISION

FINDINGS OF FACT

1. Jerry Mitchel Hahn, M.D. ("Dr. Hahn"), holds a license to practice medicine and surgery in West Virginia, License No. 15226, and his address of record with the Board is in Romney, West Virginia.

2. In July 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. Hahn during which he allegedly failed to properly treat the Complainant's diabetes.

3. The Complaint Committee began an investigation of the complaint and in October 2010, a response to the complaint was filed by Dr. Hahn noting that the Complainant refuses to allow Dr. Hahn to treat him appropriately.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Hahn, and in March 2011, the Complainant filed a reply.

5. At the March 13, 2011, 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. Hahn 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. Hahn 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 14, 2011.

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. Hahn 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. Hahn 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. Hahn to practice medicine and surgery in this State should be restricted or limited because

there is no evidence in this matter that Dr. Hahn 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. Hahn for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

BRIAN WENDELL HAWTHORNE, M.D.

COMPLAINT NO. 10-156-M

DECISION

FINDINGS OF FACT

1. Brian Wendell Hawthorne, M.D. ("Dr. Hawthorne"), holds a license to practice medicine and surgery in West Virginia, License No. 19027, and his address of record with the Board is in Morgantown, West Virginia.

2. In October 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Russel L. Main, on behalf of his wife; Judith A. Main, relating to the care and treatment rendered by Dr. Hawthorne during which he allegedly failed to properly treat the Complainant's wife during a hospital visit, allegedly resulting in her death.

3. The Complaint Committee began an investigation of the complaint and in November 2010, a response to the complaint was filed by Dr. Hawthorne stating that he had no part in the admission or care of the Complainant's wife and had no knowledge of the incident prior to her demise.

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

5. At the March 13, 2011, 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. Hawthorne 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. Hawthorne 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 14, 2011.

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. Hawthorne 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. Hawthorne 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. Hawthorne to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Hawthorne 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. Hawthorne for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JAMES H. HENICK, M.D.

COMPLAINT NO. 09-158-P

DECISION

FINDINGS OF FACT

1. James H. Henick, M.D. ("Dr. Henick"), held a license to practice medicine and surgery in West Virginia, License No. 23222, which expired on June 30, 2010. His address of record with the Board is in Hamilton, Virginia.

2. In September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jessica Palumbo, M.D., relating to allegations of unprofessional conduct on Dr. Henick's part that he allegedly left pre-signed blank prescription pads with a registered nurse to prescribe patients' medicines while he was away from the office.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in November 2009, a response to the complaint was filed by Dr. Henick noting that he had pre-signed some prescriptions and had self-reported this to the Board earlier.

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

5. On June 30, 2010, Dr. Henick'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 March 13, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that in light of all the circumstances in this matter there was now no reason to proceed against the expired license to practice medicine and surgery of Dr. Henick 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 March 14, 2011.

CONCLUSIONS OF LAW

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".

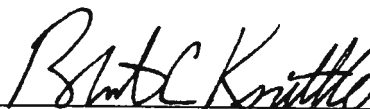
2. The evidence presented shows that there is a violation of the provisions of the Medical Practice Act and Rules of the Board and that probable cause exists to substantiate disqualification of Dr. Henick from the practice of medicine and surgery in this State for the reasons set forth in the W. Va. Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j) all related to unprofessional and unethical conduct. However, the Board is not empowered to discipline Dr. Henick 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. Henick 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: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT EUGENE JONES, M.D.

COMPLAINT NO. 10-148-G

DECISION

FINDINGS OF FACT

1. Robert Eugene Jones, M.D. ("Dr. Jones"), holds a license to practice medicine and surgery in West Virginia, License No. 11318, and his address of record with the Board is in Wheeling, West Virginia.

2. In September 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kathryn Gardner, relating to the care and treatment rendered by Dr. Jones during which he allegedly failed to properly treat and monitor the Complainant's condition following a biopsy.

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

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

5. At the March 13, 2011, 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. Jones 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. Jones 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 14, 2011.

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. Jones 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. Jones 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. Jones to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Jones 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. Jones for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

AMAR NATH KHURANA, M.D.

COMPLAINT NO. 10-162-D

DECISION

FINDINGS OF FACT

1. Amar Nath Khurana, M.D. ("Dr. Khurana"), holds a license to practice medicine and surgery in West Virginia, License No. 16329, and his address of record with the Board is in Weirton, West Virginia.
2. In November 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Terry DeHamer, relating to care and treatment rendered by Dr. Khurana during which he allegedly failed to properly diagnose and treat the Complainant by allegedly ignoring her complaints, cancelling scheduled tests, and discharging the Complainant from the hospital, allegedly leading to the Complainant having to seek another physician who subsequently diagnosed her pulmonary disorder.
3. The Complaint Committee began an investigation of the complaint and in December 2010, a response to the complaint was filed by Dr. Khurana.
4. Subsequently, the Complainant was forwarded the response filed by Dr. Khurana, and in December 2010, the Complainant filed a reply.
5. At the March 13, 2011, 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. Khurana 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. Khurana 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 14, 2011.

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.

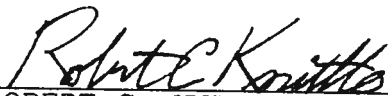
2. There is no evidence in this matter to prove that Dr. Khurana is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter proving that Dr. Khurana violated any provision of the Medical Practice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

3. The evidence presented in this matter fails to prove that the license of Dr. Khurana to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Khurana 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. Khurana for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ZAVEEN AHMAD KUREISHY, M.D.

COMPLAINT NO. 10-160-C

DECISION

FINDINGS OF FACT

1. Zaveen Ahmad Kureishy, M.D. ("Dr. Kureishy"), holds a license to practice medicine and surgery in West Virginia, License No. 19309, and his address of record with the Board is in Glen Dale, West Virginia.

2. In October 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Chad Michael Coffield relating to alleged unprofessional conduct of Dr. Kureishy with respect to his alleged inappropriate discharge of the Complainant and failure to prescribe the Complainant medication.

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

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

5. At the March 13, 2011, 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. Kureishy 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. Kureishy 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 14, 2011.

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. Kureishy 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. Kureishy 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. Kureishy to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Kureishy 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. Kureishy for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

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. 09-148-B

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 September 2009, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Frederick Allan Bearfield related to the alleged failure of Dr. Masih to practice medicine reasonably during which Dr. Masih allegedly refused to provide the Complainant with essential medical treatment and the alleged unprofessional conduct with respect to Dr. Masih's alleged inappropriate discharge of the Complainant and failure to furnish the Complainant with medical records for himself and his family members upon request.

3. The Complaint Committee began an investigation of the complaint and in October 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 the Complainant filed no reply.

5. At the March 13, 2011, 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. 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 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 March 14, 2011.

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: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KALPANA MIRIYALA, M.D.

COMPLAINT NO. 10-96-D

DECISION

FINDINGS OF FACT

1. Kalpana Miriyala, M.D. ("Dr. Miriyala"), holds a license to practice medicine and surgery in West Virginia, License No. 23693, and her address of record with the Board is in Huntington, West Virginia.

2. In June 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from M. Stephen Dillard, D.O., relating to the care and treatment rendered by Dr. Miriyala during which she allegedly failed to properly diagnose and treat the mental disorder of the Complainant's adult son.

3. The Complaint Committee began an investigation of the complaint and in August 2010, a response to the complaint was filed on behalf of Dr. Miriyala citing confidentiality issues.

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

5. Additional records were subpoenaed from Dr. Miriyala. A letter on behalf of Dr. Miriyala dated January 24, 2011, stated that the doctor could not comply with the subpoena without authorization from the Complainant's adult son or a court

order.

6. The Board filed a Petition and a Motion to Proceed Under Seal on January 25, 2011, in the Kanawha County Circuit Court.

7. In a letter on behalf of Dr. Miriyala, dated January 28, 2011, to the Complainant's adult son and copied to the Board, noted that in a previous phone conversation, the Complainant's adult son stated he did not wish for his medical records to be released.

8. The Circuit Court of Kanawha County issued an Order dated January 26, 2011, granting the Motion and filing the Petition Under Seal.

9. Dr. Miriyala filed a Response to the Petition on February 14, 2011.

10. In subsequent discussion with the Kanawha County Court it was presented to the Board's counsel that a Court Order was not forthcoming and suggested that the Board revisit the issue with the Complainant's adult son.

11. At the March 13, 2011, 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. Miriyala 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

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 14, 2011.

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. Miriyala 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. Miriyala 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. Miriyala to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence in this matter that Dr. Miriyala 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. Miriyala for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DAVID STEWART MULLETT, M.D.

COMPLAINT NO. 10-149-A

DECISION

FINDINGS OF FACT

1. David Stewart Mullett, M.D. ("Dr. Mullett"), holds a license to practice medicine and surgery in West Virginia, License No. 23337, and his address of record with the Board is in Charleston, West Virginia.

2. In September 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Candy Jo Angel, relating to the care and treatment rendered by Dr. Mullett during which he allegedly failed to contact the Complainant's insurance carrier for preauthorization of medications both prior and subsequent to the Complainant's discharge from the hospital despite the Complainant's requests.

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

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

5. At the March 13, 2011, 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. Mullett 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. Mullett 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 14, 2011.

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. Mullett 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. Mullett 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. Mullett to practice medicine and surgery in this State should be restricted or limited because

there is no evidence in this matter that Dr. Mullett 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. Mullett for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

HUSAM M. NAZER, M.D.

COMPLAINT NO. 10-152-C

DECISION

FINDINGS OF FACT

1. Husam M. Nazer, M.D. ("Dr. Nazer"), holds a license to practice medicine and surgery in West Virginia, License No. 13335, and his address of record with the Board is in Beckley, West Virginia.

2. In October 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Timothy D. Chewning, Sr., relating to alleged unprofessional conduct of Dr. Nazer with respect to his alleged repeatedly charging the Complainant for a medical procedure that had been previously paid in full.

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

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

5. At the March 13, 2011, 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. Nazer 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. Nazer 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 14, 2011.

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. Nazer 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. Nazer 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. Nazer to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Nazer 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. Nazer for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOANN AUDIA O'KEEFE, M.D.

COMPLAINT NO. 10-130-B

DECISION

FINDINGS OF FACT

1. Joann Audia O'Keefe, M.D. ("Dr. O'Keefe"), holds a license to practice medicine and surgery in West Virginia, License No. 13072, and her address of record with the Board is in Morgantown, West Virginia.

2. In August 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Perry A. Button relating to alleged unprofessional conduct of Dr. O'Keefe with respect to her alleged violation of HIPAA law when her office discussed the Complainant's bill with his wife, despite the Complainant's alleged notification not to do so to Dr. O'Keefe's office both verbally and in writing.

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

4. Subsequently, the Complainant was forwarded the response filed by Dr. O'Keefe. The Complainant filed no additional response.

5. At the March 13, 2011, 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. O'Keefe 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. O'Keefe 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 14, 2011.

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. O'Keefe 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. O'Keefe 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. O'Keefe to practice medicine and surgery in this State should be restricted or limited because there is no

evidence in this matter that Dr. O'Keefe 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. O'Keefe for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

WILLIAM RICHARD POST , M.D.

COMPLAINT NO. 10-159-S

DECISION

FINDINGS OF FACT

1. William Richard Post, M.D. ("Dr. Post"), holds a license to practice medicine and surgery in West Virginia, License No. 15233, and his address of record with the Board is in Morgantown, West Virginia.

2. In October 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Gary E. Squires, Sr., relating to alleged unprofessional conduct of Dr. Post with respect to his alleged charging the Complainant excessive fees for medical services not rendered.

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

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

5. At the March 13, 2011, 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. Post 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. Post 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 14, 2011.

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. Post 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. Post 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. Post to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Post 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. Post for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DAVID MATTHEW PRYPUTNIEWICZ, M.D.

COMPLAINT NO. 10-46-M

DECISION

FINDINGS OF FACT

1. David Matthew Pryputniewicz, M.D. ("Dr. Pryputniewicz"), holds a license to practice medicine and surgery in West Virginia, License No. 21722, and his address of record with the Board is in Johnson City, Tennessee.

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. Pryputniewicz during which he allegedly failed to properly treat and monitor the Complainant during surgery, allegedly resulting in the Complainant suffering blisters to his back.

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

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

5. At the March 13, 2011, 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. Pryputniewicz 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. Pryputniewicz 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 14, 2011.

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. Pryputniewicz 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. Pryputniewicz 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. Pryputniewicz to practice medicine

and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Pryputniewicz 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. Pryputniewicz for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MICHELLE LYNN PUTNAM, P.A.-C.

COMPLAINT NO. 10-150-M

DECISION

FINDINGS OF FACT

1. Michelle Lynn Putnam, P.A.-C., has an active license to practice as a physician assistant in West Virginia, License No. 00633, and her address of record with the Board is in Harman, West Virginia.

2. In October 2010, the Complaint Committee of the West Virginia Board of Medicine received a complaint from Carol M. Menear, which complaint related to alleged unprofessional conduct of Ms. Putnam with respect to Ms. Putnam's alleged charging the Complainant with excessive fees due to charging the Complainant as a new patient, although she was a well established patient.

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

4. Subsequently, the Complainant was forwarded the response filed by Ms. Putnam and the Complainant filed a reply in December 2010.

5. Additional records were subpoenaed and reviewed.

6. Correspondence on behalf of Ms. Putnam dated February 8, 2011, noted that there was a billing error made and that the Complainant had subsequently been reimbursed and corrected billing had been submitted to the Complainant's insurance company.

7. At the March 13, 2011, 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 insufficient evidence in this matter of a violation of the rules pertaining to physician assistants and no reason to proceed against the license to practice as a physician assistant of Ms. Putnam, and the Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on March 14, 2011.

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 insufficient evidence in this matter to show that Ms. Putnam 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 insufficient 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. Putnam to practice as a physician assistant in the State should be restricted or limited because there is insufficient 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. Putnam for reasons set forth in W. Va. Code § 30-3-16 or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

NITESH RATNAKAR, M.D.

COMPLAINT NO. 10-151-M

DECISION

FINDINGS OF FACT

1. Nitesh Ratnakar, M.D. ("Dr. Ratnakar"), holds a license to practice medicine and surgery in West Virginia, License No. 22218, and his address of record with the Board is in Elkins, West Virginia.

2. In October 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Carol M. Menear relating to alleged unprofessional conduct of Dr. Ratnakar with respect to his alleged charging the Complainant excessive fees by charging the Complainant as a new patient although she had been a patient for two (2) to three (3) years.

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

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

5. Additional records were subpoenaed and reviewed.

6. Correspondence on behalf of Dr. Ratnakar dated

February 8, 2011, noted that there was a billing error made and that the Complainant had been incorrectly charged and had subsequently been reimbursed along with a corrected billing statement being submitted to the Complainant's insurance company.

7. At the March 13, 2011, 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. Ratnakar 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. Ratnakar 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 14, 2011.

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. Ratnakar 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. Ratnakar 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. Ratnakar to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence in this matter that Dr. Ratnakar 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. Ratnakar for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

FRANCIS MAXIM SALDANHA, M.D.

COMPLAINT NO. 10-173-B

DECISION

FINDINGS OF FACT

1. Francis Maxim Saldanha, M.D. ("Dr. Saldanha"), holds a license to practice medicine and surgery in West Virginia, License No. 12738, and his address of record with the Board is in Charleston, West Virginia.

2. In November 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Charles L. Burkhamer relating to alleged unprofessional conduct of Dr. Saldanha 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 2011, a response to the complaint was filed by Dr. Saldanha.

4. Subsequently, the Complainant was forwarded the response filed by Dr. Saldanha. The Complainant filed a reply in February 2011.

5. At the March 13, 2011, 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. Saldanha 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. Saldanha 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 14, 2011.

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. Saldanha 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. Saldanha 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. Saldanha to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Saldanha 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. Saldanha for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MICHAEL ANTHONY SANTER, Jr., M.D.

COMPLAINT NO. 10-27-S

DECISION

FINDINGS OF FACT

1. Michael Anthony Santer, Jr., M.D. ("Dr. Santer"), holds a license to practice medicine and surgery in West Virginia, License No. 09597, 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 Dallas Franklin Smith, relating to the care and treatment rendered by Dr. Santer during which Dr. Santer allegedly failed to properly diagnose and treat the Complainant's wife and allegedly performed unnecessary surgery without consent, which allegedly led to the death of the Complainant's wife.

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

4. Subsequently, the Complainant was forwarded the response filed by Dr. Santer, and in January 2011, the Complainant filed a reply.

5. At the March 13, 2011, 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. Santer 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. Santer 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 14, 2011.

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. Santer 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. Santer 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. Santer to practice medicine and

surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Santer 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. Santer for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CHARLES RICHARD WHITEMAN, II, M.D.

COMPLAINT NO. 10-118-B

DECISION

FINDINGS OF FACT

1. Charles Richard Whiteman, II, M.D. ("Dr. Whiteman"), holds a license to practice medicine and surgery in West Virginia, License No. 15634, and his address of record with the Board is in Morgantown, West Virginia.

2. In June 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Alysha Bolden, relating to the care and treatment rendered by Dr. Whiteman during which he allegedly failed to properly diagnose and treat the Complainant, allegedly resulting in permanent damage.

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

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

5. At the March 13, 2011, 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. Whiteman 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. Whiteman 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 14, 2011.

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. Whiteman 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. Whiteman 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. Whiteman to practice medicine and surgery in this State should be restricted or limited because

there is no evidence in this matter that Dr. Whiteman 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. Whiteman for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2011

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

MONTH OF MAY, 2011

10-119-D	Jame Abraham, M.D.
10-176-R	Joseph Louis Boggs, M.D.
10-167-W	Kevin Wayne Cox, M.D.
10-170-S	Subhash V. Gajendragadkar, M.D.
10-81-D	Wayne Ellsworth Groux, M.D.
10-132-I	John Walton Hannah, M.D.
10-169-B	Charles Andrew Heiskell, M.D.
10-172-B	Joseph Paul Jordan, M.D.
11-11-S	Steven James Jubelirer, M.D.
10-161-M	Bruce Lawrence Lasker, M.D.
10-171-V	Anthony Joseph McEldowney, M.D.
10-93-S	Steven Christopher Mills, M.D.
10-177-F	Frederick Harry Pollock, M.D.
09-170-B	Narcisco A. Rodriguez-Cayro, M.D.
11-15-B	Mohamad Waseem Salkini, M.D.
11-16-B	William Thomas Shockcor, M.D.
10-180-M	Seth J. Stinehour, D.P.M.
10-92-B	Charles Frederic Whitaker, III, M.D.

TOTAL 18

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JAME ABRAHAM, M.D.

COMPLAINT NO. 10-119-D

DECISION

FINDINGS OF FACT

1. Jame Abraham, M.D. ("Dr. Abraham"), holds a license to practice medicine and surgery in West Virginia, License No. 20170, and his address of record with the Board is in Morgantown, West Virginia.

2. In July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Janice Butler Donahue, M.D., MPH, alleging that Dr. Abraham failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly treat the Complainant's condition and by failing to communicate with the Complainant regarding her condition and treatment.

3. The Complaint Committee began an investigation of the complaint and in October 2010, Dr. Abraham filed a response to the complaint.

4. Subsequently, Dr. Abraham's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Abraham failed to

practice medicine and surgery with the 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. The Complaint Committee also determined that no evidence existed to show that Dr. Abraham engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Abraham's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on May 16, 2011.

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. Abraham 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 to prove that Dr. Abraham violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Abraham's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Abraham 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 Dr. Abraham's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOSEPH LOUIS BOGGS, M.D.

COMPLAINT NO. 10-176-R

DECISION

FINDINGS OF FACT

1. Joseph Louis Boggs, M.D. ("Dr. Boggs"), holds a license to practice medicine and surgery in West Virginia, License No. 10788, and his address of record with the Board is in Vienna, West Virginia.

2. In December 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from David Redmon, relating to the care and treatment rendered by Dr. Boggs during which Dr. Boggs allegedly performed surgery on the wrong part of the Complainant's neck.

3. The Complaint Committee began an investigation of the complaint and in January 2011, Dr. Boggs filed a response to the complaint.

4. Subsequently, Dr. Boggs' response was forwarded to the Complainant and in February 2011, the Complainant filed a reply.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Boggs failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Boggs' license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 16, 2011.

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. Boggs 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 to prove that Dr. Boggs violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Boggs' license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Boggs failed to practice medicine and

surgery with the 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 Dr. Boggs' license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KEVIN WAYNE COX, M.D.

COMPLAINT NO. 10-167-W

DECISION

FINDINGS OF FACT

1. Kevin Wayne Cox, M.D. ("Dr. Cox"), holds a license to practice medicine and surgery in West Virginia, License No. 19443, and his address of record with the Board is in Elkins, West Virginia.

2. In November 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Nathan Williams, Jr., relating to the care and treatment rendered by Dr. Cox during which he allegedly failed to properly diagnose and treat the Complainant's eye condition.

3. The Complaint Committee began an investigation of the complaint and in January 2011, Dr. Cox filed a response to the complaint.

4. Subsequently, Dr. Cox's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Cox failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Cox's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 16, 2011.

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. Cox 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 to prove that Dr. Cox violated any provision of the Medical Practice Act or rule of the Board.

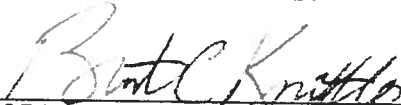
3. The evidence presented in this matter fails to prove that Dr. Cox's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Cox failed to practice medicine and surgery with the level of care, skill and treatment which is

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 Dr. Cox's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

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. 10-170-S

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 November 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from William John Sisney, relating to the care and treatment rendered by Dr. Gajendragadkar during which he allegedly failed to properly diagnose and treat the Complainant's condition.

3. The Complaint Committee began an investigation of the complaint and in January 2011, Dr. Gajendragadkar filed a response to the complaint.

4. Subsequently, Dr. Gajendragadkar's response was forwarded to the Complainant and in February 2011, the Complainant filed a reply.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Gajendragadkar failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Gajendragadkar's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on May 16, 2011.

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 to prove that Dr. Gajendragadkar violated any provision of the Medical Practice Act or rule of the Board.

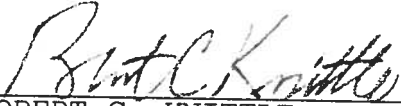
3. The evidence presented in this matter fails to prove that Dr. Gajendragadkar's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Gajendragadkar failed to practice

medicine and surgery with the 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 Dr. Gajendragadkar's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

WAYNE ELLSWORTH GROUX, M.D.

COMPLAINT NO. 10-81-D

DECISION

FINDINGS OF FACT

1. Wayne Ellsworth Groux, M.D. ("Dr. Groux"), holds a license to practice medicine and surgery in West Virginia, License No. 14070, and his address of record with the Board is in Belmont, Ohio.

2. In May 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Heather Francine Dye alleging that Dr. Groux failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly diagnose and treat the Complainant's condition, by failing to appropriately inform the Complainant of treatment options, and by acting verbally inappropriate toward the Complainant.

3. The Complaint Committee began an investigation of the complaint and in July 2010, Dr. Groux filed a response to the complaint.

4. Subsequently, Dr. Groux's response was forwarded to the Complainant and the Complainant filed no additional response.

5. Additional records were subpoenaed and reviewed by an independent medical consultant, who filed a written report with the Complaint Committee opining that Dr. Groux "did not provide

the patient with available alternatives during her consultation or on her consent form which were available in the ACOG guidelines.”

6. Dr. Groux was forwarded the independent medical consultant’s report and he filed a response in April 2011, which included a statement from another independent consultant.

7. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that insufficient evidence existed in this matter to show that Dr. Groux failed to practice medicine and surgery with the 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. The Complaint Committee also determined that insufficient evidence existed to show that Dr. Groux engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Groux’s license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on May 16, 2011.

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.

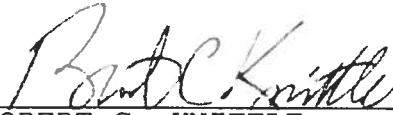
2. There is insufficient evidence in this matter to prove that Dr. Groux is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter to prove that Dr. Groux violated any provision of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

3. The evidence presented in this matter fails to prove that Dr. Groux's license to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Groux engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Groux's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN WALTON HANNAH, M.D.

COMPLAINT NO. 10-132-I

DECISION

FINDINGS OF FACT

1. John Walton Hannah, M.D. ("Dr. Hannah"), holds a license to practice medicine and surgery in West Virginia, License No. 17872, and his address of record with the Board is in South Charleston, West Virginia.
2. In August 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Lynda L. Irons alleging that Dr. Hannah behaved in an unprofessional manner by charging Complainant excessive fees for alleged unwanted and unauthorized treatment subsequent the Complainant's refusal.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2011, Dr. Hannah filed a response to the complaint.
4. Subsequently, Dr. Hannah's response was forwarded to the Complainant and the Complainant filed no reply.
5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Hannah engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Hannah's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on May 16, 2011.

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. Hannah 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 to prove that Dr. Hannah violated any provision of the Medical Practice Act or rule of the Board.

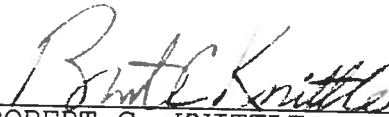
3. The evidence presented in this matter fails to prove that Dr. Hannah's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Hannah engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, 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 Dr. Hannah's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CHARLES ANDREW HEISKELL, M.D.

COMPLAINT NO. 10-169-B

DECISION

FINDINGS OF FACT

1. Charles Andrew Heiskell, M.D. ("Dr. Heiskell"), holds a license to practice medicine and surgery in West Virginia, License No. 10455, and his address of record with the Board is in Morgantown, West Virginia.

2. In November 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Anthony J. Bruscato, Esq., alleging that Dr. Heiskell behaved in an unprofessional manner by failing to furnish the Complainant with a report after the Complainant hired and paid Dr. Heiskell to act as an expert medical consultant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in February 2011, Dr. Heiskell filed a response to the complaint.

4. Subsequently, Dr. Heiskell's report was forwarded to the Complainant. The Complainant filed a reply in March 2011.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Heiskell engaged in dishonorable, unethical or unprofessional conduct of a

character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Heiskell's license to practice medicine and surgery 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 16, 2011.

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. Heiskell 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 to prove that Dr. Heiskell violated any provision of the Medical Practice Act or rule of the Board.

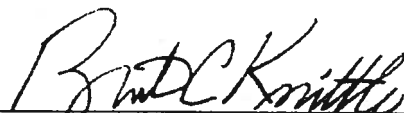
3. The evidence presented in this matter fails to prove that Dr. Heiskell's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Heiskell engaged in dishonorable, unethical or unprofessional conduct of a character likely to

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 Dr. Heiskell's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOSEPH PAUL JORDAN, M.D.

COMPLAINT NO. 10-172-B

DECISION

FINDINGS OF FACT

1. Joseph Paul Jordan, M.D. ("Dr. Jordan"), holds a license to practice medicine and surgery in West Virginia, License No. 20116, and his address of record with the Board is in Ranson, West Virginia.

2. In November 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Linda Diane Bass alleging that Dr. Jordan failed to practice medicine acceptably and engaged in unprofessional conduct by failing to examine the Complainant prior to prescribing treatments. Complainant also alleged that Dr. Jordan's failure to timely examine her resulted in her having to be transported by ambulance to another facility to obtain medical treatment.

3. The Complaint Committee began an investigation of the complaint and in January 2011, Dr. Jordan filed a response to the complaint.

4. Subsequently, Dr. Jordan's response was forwarded to the Complainant and the Complainant filed a reply in March 2011.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Jordan failed to practice medicine and surgery with the 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. The Complaint Committee also determined that no evidence existed to show that Dr. Jordan engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Jordan's license to practice medicine and surgery 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 16, 2011.

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. Jordan is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and

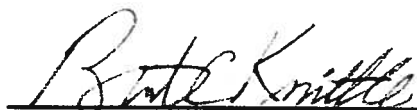
specifically there is no evidence in this matter to prove that Dr. Jordan violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Jordan's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Jordan 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 Dr. Jordan's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

STEVEN JAMES JUBELIRER, M.D.

COMPLAINT NO. 11-11-S

DECISION

FINDINGS OF FACT

1. Steven James Jubelirer, M.D. ("Dr. Jubelirer"), holds a license to practice medicine and surgery in West Virginia, License No. 12269, and his address of record with the Board is in Charleston, West Virginia.

2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Christina Saunders regarding her mother, Cynthia W. Saunders. Complainant alleged that Dr. Jubelirer failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly treat the Complainant's mother, failing to appropriately explain treatment options, and failing to respond to the family after attempts to contact him regarding the condition of the Complainant's mother.

3. The Complaint Committee began an investigation of the complaint and in February 2011, Dr. Jubelirer filed a response to the complaint.

4. Subsequently, Dr. Jubelirer's response was forwarded to the Complainant and the Complainant filed a reply in March 2011.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Jubelirer failed to practice medicine and surgery with the 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. The Complaint Committee also determined that no evidence existed to show that Dr. Jubelirer engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Jubelirer's license to practice medicine and surgery 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 16, 2011.

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. Jubelirer 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 to prove that Dr. Jubelirer violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Jubelirer's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Jubelirer engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Jubelirer's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

BRUCE LAWRENCE LASKER, M.D.

COMPLAINT NO. 10-161-M

DECISION

FINDINGS OF FACT

1. Bruce Lawrence Lasker, M.D. ("Dr. Lasker"), holds a license to practice medicine and surgery in West Virginia, License No. 10952, and his address of record with the Board is in Bluefield, West Virginia.

2. In November 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Sarah Melton, a clinical pharmacist, who treated a pregnant patient of Dr. Lasker's for opiate dependence. Complainant alleged that Dr. Lasker failed to properly treat the pregnant patient who was addicted to opiates by prescribing her opiates as a treatment for her addiction.

3. The Complaint Committee began an investigation of the complaint and in February 2011, Dr. Lasker filed a response.

4. Subsequently, Dr. Lasker's response was forwarded to the Complainant and the Complainant filed no additional response.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Lasker failed to

practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Lasker's license to practice medicine and surgery 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 16, 2011.

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. Lasker 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 to prove that Dr. Lasker violated any provision of the Medical Practice Act or rule of the Board.

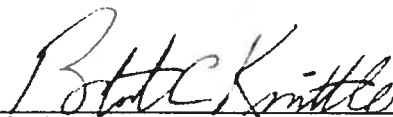
3. The evidence presented in this matter fails to prove that Dr. Lasker's license to practice medicine and surgery in this State should be restricted or limited because no evidence

exists to show that Dr. Lasker failed to practice medicine and surgery with the 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 Dr. Lasker's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ANTHONY JOSEPH MCELDOWNEY, M.D.

COMPLAINT NO. 10-171-V

DECISION

FINDINGS OF FACT

1. Anthony Joseph McEldowney, M.D. ("Dr. McEldowney"), holds a license to practice medicine and surgery in West Virginia, License No. 21767, and his address of record with the Board is in Ripley, West Virginia.

2. In November 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jerome Paul Vidrine, alleging that Dr. McEldowney failed to properly diagnose and treat the Complainant's condition.

3. The Complaint Committee began an investigation of the complaint and in February 2011, Dr. McEldowney filed a response to the complaint.

4. Subsequently, Dr. McEldowney's response was forwarded to the Complainant and in March 2011, the Complainant filed a reply.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that insufficient evidence existed in this matter to show that Dr. McEldowney failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. McEldowney 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 16, 2011.

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

3. The evidence presented in this matter fails to prove that Dr. McEldowney's license to practice medicine and surgery in this State should be restricted or limited because there is insufficient evidence to show that Dr. McEldowney failed

to practice medicine and surgery with the 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 Dr. McEldowney's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

STEVEN CHRISTOPHER MILLS, M.D.

COMPLAINT NO. 10-93-S

DECISION

FINDINGS OF FACT

1. Steven Christopher Mills, M.D. ("Dr. Mills"), holds a license to practice medicine and surgery in West Virginia, License No. 20229, and his address of record with the Board is in Wheeling, West Virginia.

2. In June 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jodi Shackelford alleging that Dr. Mills failed to practice medicine acceptably, engaged in unprofessional conduct by failing to provide Complainant with needed prescriptions, and behaved in an unprofessional and inappropriate manner when he confronted the Complainant.

3. The Complaint Committee began an investigation of the complaint and in January 2011, Dr. Mills filed a response to the complaint.

4. Subsequently, Dr. Mills' response was forwarded to the Complainant and the Complainant filed a reply in February 2011.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no

evidence existed in this matter to show that Dr. Mills failed to practice medicine and surgery with the 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. The Complaint Committee also determined that no evidence existed to show that Dr. Mills engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Mills' license to practice medicine and surgery 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 16, 2011.

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. Mills 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 to prove that Dr.

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

3. The evidence presented in this matter fails to prove that Dr. Mills' license to practice medicine and surgery in this State should be restricted or limited because there is no evidence in this matter that Dr. Mills engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Mills' license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

FREDERIC HARRY POLLOCK, M.D.

COMPLAINT NO. 10-177-F

DECISION

FINDINGS OF FACT

1. Frederic Harry Pollock, M.D. ("Dr. Pollock"), holds a license to practice medicine and surgery in West Virginia, License No. 16184, and his address of record with the Board is in Charleston, West Virginia.

2. In December 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Joseph E. Foster alleging that Dr. Pollock engaged in unprofessional conduct during an office visit with the Complainant.

3. The Complaint Committee began an investigation of the complaint and in January 2011, Dr. Pollock filed a response to the complaint.

4. Subsequently, Dr. Pollock's response was forwarded to the Complainant and the Complainant filed no additional response.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Pollock engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any

member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Pollock's license to practice medicine and surgery 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 16, 2011.

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

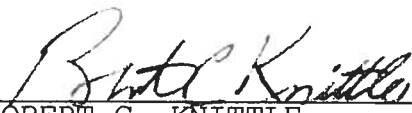
3. The evidence presented in this matter fails to prove that Dr. Pollock's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Pollock engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, 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 Dr. Pollock's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

NARCISO A. RODRIGUEZ-CAYRO, M.D.

COMPLAINT NO. 09-170-B

DECISION

FINDINGS OF FACT

1. Narciso A. Rodriguez-Cayro, M.D. ("Dr. Rodriguez-Cayro"), holds a license to practice medicine and surgery in West Virginia, License No. 13803, 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 Robin Broughman alleging that Dr. Rodriguez-Cayro failed to practice medicine acceptably and engaged in unprofessional conduct when he failed to properly treat the Complainant, abandoned care of the Complainant, and failed to provide medically necessary treatment to wean the Complainant from medications.

3. The Complaint Committee began an investigation of the complaint and in March 2010, Dr. Rodriguez-Cayro filed a response to the complaint.

4. Subsequently, Dr. Rodriguez-Cayro's response was forwarded to the Complainant and the Complainant filed no additional response.

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 although Dr. Rodriguez-Cayro did "properly supervise the physician extenders...[and] properly assess, examine or evaluate the patients...[but] he fell outside the standard of care in his abrupt ceasing of care in this complex group of

individuals." He also noted that the Complainant's case was "particularly difficult because the risk of injury and illness secondary to drug withdrawal and psychological trauma." The independent medical consultant opined that Dr. Rodriguez-Cayro failed to provide counseling, weaning, or alternative treatment options which caused patients physical and psychological trauma and the care provided by Dr. Rodriguez-Cayro fell "below the standards expected by a practicing physician actively providing treatment to a patient in West Virginia."

6. The Complainant was mailed a Letter of Agreement on March 10, 2011, to extend the time frame for the Board to complete its investigation and to issue a final ruling in accordance with W. Va. Code §30-1-5(c). The Complainant failed to return the signed agreement to the Board.

7. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed the complaint and determined that the complaint must be closed in accordance with W. Va. Code §30-1-5(c), as no agreement for an extension had been filed and the statutory deadline to investigate and issue a ruling in the present complaint has expired. The Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on May 16, 2011.

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 evidence in this matter to show that Dr.

Rodriguez-Cayro is unqualified to practice medicine and surgery in this State set forth in W. Va. Code § 30-3-14(c) and specifically there is evidence in this matter showing that Dr. Rodriguez-Cayro violated provisions of the Medical Practice Act or rule of the Board.

3. There is evidence in this matter that Dr. Rodriguez-Cayro 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. However, in accordance with W. Va. Code §30-1-5(c), as no agreement for an extension had been filed and the statutory deadline to investigate and issue a final ruling in the present complaint has expired; therefore, the present complaint must be closed.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MOHAMAD WASEEM SALKINI, M.D.

COMPLAINT NO. 11-15-B

DECISION

FINDINGS OF FACT

1. Mohamad Waseem Salkini, M.D. ("Dr. Salkini"), holds a Medical School Faculty license to practice medicine and surgery in West Virginia, License No. MSF01003, and his address of record with the Board is in Morgantown, West Virginia.

2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Brenda J. Hunt Brock, Executrix for Robert I. Hunt, alleging that Dr. Salkini failed to properly perform surgery, and failed to properly diagnose and treat the Complainant's father.

3. The Complaint Committee began an investigation of the complaint and in March 2011, Dr. Salkini filed a response to the complaint.

4. Subsequently, Dr. Salkini's response was forwarded to the Complainant and in April 2011, the Complainant filed a reply.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Salkini failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Salkini's license to practice medicine and surgery 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 16, 2011.

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. Salkini 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 to prove that Dr. Salkini violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Salkini's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Salkini 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 Dr. Salkini's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

WILLIAM THOMAS SHOCKCOR, M.D.

COMPLAINT NO. 11-16-B

DECISION

FINDINGS OF FACT

1. William Thomas Shockcor, M.D. ("Dr. Shockcor"), holds a license to practice medicine and surgery in West Virginia, License No. 13900, and his address of record with the Board is in Morgantown, West Virginia.

2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Brenda J. Hunt Brock, Executrix for Robert I. Hunt, relating to the care and treatment rendered by Dr. Shockcor during which he allegedly failed to properly diagnose and treat the Complainant's father.

3. The Complaint Committee began an investigation of the complaint and in March 2011, Dr. Shockcor filed a response to the complaint.

4. Subsequently, Dr. Shockcor's response was forwarded to the Complainant and in April 2011, the Complainant filed a reply.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Shockcor failed

to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Shockcor's license to practice medicine and surgery 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 16, 2011.

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. Shockcor 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 no evidence exists to prove that Dr. Shockcor violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Shockcor's license to practice medicine and surgery in this State should be restricted or limited because no evidence

exists to show that Dr. Shockcor failed to practice medicine and surgery with the 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 Dr. Shockcor's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SETH J. STINEHOUR, D.P.M.

COMPLAINT NO. 10-180-M

DECISION

FINDINGS OF FACT

1. Seth J. Stinehour, D.P.M. ("Dr. Stinehour"), holds a license to practice podiatry in West Virginia, License No. 10383, and his address of record with the Board is in Rochester, New York.

2. In December 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Roberta Nadine Messer alleging that Dr. Stinehour failed to acceptably practice podiatry and engaged in unprofessional conduct by failing to properly perform surgery, failing to monitor the Complainant's condition, and by abandoning the patient.

3. The Complaint Committee began an investigation of the complaint and in February 2011, Dr. Stinehour filed a response to the complaint.

4. Subsequently, Dr. Stinehour's response was forwarded to the Complainant and the Complainant filed no additional response.

5. At the May 15, 2011, meeting of the Complaint Committee, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no

evidence existed in this matter to show that Dr. Stinehour failed to practice podiatry with the 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. The Complaint Committee also determined that no evidence existed in this matter to prove that Dr. Stinehour engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Stinehour's license to practice podiatry 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 16, 2011.

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. Stinehour 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 to prove that Dr.


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

3. The evidence presented in this matter fails to prove that Dr. Stinehour's license to practice podiatry in this State should be restricted or limited because there is no evidence in this matter that Dr. Stinehour 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 Dr. Stinehour's license to practice podiatry for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CHARLES FREDERIC WHITAKER, III, M.D.

COMPLAINT NO. 10-92-B

DECISION

FINDINGS OF FACT

1. Charles Frederic Whitaker, III, M.D. ("Dr. Whitaker"), holds a license to practice medicine and surgery in West Virginia, License No. 09456, and his address of record with the Board is in Parkersburg, West Virginia.

2. In June 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Karen Burgess on behalf of her minor daughter alleging that Dr. Whitaker failed to practice medicine acceptably and engaged in unprofessional conduct when he inappropriately touched the Complainant's minor daughter during an examination.

3. The Complaint Committee began an investigation of the complaint and in August 2010, Dr. Whitaker filed a response to the complaint.

4. Subsequently, Dr. Whitaker's response was forwarded to the Complainant and in October 2010, the Complainant filed a reply.

5. Dr. Whitaker appeared for a full discussion of the matter before the Complaint Committee at the May 15, 2011, meeting. The Complaint Committee reviewed all of the information received with respect to the complaint and determined that no

evidence existed in this matter to show that Dr. Whitaker 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. The Complaint Committee also determined that no evidence existed to prove that Dr. Whitaker engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against the license to practice medicine and surgery of Dr. Whitaker 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 16, 2011.

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. Whitaker 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 to prove that

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

3. The evidence presented in this matter fails to prove that Dr. Whitaker's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Whitaker 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 Dr. Whitaker's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 16, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2011

Closed Cases - No Probable Cause Found/

No Disciplinary Sanction

MONTH OF JULY, 2011

11-49-B	Marsha Lee Bailey, M.D.
11-01-H	Nilima Ravindranath Bhirud, M.D.
10-182-J	Ahmad Ghassan Bizri, M.D.
11-21-E	Jason Allan Castle, M.D.
09-193-S	Ann R. Connor, M.D.
11-37-W	Michael Welford Corbin, M.D.
11-42-S	Kevin Wayne Cox, M.D.
10-168-H	Coy Alden Flowers, M.D.
11-29-R	Cheryl Ann France, M.D.
11-25-H	William R. Hall, P.A.-C.
11-39-C	Kyle Rice Hegg, M.D.
11-46-H	Ellie Earles Hood, M.D.
11-32-G	Antoine Katiny, M.D.
11-44-G	John Herbert King, M.D.
11-45-R	John Herbert King, M.D.
11-56-R	John Herbert King, M.D.
11-03-S	Carrie Ann Lakin, D.P.M.
11-35-W	Michael David Levy, M.D.
11-30-B	Dale Blake Lilly, M.D.
11-61-W	John Howard Lobban, M.D.
11-40-C	Steven Charles Lochow, M.D.
10-175-M	Elizabeth Ann McClellan, M.D.
10-178-H	Elizabeth Ann McClellan, M.D.
10-179-P	Elizabeth Ann McClellan, M.D.
11-17-O	Craig Michael Morgan, M.D.
11-31-B	Craig Michael Morgan, M.D.

Complaints/Investigations - 2011
Closed Cases - No Probable Cause Found/
No Disciplinary Sanction
continued

MONTH OF JULY 2011

11-14-W	Ira J. Morris, M.D.
11-07-H	Jessica Anne Palumbo, M.D.
11-50-C	Porfirio R. Pascasio, Sr., M.D.
11-43-H	Brian Powderly, M.D.
11-48-H	Humayun Rashid, M.D.
10-146-Y	Nika Razavipour, M.D.
11-18-C	Kenneth James Seen, M.D.
11-22-D	Nasim Ahmad Sheikh, M.D.
11-26-D	Alan Jeffrey Snider, M.D.
11-09-S	James Norman Spsychalski, M.D.
11-20-A	Magesh Sundaram, M.D.
11-19-A	Umapathy Sundaram, M.D.
11-12-S	Brent Edward Watson, M.D.
10-174-S	Matthew C. Wilson, M.D.
11-10-H	David Paul Wise, M.D.
11-23-J	Farrah Syed Zahir, P.A.-C.

TOTAL 42

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MARSHA LEE BAILEY, M.D.

COMPLAINT NO. 11-49-B

DECISION

FINDINGS OF FACT

1. Marsha Lee Bailey, M.D. ("Dr. Bailey"), holds a license to practice medicine and surgery in West Virginia, License No. 18225, and her address of record with the Board is in Hurricane, West Virginia.

2. In April 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Vanessa R. Buchanan, alleging that Dr. Bailey had falsified information and reported irrelevant, prejudicial information on an Independent Medical Evaluation she performed on the Complainant.

3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Bailey filed a response to the complaint.

4. Subsequently, Dr. Bailey's response was forwarded to the Complainant and in June 2011, the Complainant filed a reply.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Bailey failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Bailey's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Bailey 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 to prove that Dr. Bailey violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Bailey's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Bailey failed to practice medicine and

surgery with the 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 Dr. Bailey's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

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.11-01-H

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 January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Linda J. Hern alleging that Dr. Bhirud behaved in an unprofessional manner by allegedly engaging the Complainant in a loud altercation in which other patients and staff could hear, in violation of the Complainant's HIPAA rights.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2011, Dr. Bhirud filed a response to the complaint.

4. Subsequently, Dr. Bhirud's response was forwarded to the Complainant and the Complainant filed a reply in February 2011.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Bhirud's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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

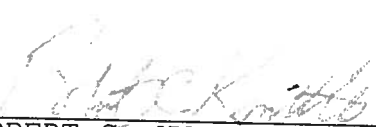
3. The evidence presented in this matter fails to prove that Dr. Bhirud's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Bhirud engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud

or harm the public or any member thereof, 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 Dr. Bhirud's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

AHMAD GHASSAN BIZRI, M.D.

COMPLAINT NO. 10-182-J

DECISION

FINDINGS OF FACT

1. Ahmad Ghassan Bizri, M.D. ("Dr. Bizri"), holds a license to practice medicine and surgery in West Virginia, License No. 18960, and his address of record with the Board is in Dunnellon, Florida.

2. In December 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Doris Johnson on behalf of her deceased adult daughter, Michelle Van Lusk. The Complainant also alleged that Dr. Bizri failed to adequately care for and treat Complainant's daughter by over-prescribing medications and failing to recognize the adverse effects of those medications, resulting in the death of the Complainant's daughter by over ingestion of prescribed Tramadol.

3. The Complaint Committee began an investigation of the complaint and in February 2011, Dr. Bizri filed a response to the complaint.

4. Subsequently, Dr. Bizri's response was forwarded to the Complainant and in April 2011, the Complainant filed a reply.

5. Additional records were subpoenaed and reviewed.

6. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received

with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Bizri failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Bizri's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Bizri 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 to prove that Dr. Bizri violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to

prove that Dr. Bizri's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Bizri failed to practice medicine and surgery with the 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 Dr. Bizri's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JASON ALLAN CASTLE, M.D.

COMPLAINT NO. 11-21-E

DECISION

FINDINGS OF FACT

1. Jason Allan Castle, M.D. ("Dr. Castle"), holds a license to practice medicine and surgery in West Virginia, License No. 22755, and his address of record with the Board is in Charleston, West Virginia.
2. In February 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Dennis Eads, alleging that Dr. Castle failed to adequately care for and treat Complainant by performing surgery on the Complainant's hip, which allegedly resulted in muscle damage in the Complainant's lower leg.
3. The Complaint Committee began an investigation of the complaint and in March 2011, Dr. Castle filed a response to the complaint.
4. Subsequently, Dr. Castle's response was forwarded to the Complainant and in April 2011, the Complainant filed a reply.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Castle failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Castle's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Castle 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 to prove that Dr. Castle violated any provision of the Medical Practice Act or rule of the Board.

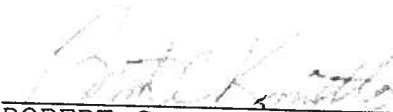
3. The evidence presented in this matter fails to prove that Dr. Castle's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Castle failed to practice medicine and

surgery with the 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 Dr. Castle's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ANN R. CONNOR, M.D.

COMPLAINT NO.09-193-S

DECISION

FINDINGS OF FACT

1. Ann R. Connor, M.D. ("Dr. Connor"), holds a license to practice medicine and surgery in West Virginia, License No. 23194, and her 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 Dallas Franklin Smith for his deceased wife, Ellen L. Smith, alleging that Dr. Connor failed to adequately care for and treat Complainant's wife by performing unnecessary heart surgery, failing to properly perform the surgery, and failing to respond to calls for care following the surgery.

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

4. Subsequently, Dr. Connor's response was forwarded to the Complainant and in March 2010, the Complainant filed a reply.

5. Dr. Connor appeared for a full discussion of the matter before the Complaint Committee of the Board on July 10, 2011.

6. Additional records were subpoenaed and reviewed by an independent medical consultant, who filed a written report with the Complaint Committee of the Board opining that this case was "an order of magnitude of difficulty beyond her [Dr. Connor's] experience and skill level." The consultant also noted that given Dr. Connor's skill level and experience, and the circumstances of the present case, Dr. Connor's "decisions and actions throughout the course were appropriate" and her "treatment of this patient was within the standard of care."

7. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Connor failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Connor's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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.

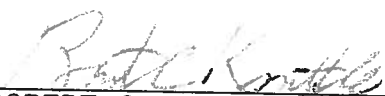
2. There is no evidence in this matter to prove that Dr. Connor is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter to prove that Dr. Connor violated any provision of the Medical Practice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

3. The evidence presented in this matter fails to prove that Dr. Connor's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Connor failed to practice medicine and surgery with the 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 Dr. Connor's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MICHAEL WELFORD CORBIN, M.D.

COMPLAINT NO. 11-37-W

DECISION

FINDINGS OF FACT

1. Michael Welford Corbin, M.D. ("Dr. Corbin"), holds a license to practice medicine and surgery in West Virginia, License No. 19349, and his address of record with the Board is in Point Pleasant, West Virginia.
2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint against Dr. Corbin alleging he failed to practice medicine acceptably and engaged in unprofessional conduct by prescribing controlled substances in his obstetrics/gynecology practice to one of his male Suboxone® patients and other males. The complaint also alleged that Dr. Corbin maintained a dispensing registration with the Board of Medicine and hundreds of controlled substances were delivered to his office between 2005 and 2009, yet he was unable to produce any records regarding how and to whom those controlled substances were dispensed.
3. The Complaint Committee began an investigation of the complaint and in April 2011, a response to the complaint was filed on behalf of Dr. Corbin.
4. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received

with respect to the complaint and determined that there is insufficient evidence in this matter to show that Dr. Corbin failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Corbin's license to practice medicine and surgery 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 11, 2011.

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.

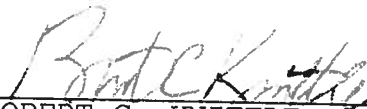
2. There is insufficient evidence in this matter to prove that Dr. Corbin is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is insufficient evidence in this matter to prove that Dr. Corbin violated any provision of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

3. The evidence presented in this matter fails to prove that Dr. Corbin's license to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Corbin failed to practice medicine and surgery with the 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 Dr. Corbin's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KEVIN WAYNE COX, M.D.

COMPLAINT NO. 11-42-S

DECISION

FINDINGS OF FACT

1. Kevin Wayne Cox, M.D. ("Dr. Cox"), holds a license to practice medicine and surgery in West Virginia, License No. 19443, and his address of record with the Board is in Elkins, West Virginia.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Thomas L. Stallman, alleging that Dr. Cox failed to practice medicine acceptably and engaged in unprofessional conduct by interfering with the Complainant seeking medical treatment from another source, failing to properly treat the Complainant, and inappropriately accusing the Complainant of drug seeking behavior.

3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Cox filed a response to the complaint.

4. Subsequently, Dr. Cox's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Cox failed to practice

medicine and surgery with the 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. Cox engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Cox's license to practice medicine and surgery 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 11, 2011.

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. Cox 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 to prove that Dr. Cox 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. Cox to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Cox engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Cox's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

COY ALDEN FLOWERS, M.D.

COMPLAINT NO. 10-168-H

DECISION

FINDINGS OF FACT

1. Coy Alden Flowers, M.D. ("Dr. Flowers"), holds a license to practice medicine and surgery in West Virginia, License No. 20109, and his address of record with the Board is in Ronceverte, West Virginia.
2. In November 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Candy G. Hunter, alleging that Dr. Flowers failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly examine the Complainant or secure medical records prior to performing a procedure, failing to appropriately inform the Complainant about the procedure or medications, and confronting the Complainant in a rude and unprofessional manner.
3. The Complaint Committee began an investigation of the complaint and in February 2011, Dr. Flowers filed a response to the complaint.
4. Subsequently, Dr. Flowers' response was forwarded to the Complainant and the Complainant filed a reply in March 2011.
5. Additional records were subpoenaed and reviewed.

6. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Flowers failed to practice medicine and surgery with the 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. Flowers engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Flowers' license to practice medicine and surgery 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 11, 2011.

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. Flowers 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 to prove that Dr. Flowers violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Flowers' license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Flowers engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Flowers' license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CHERYL ANN FRANCE, M.D.

COMPLAINT NO. 11-29-R

DECISION

FINDINGS OF FACT

1. Cheryl Ann France, M.D. ("Dr. France"), holds a license to practice medicine and surgery in West Virginia, License No. 19017, and her address of record with the Board is in Weston, West Virginia.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Norman Reynolds alleging that Dr. France behaved in an unprofessional manner by stating to the Veteran's Administration that the Complainant was not competent to handle his financial affairs.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2011, Dr. France filed a response to the complaint.

4. Subsequently, Dr. France's response was forwarded to the Complainant and the Complainant filed a reply in March 2011.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. France engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. France's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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 reasons set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter to prove 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 Dr. France's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. France 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 Dr. France's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

WILLIAM R. HALL, P.A.-C.

COMPLAINT NO. 11-25-H

DECISION

FINDINGS OF FACT

1. William R. Hall, P.A.-C., holds an active license to practice as a physician assistant in West Virginia, License No. 00133, and his address of record with the Board is in Charleston, West Virginia.

2. In February 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Maria Hogue, alleging that Mr. Hall failed to practice as a physician assistant acceptably and engaged in unprofessional conduct by failing to properly identify himself as a physician assistant, violating the Complainant's HIPAA rights by discussing her medical condition with others, and discontinuing medications inappropriately.

3. The Complaint Committee began an investigation of the complaint and in April 2011, Mr. Hall filed a response to the complaint.

4. Subsequently, Mr. Hall's response was forwarded to the Complainant and the Complainant filed a reply in May 2011.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no

evidence in this matter to show a violation of the regulations pertaining to physician assistants. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Mr. Hall's license to practice as a physician assist 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 11, 2011.

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 Mr. Hall 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 to prove that Mr. Hall violated any provision of the Medical Practice Act or rule of the Board.

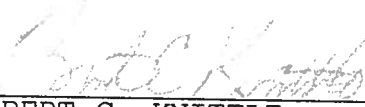
3. The evidence presented in this matter fails to prove Mr. Hall's license to practice as a physician assistant in this State should be restricted or limited because no evidence exists to show misconduct in his practice as a physician

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 Mr. Hall's license to practice as a physician assistant for reasons set forth in W. Va. Code § 30-3-16 and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KYLE RICE HEGG, M.D.

COMPLAINT NO. 11-39-C

DECISION

FINDINGS OF FACT

1. Kyle Rice Hegg, M.D. ("Dr. Hegg"), holds a license to practice medicine and surgery in West Virginia, License No. 13963, and his address of record with the Board is in Huntington, West Virginia.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from William A. Cashion, alleging that Dr. Hegg failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly treat the Complainant and failing to advise the Complainant of his condition.

3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Hegg filed a response to the complaint.

4. Subsequently, Dr. Hegg's response was forwarded to the Complainant and the Complainant filed a reply in June 2011.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Hegg failed to practice medicine and surgery with the 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. Moreover, there is no evidence to show that Dr. Hegg engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Hegg's license to practice medicine and surgery 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 11, 2011.

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. Hegg 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 to prove that Dr. Hegg violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Hegg's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Hegg engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Hegg's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ELLIE EARLES HOOD, M.D.

COMPLAINT NO. 11-46-H

DECISION

FINDINGS OF FACT

1. Ellie Earles Hood, M.D. ("Dr. Hood"), holds a license to practice medicine and surgery in West Virginia, License No. 23466, and her address of record with the Board is in Huntington, West Virginia.
2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Velina Hodge, alleging that Dr. Hood failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly inform the Complainant before performing a biopsy, failing to stop the procedure when requested by the Complainant and disrespecting the Complainant following the request.
3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Hood filed a response to the complaint.
4. Subsequently, Dr. Hood's response was forwarded to the Complainant and the Complainant filed a reply in June 2011.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no

evidence in this matter to show that Dr. Hood failed to practice medicine and surgery with the 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. Moreover, there is no evidence to show that Dr. Hood engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Hood's license to practice medicine and surgery 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 11, 2011.

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. Hood 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 to prove that Dr.

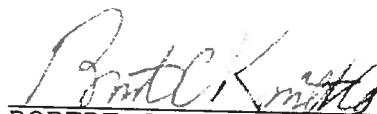
Hood violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Hood's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Hood engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Hood's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ANTOINE KATINY, M.D.

COMPLAINT NO. 11-32-G

DECISION

FINDINGS OF FACT

1. Antoine Katiny, M.D. ("Dr. Katiny"), holds a license to practice medicine and surgery in West Virginia, License No. 17332, and his address of record with the Board is in Burnsville, West Virginia.
2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Brian Keith Grabans, alleging that Dr. Katiny failed to adequately care for and treat Complainant by refusing the Complainant's request for necessary surgery and allegedly failing to provide the Complainant with medications for his condition.
3. The Complaint Committee began an investigation of the complaint and in April 2011, Dr. Katiny filed a response to the complaint.
4. Subsequently, Dr. Katiny's response was forwarded to the Complainant the and Complainant filed no reply.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Katiny failed to practice

medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Katiny's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Katiny 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 to prove that Dr. Katiny violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Katiny's license to practice medicine and surgery in this State should be restricted or limited because no evidence

exists to show that Dr. Katiny failed to practice medicine and surgery with the 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 Dr. Katiny's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN HERBERT KING, M.D.

COMPLAINT NO. 11-44-G

DECISION

FINDINGS OF FACT

1. John Herbert King, M.D. ("Dr. King"), holds a license to practice medicine and surgery in West Virginia, License No. 11581, and his address of record with the Board is in Morgantown, West Virginia.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Holly Greynolds, alleging that Dr. King failed to adequately care for and treat Complainant by failing to respond to the Complainant's request for care and by discontinuing necessary medications.

3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. King filed a response to the complaint.

4. Subsequently, Dr. King's response was forwarded to the Complainant and in May 2011, the Complainant filed a reply.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. King failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. King's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. King 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 to prove that Dr. King violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that Dr. King's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. King failed to practice medicine and surgery with the 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 Dr. King's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN HERBERT KING, M.D.

COMPLAINT NO. 11-45-R

DECISION

FINDINGS OF FACT

1. John Herbert King, M.D. ("Dr. King"), holds a license to practice medicine and surgery in West Virginia, License No. 11581, and his address of record with the Board is in Morgantown, West Virginia.
2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Norman Reynolds, alleging that Dr. King failed to practice medicine acceptably and engaged in unprofessional conduct by over-medicating the Complainant and restricting him to one unit in retaliation for the Complainant's complaint against another doctor.
3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. King filed a response to the complaint.
4. Subsequently, Dr. King's response was forwarded to the Complainant and the Complainant filed a reply in May 2011.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. King failed to practice

medicine and surgery with the 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. Moreover, there is no evidence to show that Dr. King engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. King's license to practice medicine and surgery 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 11, 2011.

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. King 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 to prove that Dr. King 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. King to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. King engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. King's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN HERBERT KING, M.D.

COMPLAINT NO. 11-56-R

DECISION

FINDINGS OF FACT

1. John Herbert King, M.D. ("Dr. King"), holds a license to practice medicine and surgery in West Virginia, License No. 11581, and his address of record with the Board is in Morgantown, West Virginia.

2. In April 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Norman Reynolds, alleging that Dr. King failed to adequately care for and treat the Complainant by failing to properly treat one of the Complainant's conditions and failing to allow the Complainant to have aerobic exercise which the Complainant alleged was necessary care.

3. The Complaint Committee began an investigation of the complaint and in June 2011, Dr. King filed a response to the complaint.

4. Subsequently, Dr. King's response was forwarded to the Complainant and in June 2011, the Complainant filed a reply.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. King failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. King's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. King 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 to prove that Dr. King violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that Dr. King's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. King failed to practice medicine and

surgery with the 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 Dr. King's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CARRIE ANN LAKIN, D.P.M.

COMPLAINT NO. 11-03-S

DECISION

FINDINGS OF FACT

1. Carrie Ann Lakin, D.P.M ("Dr. Lakin"), holds a license to practice podiatry in West Virginia, License No. 00359, and her address of record with the Board is in Charleston, West Virginia.
2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Karol A. Simpson, alleging that Dr. Lakin failed to practice podiatry acceptably and engaged in unprofessional conduct by failing to properly perform surgery on the Complainant, failing to provide adequate follow-up care, and failing to maintain appropriate patient records and supply the Complainant with complete records upon request.
3. The Complaint Committee began an investigation of the complaint and in January 2011, Dr. Lakin filed a response to the complaint.
4. Subsequently, Dr. Lakin's response was forwarded to the Complainant and the Complainant filed a reply in February 2011.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received

with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Lakin failed to practice podiatry with the 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. Moreover, there is no evidence to show that Dr. Lakin engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Lakin's license to practice podiatry 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 11, 2011.

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. Lakin 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 to prove that Dr. Lakin

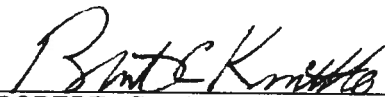
violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Lakin's license to practice podiatry in this State should be restricted or limited because no evidence exists to show that Dr. Lakin engaged in unprofessional conduct and/or failed to practice podiatry with the 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 podiatry or to restrict Dr. Lakin's license to practice podiatry for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MATTHEW DAVID LEVY, M.D.

COMPLAINT NO. 11-35-W

DECISION

FINDINGS OF FACT

1. Matthew David Levy, M.D. ("Dr. Levy"), holds a license to practice medicine and surgery in West Virginia, License No. 22671, and his address of record with the Board is in Washington, DC.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint alleging that Dr. Levy behaved in an unprofessional manner by allegedly failing to pay Hil Rizvi, M.D., wages he was owed.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in May 2011, a response was filed on behalf of Dr. Levy.

4. Subsequently, Dr. Levy's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Levy engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member

thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Levy's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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. Levy 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 to prove that Dr. Levy violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Levy's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Levy 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 Dr. Levy's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DALE BLAKE LILLY, M.D.

COMPLAINT NO. 11-30-B

DECISION

FINDINGS OF FACT

1. Dale Blake Lilly, M.D. ("Dr. Lilly"), holds a license to practice medicine and surgery in West Virginia, License No. 17041, and his address of record with the Board is in Huntington, West Virginia.
2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Edward L. Bowling, alleging that Dr. Lilly failed to adequately care for and treat Complainant by failing to administer medications that would allow the Complainant to tolerate surgery, which led to the surgery having to be stopped, and resulted in complications and permanent damage.
3. The Complaint Committee began an investigation of the complaint and in April 2011, Dr. Lilly filed a response to the complaint.
4. Subsequently, Dr. Lilly's response was forwarded to the Complainant and in May 2011, the Complainant filed a reply.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Lilly failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Lilly's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Lilly 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 to prove that Dr. Lilly violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Lilly's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Lilly failed to practice medicine and

surgery with the 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 Dr. Lilly's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN HOWARD LOBBAN, M.D.

COMPLAINT NO. 11-61-W

DECISION

FINDINGS OF FACT

1. John Howard Lobban, M.D. ("Dr. Lobban"), holds a license to practice medicine and surgery in West Virginia, License No. 15828, and his address of record with the Board is in Morgantown, West Virginia.
2. In May 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint against Dr. Lobban after receiving a report from AdvanceMed Corporation alleging that Dr. Lobban failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly perform required pre-evaluation and/or mapping prior to ablation therapy, performing unnecessary procedures and tests, and billing for services not provided.
3. The Complaint Committee began an investigation of the complaint and in June 2011, Dr. Lobban filed a response to the complaint.
4. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Lobban failed to practice medicine and surgery with the 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. Moreover, there is no evidence to show that Dr. Lobban engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Lobban's license to practice medicine and surgery 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 11, 2011.

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. Lobban 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 to prove that Dr. Lobban violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Lobban's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Lobban engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Lobban's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

STEVEN CHARLES LOCHOW, M.D.

COMPLAINT NO. 11-40-C

DECISION

FINDINGS OF FACT

1. Steven Charles Lochow, M.D. ("Dr. Lochow"), holds a license to practice medicine and surgery in West Virginia, License No. 22999, and his address of record with the Board is in Huntington, West Virginia.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from William A. Cashion, alleging that Dr. Lochow failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly treat the Complainant and failing to advise the Complainant of his condition.

3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Lochow filed a response to the complaint.

4. Subsequently, Dr. Lochow's response was forwarded to the Complainant and the Complainant filed a reply in June 2011.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Lochow failed to practice medicine and surgery with the 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. Moreover, there is no evidence to show that Dr. Lochow engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Lochow's license to practice medicine and surgery 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 11, 2011.

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. Lochow 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 to prove that Dr. Lochow violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Lochow's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Lochow engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Lochow's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

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. 10-175-M

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 Charleston, West Virginia.

2. In December 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Roger P. Moore alleging that Dr. McClellan behaved in an unprofessional manner by leaving her practice without notifying the Complainant and failing to supply the Complainant with his medical records.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and Dr. McClellan appeared for a full discussion of the matter before the Complaint Committee of the Board on May 15, 2011.

4. The Complaint Committee requested additional information from Dr. McClellan in May 2011, and received the information in June 2011.

5. Dr. McClellan filed a response to the complaint in June 2011, noting that she had been ill and had forwarded the Complainant's records in accordance with his request, subsequent

to this complaint.

6. Dr. McClellan's response was then forwarded to the Complainant and the Complainant filed no reply.

7. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. McClellan's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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 to prove 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 Dr. McClellan's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show 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 Dr. McClellan's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

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. 10-178-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 Charleston, West Virginia.
2. In December 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Barbara Ann Hubbard alleging that Dr. McClellan behaved in an unprofessional manner by leaving her practice without notifying the Complainant and failing to supply the Complainant with her medical records.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and Dr. McClellan appeared for a full discussion of the matter before the Complaint Committee of the Board on May 15, 2011.
4. The Complaint Committee requested additional information from Dr. McClellan in May 2011, and received the information in June 2011.
5. Dr. McClellan filed a response to the complaint in June 2011, noting that she had been ill and had forwarded the Complainant's records in accordance with her request, subsequent

to this complaint.

6. Dr. McClellan's response was then forwarded to the Complainant and the Complainant filed no reply.

7. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. McClellan's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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 to prove 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 Dr. McClellan's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show 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 Dr. McClellan's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

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. 10-179-P

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 Charleston, West Virginia.

2. In December 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Shawn Patterson alleging that Dr. McClellan behaved in an unprofessional manner by leaving her practice without notifying the Complainant and failing to supply the Complainant with her medical records.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and Dr. McClellan appeared for a full discussion of the matter before the Complaint Committee of the Board on May 15, 2011.

4. The Complaint Committee requested additional information from Dr. McClellan in May 2011, and received the information in June 2011.

5. Dr. McClellan filed a response to the complaint in June 2011, noting that she had been ill and had forwarded the Complainant's records in accordance with her request, subsequent

to this complaint.

6. Dr. McClellan's response was then forwarded to the Complainant and the Complainant filed no reply.

7. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. McClellan's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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 to prove 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 Dr. McClellan's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show 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 Dr. McClellan's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CRAIG MICHAEL MORGAN, M.D.

COMPLAINT NO.11-17-0

DECISION

FINDINGS OF FACT

1. Craig Michael Morgan, M.D. ("Dr. Morgan"), holds a license to practice medicine and surgery in West Virginia, License No. 15269, and his address of record with the Board is in Huntington, West Virginia.

2. In February 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Cora B. O'Dell, alleging that Dr. Morgan failed to adequately care for and treat the Complainant by performing unnecessary treatments and failing to treat a resulting infection.

3. The Complaint Committee began an investigation of the complaint and in March 2011, Dr. Morgan filed a response to the complaint.

4. Subsequently, Dr. Morgan's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Morgan failed to practice medicine and surgery with the level of care, skill and treatment which is recognized by a reasonable, prudent physician, engaged in

which is recognized by a reasonable, prudent physician, engaged in the same specialty, as being acceptable under similar conditions and circumstances. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Morgan's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Morgan 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 to prove that Dr. Morgan violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Morgan's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Morgan failed to practice medicine and

surgery with the 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 Dr. Morgan's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CRAIG MICHAEL MORGAN, M.D.

COMPLAINT NO. 11-31-B

DECISION

FINDINGS OF FACT

1. Craig Michael Morgan, M.D. ("Dr. Morgan"), holds a license to practice medicine and surgery in West Virginia, License No. 15269, and his address of record with the Board is in Huntington, West Virginia.
2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Edward L. Bowling alleging that Dr. Morgan behaved in an unprofessional manner by failing to refer the Complainant to another physician even though Dr. Morgan knew the Complainant's condition was in need of immediate care.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2011, Dr. Morgan filed a response to the complaint.
4. Subsequently, Dr. Morgan's response was forwarded to the Complainant and in May 2011, the Complainant filed a reply.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Morgan engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Morgan's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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. Morgan 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 to prove that Dr. Morgan violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Morgan's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Morgan 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 Dr. Morgan's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

IRA ALAN MORRIS, M.D.

COMPLAINT NO. 11-14-W

DECISION

FINDINGS OF FACT

1. Ira Alan Morris, M.D. ("Dr. Morris"), holds a license to practice medicine and surgery in West Virginia, License No. 18377, and his address of record with the Board is in Charleston, West Virginia.
2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint alleging that Dr. Morris failed to practice medicine acceptably and engaged in unprofessional conduct by accessing a patient's records in a hospital at which he had no privileges.
3. The Complaint Committee began an investigation of the complaint and in February 2011, Dr. Morris filed a response to the complaint.
4. Additional records were requested and received.
5. Dr. Morris appeared for a full discussion of the matter before the Complaint Committee of the Board at the July 10, 2011, Complaint Committee meeting. The Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Morris failed to practice medicine and surgery with the 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. Moreover, there is no evidence to show Dr. Morris engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Morris' license to practice medicine and surgery 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 10, 2011.

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. Morris 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 to prove that Dr. Morris violated any provision of the Medical Practice Act or rule of the Board.

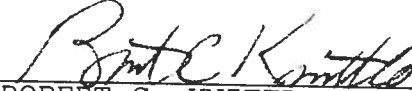
3. The evidence presented in this matter fails to

prove that the license of Dr. Morris to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Morris engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Morris' license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JESSICA ANNE PALUMBO, M.D.

COMPLAINT NO. 11-07-H

DECISION

FINDINGS OF FACT

1. Jessica Anne Palumbo, M.D. ("Dr. Palumbo"), holds a license to practice medicine and surgery in West Virginia, License No. 21492, and her address of record with the Board is in Martinsburg, West Virginia.
2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from James H. Henick, M.D., alleging that Dr. Palumbo behaved in an unprofessional manner by directing the Complainant to pre-sign prescriptions for his nurse to use during his absence, using this to pressure him into buying into Dr. Palumbo's practice, and then discharging the Complainant for pre-signing prescriptions as he was directed to do.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2011, Dr. Palumbo filed a response to the complaint.
4. Subsequently, Dr. Palumbo's response was forwarded to the Complainant and the Complainant filed a reply in April 2011.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence

existed in this matter to show that Dr. Palumbo engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Palumbo's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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. Palumbo 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 to prove that Dr. Palumbo violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Palumbo's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Palumbo 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 Dr. Palumbo's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PORFIRIO R. PASCASIO, SR., M.D.

COMPLAINT NO. 11-50-C

DECISION

FINDINGS OF FACT

1. Porfirio R. Pascasio, M.D. ("Dr. Pascasio"), holds a license to practice medicine and surgery in West Virginia, License No. 10041, and his address of record with the Board is in Weston, West Virginia.
2. In April 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Dennis Harold Conner, alleging that Dr. Pascasio failed to adequately care for and treat the Complainant by failing to prescribe necessary medications.
3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Pascasio filed a response to the complaint.
4. Subsequently, Dr. Pascasio's response was forwarded to the Complainant and in May 2011, the Complainant filed a reply.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Pascasio failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Pascasio's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Pascasio 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 to prove that Dr. Pascasio violated any provision of the Medical Practice Act or rule of the Board.

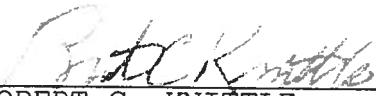
3. The evidence presented in this matter fails to prove that Dr. Pascasio's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Pascasio failed to practice medicine and surgery with the level of care, skill and treatment which 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 Dr. Pascasio's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

BRIAN POWDERLY, M.D.

COMPLAINT NO.11-43-H

DECISION

FINDINGS OF FACT

1. Brian Powderly, M.D. ("Dr. Powderly"), holds a license to practice medicine and surgery in West Virginia, License No. 14380, and his address of record with the Board is in Belpre, Ohio.
2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Michael Charles Hickman, MPOA for his mother, Eva Marie Hickman. The complaint alleged that Dr. Powderly failed to adequately care for and treat the Complainant's mother by failing to prescribe treatment for her condition and failing to inform Mr. Hickman of his mother's diagnosis which resulted in a delay in treatment.
3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Powderly filed a response to the complaint.
4. Subsequently, Dr. Powderly's response was forwarded to the Complainant and in June 2011, the Complainant filed a reply.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received

with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Powderly failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Powderly's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Powderly 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 to prove that Dr. Powderly violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to

prove that Dr. Powderly's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Powderly failed to practice medicine and surgery with the 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 Dr. Powderly's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

HUMAYUN RASHID, M.D.

COMPLAINT NO. 11-48-H

DECISION

FINDINGS OF FACT

1. Humayun Rashid, M.D. ("Dr. Rashid"), holds a license to practice medicine and surgery in West Virginia, License No. 12078, and his address of record with the Board is in Mount Olive, West Virginia.

2. In April 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Warren Hester, alleging that Dr. Rashid failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly examine the Complainant to ascertain a diagnose of the Complainant's condition and failing to respond in a professional manner to the Complainant's questions during the examination.

3. The Complaint Committee began an investigation of the complaint and in April 2011, Dr. Rashid filed a response to the complaint.

4. Subsequently, Dr. Rashid's response was forwarded to the Complainant and the Complainant filed a reply in May 2011.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no

evidence in this matter to show that Dr. Rashid failed to practice medicine and surgery with the 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. Moreover, there is no evidence to show that Dr. Rashid engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Rashid's license to practice medicine and surgery 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 11, 2011.

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 to prove that Dr.

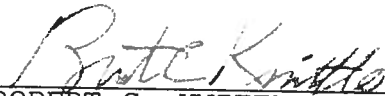
Rashid violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Rashid's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Rashid engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Rashid's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

NIKA RAZAVIPOUR, M.D.

COMPLAINT NO.10-146-Y

DECISION

FINDINGS OF FACT

1. Nika Razavipour, M.D. ("Dr. Razavipour"), holds a license to practice medicine and surgery in West Virginia, License No. 21645, and her address of record with the Board is in Huntington, West Virginia.

2. In September 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Linda Yates, alleging that Dr. Razavipour failed to adequately care for and treat Complainant by stopping one of the Complainant's medications without appropriate weaning.

3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Razavipour filed a response to the complaint.

4. Subsequently, Dr. Razavipour's response was forwarded to the Complainant and in June 2011, the Complainant filed a reply.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Razavipour failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Razavipour's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Razavipour 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 to prove that Dr. Razavipour violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Razavipour's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Razavipour failed to practice

medicine and surgery with the 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 Dr. Razavipour's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KENNETH JAMES SEEN, M.D.

COMPLAINT NO. 11-18-C

DECISION

FINDINGS OF FACT

1. Kenneth James Seen, M.D. ("Dr. Seen"), holds a license to practice medicine and surgery in West Virginia, License No. 15316, and his address of record with the Board is in Spencer, West Virginia.

2. In February 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from John P. Cunningham alleging that Dr. Seen behaved in an unprofessional manner by inappropriately discharging the Complainant and his wife from care following an altercation between the Complainant and a member Dr. Seen's staff.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2011, Dr. Seen filed a response to the complaint.

4. Subsequently, Dr. Seen's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Seen engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Seen's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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. Seen 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 to prove that Dr. Seen violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Seen's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Seen 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 Dr. Seen's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

NASIM AHMAD SHEIKH, M.D.

COMPLAINT NO. 11-22-D

DECISION

FINDINGS OF FACT

1. Nasim Ahmad Sheikh, M.D. ("Dr. Sheikh"), holds a license to practice medicine and surgery in West Virginia, License No. 17952, and his address of record with the Board is in South Charleston, West Virginia.
2. In February 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Debbie Drake for her mother, Betty Huffman, alleging that Dr. Sheikh failed to adequately care for and treat Complainant by failing to provide handicap access to his medical office and by inappropriately examining the Complainant's mother outside in the parking lot.
3. The Complaint Committee began an investigation of the complaint and in April 2011, Dr. Sheikh filed a response to the complaint.
4. Subsequently, Dr. Sheikh's response was forwarded to the Complainant and the Complainant filed no reply.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Sheikh failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Sheikh's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Sheikh 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 to prove that Dr. Sheikh violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Sheikh's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Sheikh failed to practice medicine and

surgery with the 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 Dr. Sheikh's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ALAN JEFFREY SNIDER, M.D.

COMPLAINT NO. 11-26-D

DECISION

FINDINGS OF FACT

1. Alan Jeffrey Snider, M.D. ("Dr. Snider"), holds a license to practice medicine and surgery in West Virginia, License No. 20036, and his address of record with the Board is in Charleston, West Virginia.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from John Craig Duncan, alleging that Dr. Snider failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly manage the Complainant's anesthesia during surgery, failing to accurately document the record of anesthesia, changing the record, and making inappropriate comments to the Complainant's family following surgery.

3. The Complaint Committee began an investigation of the complaint and in March 2011, Dr. Snider filed a response to the complaint.

4. Subsequently, Dr. Snider's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no

evidence in this matter to show that Dr. Snider failed to practice medicine and surgery with the 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. Moreover, there is no evidence to show that Dr. Snider engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Snider's license to practice medicine and surgery 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 11, 2011.

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. Snider 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 to prove that Dr.


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

3. The evidence presented in this matter fails to prove that Dr. Snider's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Snider engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Snider's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JAMES NORMAN SPYCHALSKI, M.D.

COMPLAINT NO. 11-09-S

DECISION

FINDINGS OF FACT

1. James Norman Spsychalski, M.D. ("Dr. Spsychalski"), holds a license to practice medicine and surgery in West Virginia, License No. 20493, and his address of record with the Board is in Parkersburg, West Virginia.
2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Connie Rae Smith alleging that Dr. Spsychalski behaved in an unprofessional manner by failing to supply medical records to the Complainant upon request and failing to allow the Complainant's husband, who was also Dr. Spsychalski's patient, to have a procedure performed at the hospital of his choice.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2011, Dr. Spsychalski filed a response to the complaint.
4. Subsequently, Dr. Spsychalski's response was forwarded to the Complainant and in March 2011, the Complainant filed a reply.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence

existed in this matter to show that Dr. Spsychalski engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Spsychalski's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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. Spsychalski 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 to prove that Dr. Spsychalski violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Spsychalski's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Spsychalski 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 Dr. Spychalski's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MAGESH SUNDARAM, M.D.

COMPLAINT NO. 11-20-A

DECISION

FINDINGS OF FACT

1. Magesh Sundaram, M.D. ("Dr. Sundaram"), holds a license to practice medicine and surgery in West Virginia, License No. 22003, and his address of record with the Board is in Morgantown, West Virginia.

2. In February 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ehab Akkary, M.D., alleging that Dr. Sundaram behaved in an unprofessional manner by writing anonymous, false complaints against the Complainant to several entities, including the Board of Medicine. The complaint also alleges that these complaints included patient information in violation of patient confidentiality.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2011, Dr. Sundaram filed a response to the complaint.

4. Subsequently, Dr. Sundaram's response was forwarded to the Complainant and the Complainant filed a reply in May 2011.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence

existed in this matter to show that Dr. Sundaram engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Sundaram's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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. Sundaram 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 to prove that Dr. Sundaram violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Sundaram's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Sundaram 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 Dr. Sundaram's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

UMAPATHY SUNDARAM, M.D.

COMPLAINT NO. 11-19-A

DECISION

FINDINGS OF FACT

1. Umapathy Sundaram, M.D. ("Dr. Sundaram"), holds a license to practice medicine and surgery in West Virginia, License No. 21566, and his address of record with the Board is in Morgantown, West Virginia.

2. In February 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ehab Akkary, M.D., alleging that Dr. Sundaram behaved in an unprofessional manner by writing anonymous, false complaints against the Complainant to several entities, including the Board of Medicine. The complaint also alleges that these complaints included patient information in violation of patient confidentiality.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2011, Dr. Sundaram filed a response to the complaint.

4. Subsequently, Dr. Sundaram's response was forwarded to the Complainant and the Complainant filed a reply in May 2011.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence

existed in this matter to show that Dr. Sundaram engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Sundaram's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

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. Sundaram 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 to prove that Dr. Sundaram violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Sundaram's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Sundaram 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 Dr. Sundaram's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

BRENT EDWARD WATSON, M.D.

COMPLAINT NO. 11-12-S

DECISION

FINDINGS OF FACT

1. Brent Edward Watson, M.D. ("Dr. Watson"), holds a license to practice medicine and surgery in West Virginia, License No. 20497, and his address of record with the Board is in Spencer, West Virginia.
2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Christina Saunders, alleging that Dr. Watson failed to adequately care for and treat the Complainant's mother by failing to perform necessary tests and failing to diagnose cancer in order to compound hospital costs.
3. The Complaint Committee began an investigation of the complaint and in March 2011, Dr. Watson filed a response to the complaint.
4. Subsequently, Dr. Watson's response was forwarded to the Complainant and in May 2011, the Complainant filed a reply.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Watson failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Watson's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Watson 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 to prove that Dr. Watson violated any provision of the Medical Practice Act or rule of the Board.

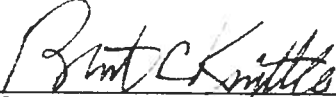
3. The evidence presented in this matter fails to prove that Dr. Watson's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Watson failed to practice medicine and surgery with the level of care, skill and treatment which 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 Dr. Watson's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MATTHEW C. WILSON, M.D.

COMPLAINT NO. 10-174-S

DECISION

FINDINGS OF FACT

1. Matthew C. Wilson, M.D. ("Dr. Wilson"), holds a license to practice medicine and surgery in West Virginia, License No. 13029, and his address of record with the Board is in Huntington, West Virginia.

2. In November 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Dan Stevenson alleging that Dr. Wilson behaved in an unprofessional manner by engaging in an inappropriate relationship with Mr. Stevenson's child, who was of a consenting age.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in February 2011, Dr. Wilson filed a response to the complaint stating that the Complainant's child was of the legal consenting age and was not at any time a patient.

4. Subsequently, Dr. Wilson's response was forwarded to the Complainant and the Complainant filed a reply in February 2011.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received

with respect to the complaint and determined that the Board has no jurisdiction of the subject matter in this case as the complaint does not assert a violation of the Medical Practice Act. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Wilson's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on July 11, 2011.

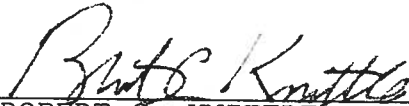
CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have no jurisdiction over the 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. As the West Virginia Board of Medicine has no jurisdiction over the subject matter, the complaint filed against Dr. Wilson in November 2010, is now closed.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DAVID PAUL WISE, M.D.

COMPLAINT NO. 11-10-H

DECISION

FINDINGS OF FACT

1. David Paul Wise, M.D. ("Dr. Wise"), holds a license to practice medicine and surgery in West Virginia, License No. 18520, and his address of record with the Board is in Charleston, West Virginia.

2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jesse Kesling Holston, alleging that Dr. Wise failed to adequately care for and treat Complainant by failing to advise the Complainant of pathology report results and recommendations.

3. The Complaint Committee began an investigation of the complaint and in February 2011, a response to the complaint was filed on behalf of Dr. Wise.

4. Subsequently, Dr. Wise's response was forwarded to the Complainant and in March 2011, the Complainant filed a reply.

5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Wise failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Wise's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on July 11, 2011.

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. Wise 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 to prove that Dr. Wise violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Wise's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Wise failed to practice medicine and surgery with the 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 Dr. Wise's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

FARRAH SYED ZAHIR, P.A.-C.

COMPLAINT NO. 11-23-J

DECISION

FINDINGS OF FACT

1. Farrah Syed Zahir, P.A.-C. ("Ms. Zahir"), holds a license to practice as a physician assistant in West Virginia, License No. 01274, and her address of record with the Board is in Beckley, West Virginia.
2. In February 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Pamela S. Jerousek, for her mother, Edith E. Chambers. The complaint alleged that Ms. Zahir failed to adequately care for and treat Complainant's mother by failing to properly examine, diagnose and admit her mother into the hospital following a fall.
3. The Complaint Committee began an investigation of the complaint and in April 2011, Ms. Zahir filed a response to the complaint.
4. Subsequently, Ms. Zahir's response was forwarded to the Complainant and in May 2011, the Complainant filed a reply.
5. At the July 10, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show a violation of the regulations pertaining to physician assistants. As a result, the Complaint

Committee determined that there was no reason in this matter to proceed against Ms. Zahir's license to practice as a physician assistant 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 11, 2011.

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 Ms. Zahir 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 to prove that Ms. Zahir violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove Ms. Zahir's license to practice as a physician assistant in this State should be restricted or limited because no evidence exists to show 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 Ms. Zahir's license to practice as a physician assistant for reasons set forth in W. Va. Code § 30-3-16 and/or in the rules promulgated thereunder.

DATE ENTERED: July 11, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2011

Closed Cases - No Probable Cause Found/

No Disciplinary Sanction

MONTH OF SEPTEMBER, 2011

11-08-J	Richard Harvey Byrne, M.D.
11-24-W	Darshankumar A. Dave, M.D.
11-02-B	Iraj Derakhshan, M.D.
11-65-H	Iraj Derakhshan, M.D.
10-38-A	Scott James Feathers, D.P.M.
11-69-B	Shirley Kay Myers Garvin, P.A.-C.
11-53-H	Skuli Tomas Gunnlaugsson, M.D.
11-41-C	Kyle Rice Hegg, M.D.
11-76-R	Robert Brian Johnston, M.D.
11-70-B	Michael Warren Lassere, M.D.
10-50-B	Rajan Bakhshish Masih, M.D.
10-181-E	Joseph Mouchizadeh, M.D.
11-54-B	Bandy Bill Mullins, M.D.
11-51-F	Kurt Myron Nellhaus, M.D.
11-66-O	Basil Paul Papadimitriou, M.D.
11-28-M	Darrell Steven Reisner, M.D.
11-52-B	Michael Shramowiat, M.D.
11-55-D	Nicholas Lee Smith, P.A.-C.
11-38-W	Gai Louise Smythe, M.D.

TOTAL 19

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RICHARD HARVEY BYRNE, M.D.

COMPLAINT NO.11-08-J

DECISION

FINDINGS OF FACT

1. Richard Harvey Byrne, M.D. ("Dr. Byrne"), holds a license to practice medicine and surgery in West Virginia, License No. 21951, and his address of record with the Board is in Huntersville, North Carolina.

2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Gary L. Jackson alleging that Dr. Byrne behaved in an unprofessional manner by failing to properly end the physician/patient relationship, supply the Complainant with necessary medications and to provide the Complainant with a copy of his medical records.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2011, Dr. Byrne filed a response to the complaint.

4. Subsequently, Dr. Byrne's response was forwarded to the Complainant and the Complainant filed no reply.

5. In July 2011, the Complaint Committee requested verification from Dr. Byrne that he had forwarded the Complainant his medical records.

6. Dr. Byrne sent verification to the Complaint

Committee in August 2011.

7. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Byrne engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Byrne's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on September 12, 2011.

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. Byrne 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 to prove that Dr. Byrne violated any provision of the Medical Practice Act or rule

of the Board.

3. The evidence presented in this matter fails to prove that Dr. Byrne's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Byrne 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 Dr. Byrne's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DARSHANKUMAR A. DAVE, M.D.

COMPLAINT NO. 11-24-W

DECISION

FINDINGS OF FACT

1. Darshankumar A. Dave, M.D. ("Dr. Dave"), holds a license to practice medicine and surgery in West Virginia, License No. 21117, and his address of record with the Board is in Charleston, West Virginia.

2. In February 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Susie Wilson alleging that Dr. Dave behaved unprofessionally manner by acting in a rude and inappropriate manner towards the Complainant, refusing to treat the Complainant and subsequently charging the Complainant for the visit, although Dr. Dave had allegedly refused medical services.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2011, Dr. Dave filed a response to the complaint.

4. Subsequently, Dr. Dave's response was forwarded to the Complainant and the Complainant filed no reply.

5. At September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Dave engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Dave's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on September 12, 2011.

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. Dave 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 to prove that Dr. Dave violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Dave's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Dave 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 Dr. Dave's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

IRAJ DERAKHSHAN, M.D.

COMPLAINT NO. 11-02-B

DECISION

FINDINGS OF FACT

1. Iraj Derakhshan, M.D. ("Dr. Derakhshan"), holds a license to practice medicine and surgery in West Virginia, License No. 18591, and his address of record with the Board is in Charleston, West Virginia.

2. In January 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Douglas Bryant alleging that Dr. Derakhshan behaved in an unprofessional manner by failing to supply the Complainant with a selected portion of his medical records upon request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2011, Dr. Derakhshan filed a response to the complaint and included a copy of the records requested by the Complainant.

4. Subsequently, Dr. Derakhshan's response was forwarded to the Complainant along with the requested medical records and the Complainant filed no reply.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Derakhshan

engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Derakhshan's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on September 12, 2011.

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. Derakhshan 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 to prove that Dr. Derakhshan violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Derakhshan's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Derakhshan 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 Dr. Derakhshan's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

IRAJ DERAKHSHAN, M.D.

COMPLAINT NO. 11-65-H

DECISION

FINDINGS OF FACT

1. Iraj Derakhshan, M.D. ("Dr. Derakhshan"), holds a license to practice medicine and surgery in West Virginia, License No. 18591, and his address of record with the Board is in Charleston, West Virginia.

2. In May 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Teresa L. Harvey, legal guardian of Brad Anderson, alleging that Dr. Derakhshan failed to practice medicine acceptably and engaged in unprofessional conduct by prescribing Mr. Anderson inappropriate and excessive medications, failing to perform an appropriate examination, failing to acquire a thorough history and failing to consult Mr. Anderson's legal guardian or primary physician.

3. The Complaint Committee began an investigation of the complaint and in July 2011, Dr. Derakhshan filed a response to the complaint.

4. Subsequently, Dr. Derakhshan's response was forwarded to the Complainant and in August 2011, the Complainant filed a reply.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Derakhshan failed to practice medicine and surgery with the 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. Moreover, and no evidence existed in this matter to show that Dr. Derakhshan engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Derakhshan's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 12, 2011.

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. Derakhshan is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code §30-3-14(c) and

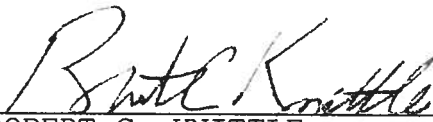
specifically there is no evidence in this matter to prove that Dr. Derakhshan violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Derakhshan's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Derakhshan engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Derakhshan's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SCOTT JAMES FEATHERS, D.P.M.

COMPLAINT NO. 10-38-A

DECISION

FINDINGS OF FACT

1. Until January 12, 2010, Scott James Feathers, D.P.M. ("Dr. Feathers"), held a license to practice podiatry in West Virginia, License No. 00181, and his address of record with the Board is in Parkersburg, West Virginia.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Sidney Allen, Jr., alleging that Dr. Feathers behaved in an unprofessional manner by failing to supply the Complainant with a copy of his medical records upon request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and Dr. Feathers filed no response to the complaint.

4. Previous to the March 2011 complaint, on January 12, 2010, Dr. Feathers' license was summarily suspended after the Board determined that Dr. Feathers continued practice of podiatry was an immediate danger to the health, welfare and safety of the public and a Notice of Hearing was issued.

5. On January 21, 2010, Dr. Feather's signed a Waiver, waiving his rights to a hearing within fifteen (15) days, and agreed that his license would remain in an indefinite suspended

status until a hearing is held.

6. At the September 11, 2011, 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. Feathers is no longer licensed to practice podiatry in the state of West Virginia. Accordingly, it was determined that there was no reason to proceed against the license to practice podiatry of Dr. Feathers in the State of West Virginia as he does not hold a valid license. The Complaint Committee voted to close the case, all of which was reported to the Board at its regular meeting on September 12, 2011.

CONCLUSIONS OF LAW

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 may be a violation of the provisions of the Medical Practice Act and Rules of the Board to substantiate disqualification of Dr. Feathers from the practice of podiatry in this State for the reasons set forth in the W. Va. Code §30-3-14(c)(17) and 11 CSR 1A 10.5 and 12.1(e)

and (j), in that Dr. Feathers may have engaged in unethical and unprofessional conduct. However, the Board is not empowered to discipline Dr. Feathers as he does not hold a valid license to practice podiatry in the State of West Virginia.

3. This matter is therefore closed and dismissed by the West Virginia Board of Medicine.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SHIRLEY KAY MYERS GARVIN, P.A.-C.

COMPLAINT NO. 11-69-B

DECISION

FINDINGS OF FACT

1. Shirley Kay Myers Garvin, P.A.-C. ("Ms. Garvin"), holds a license to practice as a physician assistant in West Virginia, License No. 00568, and her address of record with the Board is in Washington, West Virginia.

2. In June 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Linda S. Bush, alleging that Ms. Garvin failed to practice medicine acceptably and engaged in unprofessional conduct by prescribing medications Ms. Garvin knew had caused the Complainant to previously suffer an adverse reaction, prescribing inappropriate medications and failing to monitor the Complainant's medical condition.

3. The Complaint Committee began an investigation of the complaint and in July 2011, Ms. Garvin filed a response to the complaint.

4. Subsequently, Ms. Garvin's response was forwarded to the Complainant and in July 2011, the Complainant filed a reply.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no

evidence existed in this matter to show a violation of the regulations pertaining to physician assistants. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Ms. Garvin's license to practice as a physician assistant 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 12, 2011.

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 Ms. Garvin 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 to prove that Ms. Garvin violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove Ms. Garvin's license to practice as a physician assistant in this State should be restricted or limited because no evidence exists to show 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 Ms. Garvin's license to practice as a physician assistant for reasons set forth in W. Va. Code §30-3-16 and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SKULI TOMAS GUNNLAUGSSON, M.D.

COMPLAINT NO. 11-53-H

DECISION

FINDINGS OF FACT

1. Skuli Tomas Gunnlaugsson, M.D. ("Dr. Gunnlaugsson"), holds a license to practice medicine and surgery in West Virginia, License No. 21974, and his address of record with the Board is in Huntington, West Virginia.

2. In April 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Mary Alice Hudnall, alleging that Dr. Gunnlaugsson failed to practice medicine acceptably and engaged in unprofessional conduct by failing to properly treat the Complainant, failing to properly inform the Complainant about her condition, and speaking inappropriately to the Complainant and her daughter during an office visit.

3. The Complaint Committee began an investigation of the complaint and in June 2011, a response was filed on behalf of Dr. Gunnlaugsson.

4. Subsequently, the response filed on behalf of Dr. Gunnlaugsson was forwarded to the Complainant and the Complainant filed a reply in July 2011.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information

received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Gunnlaugsson failed to practice medicine and surgery with the 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. Moreover, there is no evidence in this matter to show that Dr. Gunnlaugsson engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Gunnlaugsson's license to practice medicine and surgery 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 12, 2011.

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. Gunnlaugsson is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code §30-3-14(c)

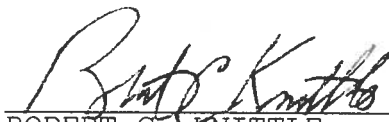
and specifically there is no evidence in this matter to prove that Dr. Gunnlaugsson violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Gunnlaugsson to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Gunnlaugsson engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Gunnlaugsson's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KYLE RICE HEGG, M.D.

COMPLAINT NO. 11-41-C

DECISION

FINDINGS OF FACT

1. Kyle Rice Hegg, M.D. ("Dr. Hegg"), holds a license to practice medicine and surgery in West Virginia, License No. 13963, and his address of record with the Board is in Huntington, West Virginia.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Nina L. Clark, alleging that Dr. Hegg failed to adequately care for and treat the Complainant by failing to properly perform surgery on the Complainant's knee, leading to permanent problems with pain.

3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Hegg filed a response to the complaint.

4. Subsequently, Dr. Hegg's response was forwarded to the Complainant and in June 2011, the Complainant filed a reply.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Hegg failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Hegg's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 12, 2011.

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. Hegg 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 to prove that Dr. Hegg violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Hegg's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Hegg failed to practice medicine and surgery with the 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 Dr. Hegg's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT BRIAN JOHNSTON, M.D.

COMPLAINT NO. 11-76-R

DECISION

FINDINGS OF FACT

1. Robert Brian Johnston, M.D. ("Dr. Johnston"), holds a license to practice medicine and surgery in West Virginia, License No. 21317, and his address of record with the Board is in Charleston, West Virginia.

2. In July 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Vanessa C. Reynolds alleging that Dr. Johnston behaved in an unprofessional manner by charging the Complainant for an office visit that did not occur and inappropriately discharging the Complainant and her family.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2011, Dr. Johnston filed a response to the complaint.

4. Subsequently, Dr. Johnston's response was forwarded to the Complainant and the Complainant filed a reply in August 2011.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Johnston engaged

in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Johnston's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on September 12, 2011.

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. Johnston 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 to prove that Dr. Johnston violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Johnston's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Johnston 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 Dr. Johnston's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MICHAEL WARREN LASSERE, M.D.

COMPLAINT NO. 11-70-B

DECISION

FINDINGS OF FACT

1. Michael Warren Lassere, M.D. ("Dr. Lassere"), holds a license to practice medicine and surgery in West Virginia, License No. 15349, and his address of record with the Board is in Summersville, West Virginia.

2. In June 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Shalee Bragg, alleging that Dr. Lassere failed to adequately care for and treat Complainant by failing to perform appropriate examinations and tests, and failing to properly diagnosis the Complainant.

3. The Complaint Committee began an investigation of the complaint and in July 2011, Dr. Lassere filed a response to the complaint.

4. Subsequently, Dr. Lassere's response was forwarded to the Complainant and in July 2011, the Complainant filed a reply.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Lassere failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Lassere's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 12, 2011.

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. Lassere 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 to prove that Dr. Lassere violated any provision of the Medical Practice Act or rule of the Board.

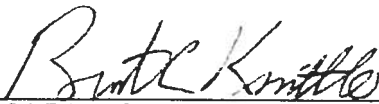
3. The evidence presented in this matter fails to prove that Dr. Lassere's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Lassere failed to practice medicine and

surgery with the 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 Dr. Lassere's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

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. 10-50-B

DECISION

FINDINGS OF FACT

1. Rajan Bakhshish Masih, M.D. ("Dr. Masih"), held 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 April 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kelly Bearfield alleging that Dr. Masih behaved in an unprofessional manner by inappropriately discharging the Complainant and her family and failing to supply the Complainant with a copy of her and her family's medical records.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in June 2010, a response was filed on behalf of Dr. Masih.

4. Subsequently, Dr. Masih's response along with medical records received from Dr. Masih were forwarded to the Complainant and the Complainant filed a reply in July 2010.

5. Dr. Masih's license to practice medicine and surgery expired on June 30, 2011, and by Order dated July 11, 2011, his license was revoked by the West Virginia Board of Medicine.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that insufficient evidence existed in this matter to show that 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 also determined that the West Virginia Board of Medicine no longer has jurisdiction over the matter as Dr. Masih is no longer licensed to practice medicine and surgery in the state of West Virginia. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Masih and voted to close the case, all of which was reported to the Board at its regular meeting on September 12, 2011.

CONCLUSIONS OF LAW

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. There is insufficient evidence in this matter to prove that Dr. Masih 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 to

prove 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 Dr. Masih's license to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Masih 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). In addition, the Board is not empowered to discipline Dr. Masih as he does not hold a valid license to practice medicine and surgery in the State of West Virginia.

4. This matter is therefore closed and dismissed by the West Virginia Board of Medicine.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOSEPH MOUCHIZADEH, M.D.

COMPLAINT NO. 10-181-E

DECISION

FINDINGS OF FACT

1. Joseph Mouchizadeh, M.D. ("Dr. Mouchizadeh"), holds a license to practice medicine and surgery in West Virginia, License No. 20833, and his address of record with the Board is in Ronceverte, West Virginia.

2. In December 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Thomas M. Eure, alleging that Dr. Mouchizadeh failed to adequately care for and treat Complainant by failing to properly perform surgery and by performing unnecessary surgery and other medical procedures.

3. The Complaint Committee began an investigation of the complaint and in February 2011, Dr. Mouchizadeh filed a response to the complaint.

4. Subsequently, Dr. Mouchizadeh's response was forwarded to the Complainant and in February 2011, 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 Dr. Mouchizadeh had not breached any standards of care nor been negligent in the Complainant's treatment.

6. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Mouchizadeh failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Mouchizadeh's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 12, 2011.

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. Mouchizadeh 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 to prove that Dr. Mouchizadeh violated any provision of the Medical Practice Act or

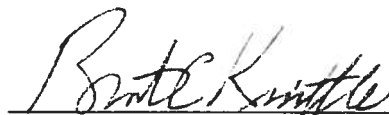
rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Mouchizadeh's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Mouchizadeh failed to practice medicine and surgery with the 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 Dr. Mouchizadeh's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

BANDY BILL MULLINS, M.D.

COMPLAINT NO. 11-54-B

DECISION

FINDINGS OF FACT

1. Bandy Bill Mullins, M.D. ("Dr. Mullins"), holds a license to practice medicine and surgery in West Virginia, License No. 22570, and his address of record with the Board is in Summersville, West Virginia.

2. In April 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Hermanetta Brown, alleging that Dr. Mullins failed to adequately care for and treat the Complainant by failing to respond to numerous inquiries from the Complainant following surgery, resulting in the Complainant having to go to the emergency room and being admitted for further surgery.

3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Mullins filed a response to the complaint.

4. Subsequently, Dr. Mullins' response was forwarded to the Complainant and the Complainant filed no reply.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Mullins failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Mullins' license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 12, 2011.

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. Mullins 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 to prove that Dr. Mullins violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Mullins' license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Mullins failed to practice medicine and

surgery with the 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 Dr. Mullins' license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KURT MYRON NELLHAUS, M.D.

COMPLAINT NO. 11-51-F

DECISION

FINDINGS OF FACT

1. Kurt Myron Nellhaus, M.D. ("Dr. Nellhaus"), holds a license to practice medicine and surgery in West Virginia, License No. 15554, and his address of record with the Board is in Charleston, West Virginia.

2. In April 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Clinton Allen Frame, alleging that Dr. Nellhaus failed to adequately care for and treat Complainant by failing to respond to the Complainant's numerous complaints regarding his medications resulting in the Complainant suffering side effects for over two weeks.

3. The Complaint Committee began an investigation of the complaint and in June 2011, Dr. Nellhaus filed a response to the complaint.

4. Subsequently, Dr. Nellhaus' response was forwarded to the Complainant and the Complainant filed no reply.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Nellhaus failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Nellhaus' license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the West Virginia Board of Medicine at its regular meeting on September 12, 2011.

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. Nellhaus 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 to prove that Dr. Nellhaus violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Nellhaus' license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Nellhaus failed to practice medicine and

surgery with the 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 Dr. Nellhaus' license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

BASIL PAUL PAPADIMITRIOU, M.D.

COMPLAINT NO. 11-66-0

DECISION

FINDINGS OF FACT

1. Basil Paul Papadimitriou, M.D. ("Dr. Papadimitriou"), holds a license to practice medicine and surgery in West Virginia, License No. 08646, and his address of record with the Board is in Wheeling, West Virginia.

2. In May 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from James Oursler alleging that Dr. Papadimitriou behaved in an unprofessional manner by inappropriately discharging the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2011, Dr. Papadimitriou filed a response to the complaint.

4. Subsequently, Dr. Papadimitriou's response was forwarded to the Complainant and the Complainant filed a reply in July 2011.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Papadimitriou engaged in dishonorable, unethical or unprofessional conduct of a

character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Papadimitriou's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on September 12, 2011.

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. Papadimitriou 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 to prove that Dr. Papadimitriou violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Papadimitriou's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Papadimitriou 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 Dr. Papadimitriou's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

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. 11-28-M

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 March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Lawrence M. Minardi, M.D., alleging that Dr. Reisner failed to practice medicine acceptably and engaged in unprofessional conduct by failing to perform pre-opt and post-opt surgical care and failing to have appropriate surgical backup for his patients.

3. The Complaint Committee began an investigation of the complaint and in April 2011, Dr. Reisner filed a response to the complaint.

4. Subsequently, Dr. Reisner's response was forwarded to the Complainant and the Complainant filed a reply in May 2011.

5. Dr. Reisner appeared for a full discussion of the matter before the Complaint Committee at the September 11, 2011, meeting. The Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

is no evidence in this matter to show that Dr. Reisner failed to practice medicine and surgery with the 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. Moreover, there is no evidence in this matter to show 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Reisner's license to practice medicine and surgery 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 12, 2011.

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 to prove 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 no evidence exists to show that Dr. Reisner engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Reisner's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

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. 11-52-B

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 April 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Robin Bearse, on behalf of her daughter, Erica Bearse, alleging that Dr. Shramowiat failed to practice medicine acceptably and engaged in unprofessional conduct by prescribing narcotics, on a continuing basis, to the Complainant's daughter whom Dr. Shramowiat knew to be a drug addict.

3. The Complaint Committee began an investigation of the complaint and in May 2011, Dr. Shramowiat filed a response to the complaint.

4. Subsequently, Dr. Shramowiat's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Shramowiat failed

to practice medicine and surgery with the 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. Moreover there is no evidence in this matter to show 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Shramowiat's license to practice medicine and surgery 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 12, 2011.

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 any reason set forth in W. Va. Code §30-3-14(c) and specifically there is no evidence in this matter to prove 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 no evidence exists to show that Dr. Shramowiat engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Shramowiat's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

NICHOLAS LEE SMITH, P.A.-C.

COMPLAINT NO. 11-55-D

DECISION

FINDINGS OF FACT

1. Nicholas Lee Smith, P.A.-C. ("Mr. Smith"), holds a license to practice as a physician assistant in West Virginia, License No. 01232, and his address of record with the Board is in Madison, West Virginia.

2. In April 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Shelley Dickerson, alleging that Mr. Smith failed to practice acceptably as a physician assistant, engaged in unprofessional conduct by calling Child Protective Services during an examination of the Complainant's daughter, and by giving that agency false information.

3. The Complaint Committee began an investigation of the complaint and in May 2011, Mr. Smith filed a response to the complaint.

4. Subsequently, Mr. Smith's response was forwarded to the Complainant. The Complainant filed no reply.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show a violation of the regulations pertaining to physician assistants. As a result, the

Complaint Committee determined that there was no reason in this matter to proceed against Mr. Smith's license to practice as a physician assistant 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 12, 2011.

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 Mr. Smith 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 to prove that Mr. Smith violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove Mr. Smith's license to practice as a physician assistant in this State should be restricted or limited because no evidence exists to show misconduct in his 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 Mr. Smith's license to practice as a physician assistant for reasons set forth in W. Va. Code §30-3-16 and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

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. 11-38-W

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 March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Eddie M. Withrow alleging that Dr. Smythe behaved in an unprofessional manner by refusing to prescribe the Complainant any further narcotic medications after a drug screening revealed the medications were not present in the Complainant's system.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in May 2011, Dr. Smythe filed a response to the complaint.

4. Subsequently, Dr. Smythe's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the September 11, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Smythe's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on September 12, 2011.

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 reasons set forth in W. Va. Code §30-3-14(c) and specifically there is no evidence in this matter to prove 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 Dr. Smythe's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show 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, 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 Dr. Smythe's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 12, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2011

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

MONTH OF NOVEMBER, 2011

11-74-R Paul Alex Blair, M.D.
11-97-K Jason Allan Castle, M.D.
11-73-C David Anthony Ciarolla, M.D.
10-104-W Harold Anthony Cofer, Jr., M.D.
11-101-P Dale Steven Herman, D.P.M.
11-83-Z Sonia Juneja, M.D.
11-72-L Carl Warren Liebig, M.D.
11-27-M Earl Lynn Nelson, M.D.
11-88-A Basil Paul Papadimitriou, M.D.
11-85-C Porfirio R. Pascasio, Sr., M.D.
11-96-B David Carol Shamblin, M.D.
11-90-M Deleno H. Webb, III, M.D.
11-82-Z Masood Muhammad Zafar, M.D.

TOTAL 13

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PAUL ALEX BLAIR, M.D.

COMPLAINT NO. 11-74-R

DECISION

FINDINGS OF FACT

1. Paul Alex Blair, M.D. ("Dr. Blair"), holds a license to practice medicine and surgery in West Virginia, License No. 11537, and his address of record with the Board is in Hurricane, West Virginia.

2. In July 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Lorintha Rose, alleging that Dr. Blair failed to practice medicine acceptably and engaged in unprofessional conduct with respect to the care and treatment rendered to the Complainant.

3. The Complaint Committee began an investigation of the complaint and in August 2011, Dr. Blair filed a response to the complaint.

4. Subsequently, Dr. Blair's response was forwarded to the Complainant, and the Complainant filed a reply in September 2011.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Blair failed to

practice medicine and surgery with the 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. Moreover, there is no evidence in this matter to show that Dr. Blair engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Blair's license to practice medicine and surgery 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 14, 2011.

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. Blair 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 to prove that Dr. Blair violated any provision of the Medical Practice Act or rule

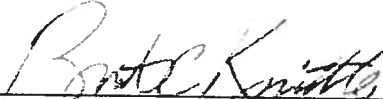
of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Blair to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Blair engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Blair's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JASON ALLAN CASTLE, M.D.

COMPLAINT NO. 11-97-K

DECISION

FINDINGS OF FACT

1. Jason Allan Castle, M.D. ("Dr. Castle"), holds a license to practice medicine and surgery in West Virginia, License No. 22755, and his address of record with the Board is in Charleston, West Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Lanny L. Kelso, alleging that Dr. Castle failed to practice medicine acceptably and engaged in unprofessional conduct with respect to the care and treatment rendered to the Complainant.

3. The Complaint Committee began an investigation of the complaint and in September 2011, Dr. Castle filed a response to the complaint.

4. Subsequently, Dr. Castle's response was forwarded to the Complainant and the Complainant filed a reply in October 2011.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Castle failed to

practice medicine and surgery with the 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. Moreover, there is no evidence in this matter to show that Dr. Castle engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Castle's license to practice medicine and surgery 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 14, 2011.

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. Castle 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 to prove that Dr. Castle violated any provision of the Medical Practice Act or rule

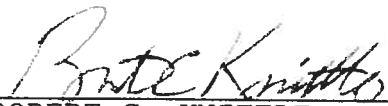
of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Castle to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Castle engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Castle's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DAVID ANTHONY CIAROLLA, M.D.

COMPLAINT NO. 11-73-C

DECISION

FINDINGS OF FACT

1. David Anthony Ciarolla, M.D. ("Dr. Ciarolla"), holds a license to practice medicine and surgery in West Virginia, License No. 17859, and his address of record with the Board is in Fairmont, West Virginia.

2. In June 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Linda Sue Carpenter, alleging that Dr. Ciarolla failed to practice medicine acceptably and engaged in unprofessional conduct with respect to the care and treatment rendered to the Complainant.

3. The Complaint Committee began an investigation of the complaint and in August 2011, Dr. Ciarolla filed a response to the complaint.

4. Subsequently, Dr. Ciarolla's response was forwarded to the Complainant and the Complainant filed a reply in September 2011.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Ciarolla failed to

practice medicine and surgery with the 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. Moreover, there is no evidence in this matter to show that Dr. Ciarolla engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Ciarolla's license to practice medicine and surgery 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 14, 2011.

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. Ciarolla 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 to prove that Dr. Ciarolla 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. Ciarolla to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Ciarolla engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Ciarolla's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

HAROLD ANTHONY COFER, JR., M.D.

COMPLAINT NO. 10-104-W

DECISION

FINDINGS OF FACT

1. Harold Anthony Cofer, Jr., M.D. ("Dr. Cofer"), holds a license to practice medicine and surgery in West Virginia, License No. 12594, and his address of record with the Board is in Princeton, West Virginia.

2. In July 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint against Dr. Cofer, alleging he failed to practice medicine acceptably and engaged in unprofessional conduct by dispensing/prescribing controlled substances 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 2010, Dr. Cofer filed a response to the complaint.

4. At the September 12, 2010, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and instructed further investigation by the Board Investigator.

5. Additional information was submitted to the Complaint Committee by the Board Investigator at the September 11,

2011, Complaint Committee meeting and the Complaint Committee authorized a subpoena for ten (10) medical records from Dr. Cofer's medical practice.

6. The Complaint Committee reviewed all subpoenaed medical records from Dr. Cofer's medical practice at the November 13, 2011, Complaint Committee meeting and determined that there is insufficient evidence in this matter to show that Dr. Cofer failed to practice medicine and surgery with the 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Cofer's license to practice medicine and surgery 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 14, 2011.

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

3. The evidence presented in this matter fails to prove that Dr. Cofer's license to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Cofer failed to practice medicine and surgery with the 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 Dr. Cofer's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DALE STEVEN HERMAN, D.P.M.

COMPLAINT NO. 11-101-P

DECISION

FINDINGS OF FACT

1. Dale Steven Herman, D.P.M ("Dr. Herman"), holds a license to practice podiatry in West Virginia, License No. 00227, and his address of record with the Board is in Martinsburg, West Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Angela Pearson, alleging that Dr. Herman behaved in an unprofessional manner by inappropriately failing to maintain appropriate patient records and release to the Complainant a complete copy of her medical records and x-rays upon request.

3. The Complaint Committee began an investigation of the complaint and in September 2011, Dr. Herman filed a response to the complaint.

4. Subsequently, Dr. Herman's response was forwarded to the Complainant and the Complainant filed a reply in October 2011.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there

is no evidence in this matter to show that Dr. Herman failed to practice podiatry with the 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. Moreover, there is no evidence to show that Dr. Herman engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Herman's license to practice podiatry 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 14, 2011.

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. Herman 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 to prove that Dr. Herman violated any provision of the Medical Practice Act or rule of the


Board.

3. The evidence presented in this matter fails to prove that Dr. Herman's license to practice podiatry in this State should be restricted or limited because no evidence exists to show that Dr. Herman engaged in unprofessional conduct and/or failed to practice podiatry with the 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 podiatry or to restrict Dr. Herman's license to practice podiatry for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SONIA JUNEJA, M.D.

COMPLAINT NO. 11-83-Z

DECISION

FINDINGS OF FACT

1. Sonia Juneja, M.D. ("Dr. Juneja"), holds a license to practice medicine and surgery in West Virginia, License No. 22991, and her address of record with the Board is in Morgantown, West Virginia.

2. In July 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kenneth E. Zurbano, alleging that Dr. Juneja failed to practice medicine acceptably and engaged in unprofessional conduct with respect to Dr. Juneja's independent forensic psychiatric evaluation regarding the complainant.

3. The Complaint Committee began an investigation of the complaint and in August 2011, Dr. Juneja filed a response to the complaint.

4. Subsequently, Dr. Juneja's response was forwarded to the Complainant and the Complainant filed a reply in September 2011.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Juneja failed to

practice medicine and surgery with the 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. Moreover, there is no evidence in this matter to show that Dr. Juneja engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Juneja's license to practice medicine and surgery 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 14, 2011.

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. Juneja 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 to prove that Dr. Juneja 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. Juneja to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Juneja engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Juneja's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CARL WARREN LIEBIG, M.D.

COMPLAINT NO. 11-72-L

DECISION

FINDINGS OF FACT

1. Carl Warren Liebig, M.D. ("Dr. Liebig"), holds a license to practice medicine and surgery in West Virginia, License No. 13152, and his address of record with the Board is in Bridgeport, West Virginia.

2. In June 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Douglas C. Loeffler, alleging that Dr. Liebig behaved in an unprofessional manner by failing to supply the Complainant with a selected portion of his medical records upon request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2011, Dr. Liebig filed a response to the complaint.

4. Subsequently, Dr. Liebig's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Liebig engaged in dishonorable, unethical or unprofessional conduct of a character

likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Liebig's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on November 14, 2011.

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. Liebig 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 to prove that Dr. Liebig violated any provision of the Medical Practice Act or rule of the Board.

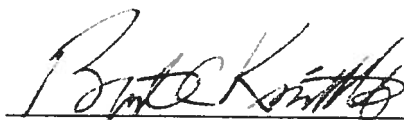
3. The evidence presented in this matter fails to prove that Dr. Liebig's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Liebig engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, 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 Dr. Liebig's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

EARL LYNN NELSON, M.D.

COMPLAINT NO. 11-27-M

DECISION

FINDINGS OF FACT

1. Earl Lynn Nelson, M.D. ("Dr. Nelson"), holds a license to practice medicine and surgery in West Virginia, License No. 22626, and his address of record with the Board is in Huntington, West Virginia.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Lawrence M. Minardi, M.D., alleging that Dr. Nelson failed to practice medicine acceptably and engaged in unprofessional conduct by failing to perform pre-op and post-op surgical care and failing to have appropriate surgical backup for his patients.

3. The Complaint Committee began an investigation of the complaint and in April 2011, Dr. Nelson filed a response to the complaint.

4. Subsequently, Dr. Nelson's response was forwarded to the Complainant and the Complainant filed a reply in May 2011.

5. Dr. Nelson appeared for a full discussion of the matter before the Complaint Committee at its September 11, 2011, meeting.

6. The Complaint Committee requested further information from Dr. Nelson, and at the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is insufficient evidence in this matter to show that Dr. Nelson failed to practice medicine and surgery with the 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. Moreover, there is insufficient evidence in this matter to show that Dr. Nelson engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Nelson's license to practice medicine and surgery 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 14, 2011.

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.

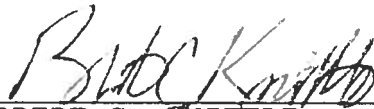
2. There is insufficient evidence in this matter to prove that Dr. Nelson is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code §30-3-14(c) and specifically there is insufficient evidence in this matter to prove that Dr. Nelson violated any provision of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

3. The evidence presented in this matter fails to prove that the license of Dr. Nelson to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Nelson engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Nelson's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

BASIL PAUL PAPADIMITRIOU, M.D.

COMPLAINT NO. 11-88-A

DECISION

FINDINGS OF FACT

1. Basil Paul Papadimitriou, M.D. ("Dr. Papadimitriou"), holds a license to practice medicine and surgery in West Virginia, License No. 8646, and his address of record with the Board is in Wheeling, West Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Martha Arms, alleging that Dr. Papadimitriou behaved in an unprofessional manner by refusing to write a prescription for another pain medication and to authorize a scooter for the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in September 2011, Dr. Papadimitriou filed a response to the complaint.

4. Subsequently, Dr. Papadimitriou's response was forwarded to the Complainant and the Complainant filed no reply.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Papadimitriou

engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Papadimitriou's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on November 14, 2011.

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. Papadimitriou 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 to prove that Dr. Papadimitriou violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Dr. Papadimitriou's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Papadimitriou 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 Dr. Papadimitriou's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PORFIRIO R. PASCASIO, SR., M.D.

COMPLAINT NO. 11-85-C

DECISION

FINDINGS OF FACT

1. Porfirio R. Pascasio, Sr., M.D. ("Dr. Pascasio"), holds a license to practice medicine and surgery in West Virginia, License No. 10041, and his address of record with the Board is in Weston, West Virginia.

2. In July 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Dennis H. Conner, alleging that Dr. Pascasio behaved in an unprofessional manner by refusing to prescribe Ultram© to the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2011, Dr. Pascasio filed a response to the complaint.

4. Subsequently, Dr. Pascasio's response was forwarded to the Complainant and the Complainant filed a reply in August 2011.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Pascasio engaged in dishonorable, unethical or unprofessional conduct of a

character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Pascasio's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on November 14, 2011.

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. Pascasio 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 to prove that Dr. Pascasio violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Pascasio's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Pascasio 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 Dr. Pascasio's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DAVID CAROL SHAMBLIN, M.D.

COMPLAINT NO. 11-96-B

DECISION

FINDINGS OF FACT

1. David Carol Shamblin, M.D. ("Dr. Shamblin"), holds a license to practice medicine and surgery in West Virginia, License No. 14016, and his address of record with the Board is in Beckley, West Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Juanita L. Bragg, alleging that Dr. Shamblin behaved in an unprofessional manner by charging a fee for an evaluation to re-open a Worker's Compensation claim and failing to provide a copy of the medical records to the Complainant.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in September 2011, Dr. Shamblin filed a response to the complaint.

4. Subsequently, Dr. Shamblin's response was forwarded to the Complainant and the Complainant filed a reply in September 2011.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that no evidence existed in this matter to show that Dr. Shamblin engaged

in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Shamblin's license to practice medicine and surgery in the State of West Virginia and voted to close the case, all of which was reported to the Board at its regular meeting on November 14, 2011.

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. Shamblin 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 to prove that Dr. Shamblin violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Shamblin's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Shamblin 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 Dr. Shamblin's license to practice medicine and surgery for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DELENO H. WEBB, III, M.D.

COMPLAINT NO. 11-90-M

DECISION

FINDINGS OF FACT

1. Deleno H. Webb, III, M.D. ("Dr. Webb"), holds a license to practice medicine and surgery in West Virginia, License No. 9413, and his address of record with the Board is in Huntington, West Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from William M. Mullins, alleging that Dr. Webb failed to practice medicine acceptably and engaged in unprofessional conduct with respect to the care and treatment rendered to the Complainant.

3. The Complaint Committee began an investigation of the complaint and in August 2011, Dr. Webb filed a response to the complaint.

4. Subsequently, Dr. Webb's response was forwarded to the Complainant and the Complainant filed a reply in September 2011.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Webb failed to

practice medicine and surgery with the 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. Moreover, there is no evidence in this matter to show that Dr. Webb engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Webb's license to practice medicine and surgery 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 14, 2011.

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. Webb 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 to prove that Dr. Webb violated any provision of the Medical Practice Act or rule of

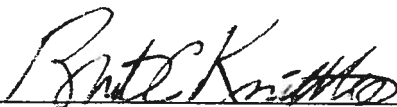
the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Webb to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Webb engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Webb's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MASOOD MUHAMMAD ZAFAR, M.D.

COMPLAINT NO. 11-82-Z

DECISION

FINDINGS OF FACT

1. Masood Muhammad Zafar, M.D. ("Dr. Zafar"), holds a license to practice medicine and surgery in West Virginia, License No. 23290, and his address of record with the Board is in Weston, West Virginia.

2. In July 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kenneth E. Zurbano, alleging that Dr. Zafar failed to practice medicine acceptably and engaged in unprofessional conduct with respect to the care and treatment rendered to the Complainant.

3. The Complaint Committee began an investigation of the complaint and in August 2011, Dr. Zafar filed a response to the complaint.

4. Subsequently, Dr. Zafar's response was forwarded to the Complainant and the Complainant filed a reply in September 2011.

5. At the November 13, 2011, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence in this matter to show that Dr. Zafar failed to

practice medicine and surgery with the 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. Moreover, there is no evidence in this matter to show that Dr. Zafar engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Zafar's license to practice medicine and surgery 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 14, 2011.

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. Zafar 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 to prove that Dr. Zafar 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. Zafar to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Zafar engaged in unprofessional conduct and/or failed to practice medicine and surgery with the 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 Dr. Zafar's license to practice medicine and surgery for reasons set forth in W. Va. Code §30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: November 14, 2011

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

2011

COMPLAINTS/INVESTIGATIONS

OPEN CASES, INVESTIGATION INITIATED AND CONTINUING

OPEN CASES, DISCIPLINARY PROCEEDINGS COMMENCED

PROBABLE CAUSE FINDINGS

WEST VIRGINIA BOARD OF MEDICINE

2011

Complaints/Investigations Open Cases, Investigation Initiated and Continuing

Total Number of Open Cases

78

<u>Number of Complaints*</u>	<u>Nature of Complaint</u>
56	Malpractice or Failure to Practice Acceptably
36	Unprofessional Conduct
7	Prescribing Other Than in Good Faith
5	Failure to Perform Statutory or Legal Obligation
4	Failure to Keep Written Records Justifying Treatment
4	Prescribing Controlled Substances Other Than Medicinally
4	Violation of Laws, Rules and Orders
3	Charging Excessive, Unconscionable Fees
3	Deceptive Representations in Practice
2	Exploitation for Financial Gain
1	Disciplinary Action in Another State/ License Denial
1	Exercising Influence for Sexual Activity with Patient
1	Failure to Maintain Medical Record for Three Years from Last Patient Encounter
1	False Reporting/Failing to File Required Report
1	Knowing Delegation of Responsibilities to One Unqualified
1	Prescribing Schedule II Amphetamines Except in Authorized Cases

*please note that open cases may have more than one (1) nature of complaint

2011

Complaints/Investigations
Open Cases, Disciplinary Proceedings Commenced

West Virginia Board of Medicine, Petitioner, v.
Larry James Godfrey, M.D., Respondent.

West Virginia Board of Medicine, Petitioner, v.
Cecil Curtis Graham, M.D., Respondent.

West Virginia Board of Medicine, Petitioner, v.
Paul Edward Jackson, M.D., Respondent.

West Virginia Board of Medicine, Petitioner, v.
Leonard Anthony Reynolds, D.P.M., Respondent.

Probable Cause Findings
No Disciplinary Proceedings Commenced
As of December 31, 2011

Number

2

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

**WEST VIRGINIA BOARD OF MEDICINE,
PETITIONER,**

v.

**LARRY JAMES GODFREY, M.D.
RESPONDENT.**

COMPLAINT AND NOTICE OF HEARING

Now comes Petitioner, West Virginia Board of Medicine ("Board"), who states the following:

1. Respondent, Larry James Godfrey, M.D., ("Dr. Godfrey") is licensed to practice medicine and surgery in West Virginia, License No. 22722, issued in 2007 by the Board, and his address of record is in Parkersburg, West Virginia.
2. On Dr. Godfrey's licensure renewal application for the period from July 1, 2008, to June 30, 2010, submitted to the Board and dated June 30, 2010, Dr. Godfrey represented that he had completed the required minimum number of fifty (50) hours of continuing medical education coursework, including two (2) hours in the subject of end-of-life care including pain management, during the licensure period from July 1, 2008, to June 30, 2010.
3. In January 2011, Dr. Godfrey was the subject of a random audit by the Board to determine whether he had completed the required minimum number of fifty (50) hours of continuing medical education coursework, as described in Board Rule 11 CSR 6 4.2, including two (2) hours in the subject of end-of-life care including pain management, as described in West Virginia Code § 30-1-7a, during the licensure period from July 1, 2008, to June 30, 2010.

4. By letter dated January 5, 2011, Dr. Godfrey was asked to provide written documentation to the Board within thirty (30) days, showing that he had completed the required continuing medical education coursework, pursuant to Board rule 11 CSR 6 4.2.

5. Because no such documentation was provided to the Board as required, the Complaint Committee of the Board in May 2011, initiated a complaint against Dr. Godfrey based upon his apparent deficiency of fifty (50) hours of continuing medical education coursework including two (2) hours of such coursework in the subject of end-of-life care including pain management, and his false certification that he had completed all the same during the licensure period from July 1, 2008, to June 30, 2010.

6. On July 22, 2011, Dr. Godfrey responded to the initiated complaint via email by stating that he was traveling out of the country, had not practiced in West Virginia since the spring of 2010, and his current business does not involve medical practice in West Virginia. He supplied a Memorandum declaring that he viewed the issue with the Board to be "fully administrative in nature."

7. As of November 10, 2011, Dr. Godfrey has not provided any written documentation showing that he has completed any required continuing medical education coursework during the licensure period July 1, 2008, to June 30, 2010.

8. Based on the facts set forth above, Dr. Godfrey has engaged in unprofessional conduct, in violation of West Virginia Code § 30-3-14 (c) (17) and 11 CSR 1A 12.1 (e) and (j).

9. Based on the facts set forth above, Dr. Godfrey renewed a license to practice medicine and surgery by making a false statement and fraudulent

misrepresentation in connection with a license application dated June 30, 2010, in violation of West Virginia Code § 30-3-14 (c)(17) and 11 CSR 1A 12.1(a) and 11 CSR 6 4.2 and 4.4.

Accordingly, Respondent Dr. Godfrey is hereby notified that a hearing will be convened on March 2, 2012, at 9:00 a.m. in the offices of the West Virginia Board of Medicine. The purpose of the hearing will be to determine whether disciplinary action should be imposed upon Dr. Godfrey's license to practice medicine and surgery in West Virginia. Respondent, Dr. Godfrey, may be present in person, 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. Godfrey 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 herein as confessed by Dr. Godfrey, under provisions of 11 CSR 3 11.5 (s). Dr. Godfrey 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, Esquire, or Rebecca L. Stepto, Esquire, to preside at and conduct the proceedings.

Dated this December 14 day of 2011.

WEST VIRGINIA BOARD OF MEDICINE

Rev. O. Richard Bowyer
Reverend O. Richard Bowyer
President

Marian Swinker, M.D., M.P.H.
Marian Swinker, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, Deborah Lewis Rodecker, General Counsel for the West Virginia Board of Medicine, do hereby certify that I have served the foregoing Complaint and Notice of Hearing on the 15th day of December, 2011, by mailing a copy by first class certified mail to Dr. Godfrey at the following address of record:

Larry James Godfrey, M.D.
1707 Market Street, Suite A
Parkersburg, WV 26101

and by mailing copies by first class certified mail to Dr. Godfrey at the following addresses:

Larry James Godfrey, M.D.
401 Shatto Drive
Carlisle, Pennsylvania 17013

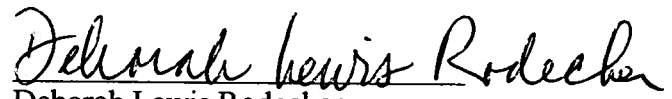
Larry James Godfrey, M.D.
4527 Gentrice Drive
Valrico, FL 33596-8455

and by mailing a copy regular first class mail to Dr. Godfrey at the following address:

Larry James Godfrey, M.D.
St. Joseph's Hospital
1824 Murdoch Avenue, PO Box 327
Parkersburg, WV 26102-0327

and by emailing a copy to Dr. Godfrey at the following address:

lg45125@gmail.com.


Deborah Lewis Rodecker
State Bar No. 3144
West Virginia Board of Medicine
101 Dee Drive
Charleston, WV 25311
304.558.2921 x. 214
Facsimile: 304.558. 2084
Deborah.Lewis.Rodecker@wv.gov

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

**WEST VIRGINIA BOARD OF MEDICINE,
PETITIONER,**

v.

**CECIL CURTIS GRAHAM, M.D.,
RESPONDENT.**

COMPLAINT AND NOTICE OF HEARING

Now comes the Petitioner, the West Virginia Board of Medicine ("Board"), and for its Complaint against Respondent, Cecil Curtis Graham, M.D. ("Dr. Graham"), states as follows:

1. Dr. Graham holds a license to practice medicine and surgery in the State of West Virginia, License No. 14895, issued originally in 1994.
2. At all times relevant hereto, Dr. Graham has acted as the President, Director and supervisor of the Know Pain Clinic located in Beckley, West Virginia.
3. In approximately 2000, Dr. Graham hired Narciso A. Rodriguez-Cayro, M.D. as a physician in the Know Pain Clinic.
4. In approximately late 2006 or early 2007, Dr. Graham moved to Arizona where he began to practice as a physician, which became the primary location where he treated patients.
5. Although Dr. Graham no longer resided in West Virginia, from November of 2007 to August of 2009, Dr. Graham was the supervising physician of record with the Board, for three physician assistants who were employed at the Know Pain Clinic in Beckley, West Virginia. Dr. Graham was the supervising physician of record for Donald

Ray Murphy from November 5, 2007 to August 29, 2009; Shawn Alexander Toney from November 5, 2007 to August 14, 2009; and Joseph Anderson Cooper from November 5, 2007 to August 29, 2009.

6. On August 26, 2009, the Board became aware that Dr. Rodriguez-Cayro, MD had left his employment and would no longer be working at the Know Pain Clinic.

7. After a site-check by the Board Investigator on August 31, 2011, the Board learned that Dr. Graham had been living in Arizona for approximately three years, had visited the clinic only a few times a year at most, and at that time there were no physicians on staff at the Know Pain Clinic to supervise the physician assistants or continue the care of the clinic's patients who were receiving scheduled controlled substances on a consistent basis.

8. Moreover, the Board learned that in the days following Dr. Rodriguez's departure, twenty-eight (28) prescriptions for controlled substances had been called into various pharmacies using Dr. Graham's DEA number. Also after further investigation, upon Dr. Rodriguez's departure, hundreds of prescriptions for controlled substances were written and Mr. Murphy stated they planned to overnight them to Dr. Graham in Arizona in order to obtain Dr. Graham's signature on each of the prescriptions.

9. Upon review of Dr. Graham's Board of Pharmacy report, Dr. Graham also wrote a prescription for a scheduled controlled substance for his mother.

10. In September 2009, the Complaint Committee of the Board initiated a complaint against Dr. Graham, which alleged dishonorable, unethical and/or unprofessional conduct; deceptive, untrue or fraudulent representation in the practice of medicine; failure to perform a statutory or legal obligation placed upon a licensed

physician; and the violation or attempted violation of a law or lawfully promulgated rule of regulation of this State, the Board, the United States and/or any other lawful authority.

11. In October 2009, Dr. Graham filed a response to the initiated complaint with the Board.

12. In November 2009, the Board received a complaint from a former patient alleging unethical or unprofessional conduct, due to Dr. Graham failing to staff the clinic with a physician and leaving the complainant/patient abandoned and unable to obtain refills of prescriptions for her medication.

13. In January 2010, Dr. Graham filed a response to this complaint with the Board and appeared on January 10, 2010, for a full discussion of both matters before the Complaint Committee of the Board.

14. In January 2011, the Complaint Committee referred both matters to an independent expert, Dr. Timothy Deer, M.D., for an independent and impartial review of the materials in these matters.

15. On April 25, 2011, the reviewing physician submitted his report concluding, in summary, that: (1) Dr. Graham had not closely or properly supervised the physician assistants; had not personally evaluated, examined, or taken a history from any of the patients involved in his review; did not staff the clinic and did not meet the standard of being immediately and personally available; (2) Dr. Graham did not properly assess, examine or evaluate the patients to determine appropriateness of controlled substances and did not document any review of addiction history, compliance or red flags for providing opioids in the reviewed cases; (3) Dr. Graham did not offer documentation that he participated actively in the care of the patients despite providing prescriptions

controlled by the DEA; (4) and that the patient records reviewed did not meet the standard of care for a practicing pain physician based on the knowledge base and practice of medicine for 2009.

16. On June 24, 2011, Dr. Graham filed a response to Dr. Deer's independent review, disagreeing with all of the reviewer's findings.

COUNT I

17. Dr. Graham 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 West Virginia Code §30-3-14(c)(17), 11 CSR 1A 12.1(e) and (j).

COUNT II

18. Dr. Graham engaged in conduct which is calculated to bring, or has the effect of bringing, the medical profession into disrepute, including but not limited to, any departure from or failure to confirm to the standards of acceptable and prevailing medical practice within the state, and departure from or failure to conform to the current principles of medical ethics of the AMA in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.2(d).

COUNT III

19. Dr. Graham knowingly made deceptive, untrue or fraudulent representations in the practice of medicine and surgery in violation of West Virginia Code §30-3-14(c)(9) and 11 CSR 12.1(s).

COUNT IV

20. Dr. Graham made, presented, or caused to be made or presented, a false, fraudulent or forged statement, writing, certificate, diploma, or other material in

connection with an application for a license of West Virginia Code §30-3-14(c)(1) and West Virginia Rule 11 CSR 1A 12.1(a).

COUNT V

21. Dr. Graham failed to perform a statutory or legal obligation placed upon a licensed physician and engaged in activity which violated a law or promulgated rule of this State, the Board, the United States, and/or any other lawful authority in violation of West Virginia Code §30-3-14(c)(17), 11 CSR 1A 12.1(o), and 11 CSR 1A 12.2(bb).

COUNT VI

22. Dr. Graham failed to meet the standard of practice in connection with a supervisory and/or collaborative agreement with any health practitioner and failed to report a known or observed violation of this rule in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.2(f) and (j).


23. The continued practice by Dr. Graham as a physician in the State of West Virginia will adversely affect the health and welfare of patients.

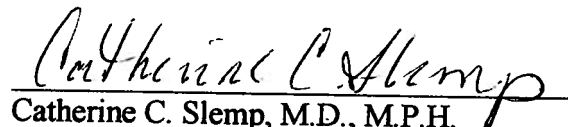
ACCORDINGLY, Cecil Curtis Graham, M.D., is hereby notified that a hearing will convene on February 28 and February 29, 2012, and if necessary, continue thereafter from day to day until completed, beginning at 9:30 a.m. in the offices of the West Virginia Board of Medicine, 101 Dee Drive, Suite 103, Charleston, West Virginia 25311. The purpose of the hearing will be to determine whether disciplinary action should be taken by Petitioner Board against the Respondent's license to practice medicine and surgery in West Virginia. The Respondent, Dr. Graham, must be present in person, may be accompanied by an attorney if he so desires, and may present witnesses or other evidence on his behalf. Failure of Dr. Graham 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 the allegations set out herein as confessed by Dr. Graham, under the provisions of 11 CSR 3 11.5.s. Within fifteen (15) days of receipt of this Complaint and Notice of Hearing, Dr. Graham shall, in writing, select as Hearing Examiner, either Carole Bloom, Esq., or Jack McClung, Esq., to preside at and conduct the proceedings.

Dated this 9 day of September, 2011.

WEST VIRGINIA BOARD OF MEDICINE


Reverend O. Richard Bowyer
President


Catherine C. Slemp, M.D., M.P.H.
Secretary

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

**WEST VIRGINIA BOARD OF MEDICINE,
PETITIONER,**

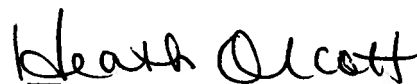
v.

**CECIL CURTIS GRAHAM, M.D.,
RESPONDENT.**

CERTIFICATE OF SERVICE

I, Heather L. Olcott, 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’s counsel of record, by depositing true and accurate copies thereof in an envelope and transmitting the same via hand delivery, this 9 day of September, 2011, as follows:

Sprague W. Hazard, Esq.
900 Lee Street East, Suite 915
Charleston, WV 25301



Heather L. Olcott, Esq.

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

**WEST VIRGINIA BOARD OF MEDICINE,
PETITIONER,**

v.

**PAUL EDWARD JACKSON, M.D.,
RESPONDENT.**

COMPLAINT AND NOTICE OF HEARING

Now comes Petitioner, West Virginia Board of Medicine ("Board"), who states the following:

1. Respondent, Paul Edward Jackson, M.D., ("Dr. Jackson") is licensed to practice medicine and surgery in West Virginia and has been so licensed since 2005.
2. Dr. Jackson's address of record with the Board is in Fort Gay, West Virginia, and his license is identified as West Virginia License No. 22059.
3. The Board became aware in 2010 that a complaint had been filed against Dr. Jackson by the Texas Medical Board relating to his care of two (2) patients in 2007, and the Texas Medical Board held a hearing for which Dr. Jackson failed to appear.
4. Dr. Jackson appeared before the Board's Complaint Committee in March 2011, for a discussion of the Texas Medical Board's complaint and his failure to attend the hearing.
5. After completion of the hearing, the Texas Medical Board voted to revoke Dr. Jackson's license and entered a final Order stating the same on June 3, 2011.

6. Based on the facts set forth above in paragraphs 3 and 5, Dr. Jackson has had disciplinary action taken against his license in another jurisdiction, in violation of West Virginia Code §30-3-14 (c) (17) and 11 CSR 1A 12.1 (g), relating to disciplinary action being taken against a medical license in another jurisdiction.

7. Based on the facts set forth above in paragraphs 3 and 5, Dr. Jackson engaged in unprofessional and unethical conduct, in violation of West Virginia Code §30-3-14 (c)(17) and 11 CSR 1A 12.1 (e) and (j).

8. Based on the facts set forth above in paragraphs 3 and 5, Dr. Jackson failed to keep written records justifying the course of treatment of a patient, in violation of West Virginia Code § 30-3-14(c)(11) and (17) and 11 CSR 1A 12.1 (u).

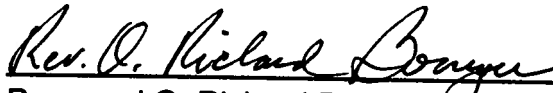
9. Based on the facts set forth above in paragraphs 3 and 5, Dr. Jackson failed to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or a similar specialty as being acceptable under similar conditions and circumstances, in violation of West Virginia Code §30-3-14 (c)(17) and 11 CSR 1A 12.1 (x).

Accordingly, Respondent Dr. Jackson is hereby notified that a hearing will be convened on February 7, 2012, at 9:00 a.m. in the offices of the West Virginia Board of Medicine. The purpose of the hearing will be to determine whether disciplinary action should be imposed upon Dr. Jackson's license to practice medicine and surgery in West Virginia. Respondent, Dr. Jackson, may be present in person, 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. Jackson to serve an Answer on Petitioner Board within thirty (30) days after service of the Complaint and Notice of Hearing upon

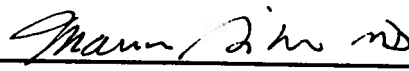
Notice of Hearing upon him entitles Petitioner Board to take all of the allegations herein as confessed by Dr. Jackson, under provisions of 11 CSR 3 11.5 (s). Dr. Jackson shall, in writing, and within fifteen (15) days of receipt of this Complaint and Notice of Hearing, select as Hearing Examiner, either Carole Bloom, Esquire, or Jack McClung, Esquire, to preside at and conduct the proceedings.

Dated this 18th of November, 2011.

WEST VIRGINIA BOARD OF MEDICINE



Reverend O. Richard Bowyer
President




Marian Swinker, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, Deborah Lewis Rodecker, General Counsel for the West Virginia Board of Medicine, do hereby certify that I have served the foregoing Complaint and Notice of Hearing on the 21st day of November, 2011, by hand delivering a copy and by mailing copies by regular and certified mail to Respondent Paul Edward Jackson, M.D., all at his address of record as follows:

Paul Edward Jackson, M.D.
Route 1, Box 554
Fort Gay, West Virginia 25514



Deborah Lewis Rodecker
State Bar No, 3144
West Virginia Board of Medicine
101 Dee Drive
Charleston, WV 25311
304.558.2921 x. 214
Facsimile: 304.558. 2084
Deborah.Lewis.Rodecker@wv.gov

CERTIFICATE OF SERVICE

I, Deborah Lewis Rodecker, General Counsel for the West Virginia Board of Medicine, do hereby certify that I have served the foregoing Complaint and Notice of Hearing on the 19th day of November, 2011, by hand delivering a copy to Respondent Paul Edward Jackson, M.D. at his address of record as follows:

Paul Edward Jackson, M.D.
Route 1, Box 554
Fort Gay, West Virginia 25514

Deborah Lewis Rodecker

Deborah Lewis Rodecker
West Virginia State Bar # 3144
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
304.558.2921 ext. 214
Facsimile: 304.558.2084
Deborah.Lewis.Rodecker@wv.gov

ORIGINAL CNOH ISSUED IN THE
MATTER OF Paul Edward Jackson, MD
WAS HAND DELIVERED TO posted on
front door AT 11:20 AM
Rt. 1 Box 554 Fort Gay, WV
this 19th day of November, 2011

Leslie A. Thornton
LESLIE A. THORNTON
WEST VIRGINIA BOARD OF MEDICINE

ORIGINAL CNOH ISSUED IN THE
MATTER OF Paul Edward Jackson, MD
WAS HAND DELIVERED TO Connie McCagg
-Sister AT 12:30 PM 704
Up. Grayston CK Rd, Ditchard
this 19th day of November, 2011 WV

Leslie A. Thornton
LESLIE A. THORNTON
WEST VIRGINIA BOARD OF MEDICINE

911- Greenbrier CK Rd

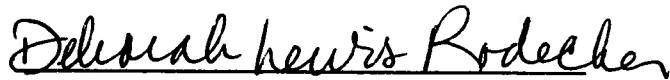
CERTIFICATE OF SERVICE

I, Deborah Lewis Rodecker, General Counsel for the West Virginia Board of Medicine, do hereby certify that I have mailed a copy of the Complaint and Notice of Hearing in this matter by FED Ex, billed to sender, and by certified mail, postage prepaid, this 21st day of November, 2011, to Paul E. Jackson, M.D., addressed as follows:

Paul E. Jackson, M.D.
844 NE 22nd Drive
Wiltonmanors, FL 33305

And this 21st day of November, 2011, by certified mail, postage prepaid, to his address of record with the Board of Medicine, addressed as follows:

Paul Edward Jackson, M.D.
Route 1, Box 554
Fort Gay, West Virginia 25514

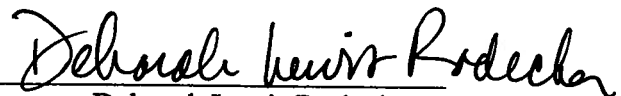


Deborah Lewis Rodecker
West Virginia State Bar # 3144
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
304.558.2921 ext. 214
Facsimile: 304.558.2084
Deborah.Lewis.rodecker@wv.gov

CERTIFICATE OF SERVICE

I, Deborah Lewis Rodecker, General Counsel for the West Virginia Board of Medicine, do hereby certify that I have served the foregoing Complaint and Notice of Hearing on the 22ndth day of November, 2011, by mailing a copy by certified mail, postage prepaid, to Respondent Dr. Jackson addressed as follows:

Paul Edward Jackson, MD
PO Box 407
Fort Gay, WV 25514



Deborah Lewis Rodecker
State Bar No, 3144
West Virginia Board of Medicine
101 Dee Drive
Charleston, WV 25311
304.558.2921 x. 214
Facsimile: 304.558. 2084
Deborah.Lewis.Rodecker@wv.gov

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

LEONARD ANTHONY REYNOLDS, D.P.M.,

RESPONDENT.

COMPLAINT AND NOTICE OF HEARING

Now comes the Petitioner, the West Virginia Board of Medicine (“Board”) who states the following:

1. The Respondent, Leonard Anthony Reynolds, D.P.M. (“Dr. Reynolds”), is licensed to practice podiatry in West Virginia and has been so licensed in West Virginia since 1992.
2. Dr. Reynolds’ license is identified as West Virginia License No. 00271, and his address of record with the Board is in Wellsburg, West Virginia.
3. On December 17, 2009, the District Court entered a Default Judgment Order against Dr. Reynolds in the amount of one million, four hundred seventy one thousand, and one hundred three dollars and fifty seven cents (\$1,471,103.57). Underlying the Default Judgment was a Complaint filed by the United States against Dr. Reynolds on April 17, 2007, asserting fraudulent practices, including the following: submitting claims for payment to Medicare for evaluation and management services not rendered and submitting claims for

payment to Medicare for debridement when the services provided were, in fact, non-covered routine foot care.

4. Based on the facts set forth in paragraph three (3), Dr. Reynolds engaged in unprofessional and unethical conduct, in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j).

5. Based on the facts set forth in paragraph three (3), Dr. Reynolds engaged in conduct which is calculated to bring or has the effect of bringing the podiatric profession into disrepute, in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.2(d).

6. Based on the facts set forth in paragraph three (3), Dr. Reynolds has filed or made a report which he knew to be false, in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(p).

7. Based on the facts set forth in paragraph three (3), Dr. Reynolds made deceptive, untrue or fraudulent representations in the practice of podiatry, in violation of West Virginia Code §30-3-14(c)(9) and (17) and 11 CSR 1A 12.1(s).

8. Based on the facts set forth in paragraph three (3), Dr. Reynolds violated or attempted to violate any law or lawfully promulgated rule or regulation of this State, any other state, the Board, the United States or any other lawful authority, in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(bb).

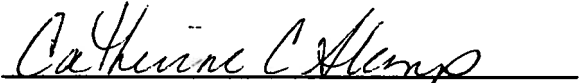
9. Based on the facts set forth in paragraph three (3), Dr. Reynolds charged and collected excessive, unconscionable fees, in violation of West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.2(i).

Accordingly, Respondent, Dr. Reynolds is hereby notified that a hearing will be convened on May 6, 2011, at 9:00 a.m. in the offices of the West Virginia Board of Medicine. The purpose of the hearing will be to determine whether disciplinary action should be imposed upon Dr. Reynolds' license to practice podiatry in West Virginia. Respondent, Dr. Reynolds, must be present in person, 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. Reynolds 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 herein as confessed by Dr. Reynolds, under provisions of 11 CSR 3 11.5(s). Dr. Reynolds 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, Esquire, or Jennifer Taylor, Esquire, to preside at and conduct the proceedings.

Dated this 2nd of March, 2011.

WEST VIRGINIA BOARD OF MEDICINE


Reverend O. Richard Bowyer
President



Catherine C. Slemp, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, Steven Johnston Knopp, 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 and Respondent's Counsel by depositing copies of the same in the United States mail, postage prepaid, certified mail, this 4th day of March, 2011, addressed as follows:

Leonard Anthony Reynolds, D.P.M.
145 Main Drive
Wellsburg, West Virginia 26070

Paul J. Harris, Esquire
Harris Law Offices
Fifteenth & Eoff Streets
Wheeling, West Virginia 26003


Steven Johnston Knopp, Esquire
West Virginia State Bar No. 2085
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
Phone: 304 235-1938

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

LEONARD ANTHONY REYNOLDS, D.P.M.

RESPONDENT.

ORDER GRANTING CONTINUANCE

A Complaint and Notice of Hearing was issued by the West Virginia Board of Medicine dated March 2, 2011. Leonard Anthony Reynolds, D.P.M., was notified of a hearing to be held on May 6, 2011, for the purpose of determining whether disciplinary action should be taken by the West Virginia Board of Medicine against the Respondent's license to practice podiatry in the State of West Virginia.

Respondent, Dr. Reynolds, by counsel, Paul J. Harris, Esquire, moved to continue the matter until after the May, 2011, meeting of the West Virginia Board of Medicine to allow the parties to attempt to settle the case prior to hearing. The Petitioner, West Virginia Board of Medicine, by Counsel, Steven Johnston Knopp, Esquire, does not oppose the Respondent's motion for continuance as the Petitioner and Respondent are involved in negotiations which may result in a settlement of the matter.

The Hearing Examiner has reviewed the motion and argument of counsel and has determined that there is good cause for a continuance. It is, accordingly, ORDERED by the

Hearing Examiner that the hearing scheduled for May 6, 2011, is hereby continued. It is further ORDERED that the matter be reset for hearing at an agreeable date to be set by Petitioner Board not to exceed ninety (90) days from the Board's May 16, 2011, meeting.

Entered this 11th day of July, 2011.

Jack C. McClung
Jack C. McClung, Esquire
Hearing Examiner

Prepared by:

Steven Johnston Knopp
Steven Johnston Knopp, Esquire (WVSB No. 2085)
West Virginia Board of Medicine
101 Dec Drive, Suite 103
Charleston, West Virginia 25311
Phone: 304 235-1938

Approved by:

Paul J. Harris
Paul J. Harris, Esquire (WVSB No. 4673)
Harris Law Offices
Fifteenth and Eoff Streets
Wheeling, West Virginia 26003
Phone: 304 232-5300

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

LEONARD ANTHONY REYNOLDS, D.P.M.

RESPONDENT.

ORDER GRANTING CONTINUANCE

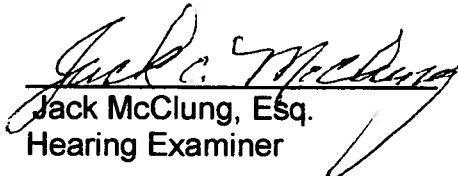
A Complaint and Notice of Hearing was issued by the West Virginia Board of Medicine dated March 2, 2011, Leonard Anthony Reynolds, D.P.M., was notified of a hearing to be held on May 6, 2011, for the purpose of determining whether disciplinary action should be taken by the West Virginia Board of Medicine against the Respondent's license to practice podiatry in the State of West Virginia.

The Respondent, Dr. Reynolds, by counsel, Paul J. Harris, Esquire, requested a continuance until after the May, 2011, meeting of the West Virginia Board of Medicine to allow the parties to attempt to reach a settlement in this matter. The Petitioner, West Virginia Board of Medicine, by counsel, Steven Johnston Knopp, Esquire, did not oppose the Respondent's motion and the Hearing Examiner determined that there was good cause for the continuance and ordered the hearing be continued for ninety (90) days from the Board's May 16, 2011, Board meeting.

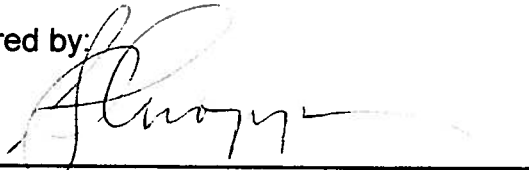
It is necessary to grant a second continuance at this time, as no documentation has yet been secured by Respondent in the attempt of the parties to reach a settlement in this matter.

The hearing examiner has determined that there is good cause for a continuance, and it is therefore ORDERED by the Hearing Examiner that the hearing is continued until a date to be set by Petitioner Board no more than sixty (60) days from the Board's July 11, 2011, meeting, so that the hearing is held no more than ninety (90) days from the Board's July 11, 2011, Board meeting. Extraordinary circumstances must be advanced and agreed to by both parties in order for the undersigned Hearing Examiner to agree to any further requests for a continuance in this matter.

Entered this ~~Aug. 8~~ day of August, 2011.


Jack McClung, Esq.
Hearing Examiner

Prepared by:



Steven Johnston Knopp, Esq.
West Virginia State Bar No. 2085
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
Phone: 304-235-1938

Approved by:


Paul J. Harris, Esq.
West Virginia State Bar No. 4673
Harris Law Offices
Fifteenth and Eoff Streets
Wheeling, West Virginia 26003
Phone: 304-232-5300

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

LEONARD ANTHONY REYNOLDS, D.P.M.

RESPONDENT.

NOTICE OF HEARING

A Complaint and Notice of Hearing was issued by the West Virginia Board of Medicine dated March 2, 2011, Leonard Anthony Reynolds, D.P.M., was notified of a hearing to be held on May 6, 2011, for the purpose of determining whether disciplinary action should be taken by the West Virginia Board of Medicine against the Respondent's license to practice podiatry in the State of West Virginia. Jack C. McClung was selected to act as Hearing Examiner by the Respondent.

The Respondent, Dr. Reynolds, by counsel, Paul J. Harris, Esquire, requested a continuance until after the May, 2011, meeting of the West Virginia Board of Medicine to allow the parties to attempt to reach a settlement in this matter. The Hearing Examiner determined that there was good cause for the continuance and ordered the hearing be continued for ninety (90) days from the Board's May 16, 2011, Board meeting.

On August 8, 2011, the Hearing Examiner issued a second Order Granting Continuance as no documentation had been secured by Respondent in the attempt of the parties to reach a settlement. The second Order Granting Continuance held that a hearing date must be set no more than sixty (60) days from the Board's July 11, 2011,

meeting, so that the hearing is held no more than ninety (90) days from the Board's July 11, 2011, Board meeting.

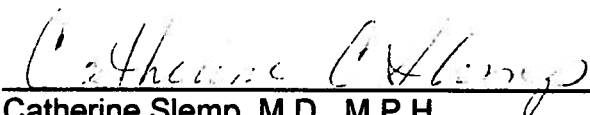
Accordingly, Respondent, Dr. Reynolds is hereby formally notified that a hearing will be convened on Monday, September 26, 2011, at 10:00 a.m. in the offices of the West Virginia Board of Medicine. Notice of the hearing date has been provided to the Respondent by letter. The purpose of the hearing will be to determine whether disciplinary action should be imposed upon Dr. Reynolds' license to practice podiatry in West Virginia. Respondent, Dr. Reynolds, must be present in person, 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.

Entered this 9 day of September, 2011.

WEST VIRGINIA BOARD OF MEDICINE



Reverend O. Richard Bowyer
President



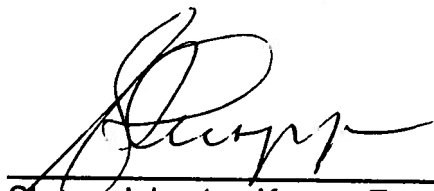
Catherine Slemp, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, Steven Johnston Knopp, counsel for Petitioner, the West Virginia Board of Medicine, do hereby certify that I have served the foregoing "Notice of Hearing" upon Respondent and Respondent's Counsel by depositing copies of the same in the United States mail, postage prepaid, certified mail, this 9 day of September, 2011, addressed as follows:

Leonard Anthony Reynolds, D.P.M.
145 Main Drive
Wellsburg, West Virginia 26070

Paul J. Harris, Esq.
Harris Law Offices
Fifteenth & Eoff Streets
Wheeling, West Virginia 26003



Steven Johnston Knopp, Esq.
Bar # 2085
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
Phone: 304.235.1938

LICENSES SURRENDERED TO THE BOARD – 2011

WEST VIRGINIA BOARD OF MEDICINE

Licenses Surrendered to the Board - 2011
(no public documents)

MEDICAL DOCTORS

Roy, Bhol Nath, M.D.

LICENSURE PROCEEDINGS OPEN – 2011

WEST VIRGINIA BOARD OF MEDICINE

Licensure Proceedings Open - 2011

In Re: Michael W. Brown, M.D.

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: MICHAEL W. BROWN, M.D.

NOTICE OF HEARING

Now comes the West Virginia Board of Medicine ("Board") and states the following:

1. On November 10, 1997, Michael W. Brown, M.D., was issued License No. 19205 by the Board.
2. On May 22, 2004, Dr. Brown requested that License No. 19205 be surrendered to the Board, and the surrender/lapse was accepted by the Board effective July 1, 2004.
3. In February 2010 Dr. Brown applied to reactivate the medical license.
4. In the course of submitting documents in support of reactivation of the medical license, it became evident that Dr. Brown had submitted false information on his license renewal application submitted to the Board in June 2002 when he attested that he had completed the mandatory two (2) hours of continuing education coursework in end-of-life care including pain management during the period July 1, 2000, to June 30, 2002.
5. Dr. Brown had signed the certification on his application dated June 7, 2002, that he had completed the requisite coursework directly under the following statement: "I understand that any license issued from this application is based on the truth of this statement, and that should I furnish any false information in this application, such act constitutes good cause for the denial or revocation of my license to practice medicine in the State of West Virginia."

6. Dr. Brown submitted information to the Board which did not satisfy the requirement of two (2) hours of end-of-life care including pain management continuing education coursework during the requisite time period, July 1, 2000 to June 30, 2002. The information submitted by Dr. Brown was a brochure showing a symposium during the requisite time period, September 9, 2000, entitled "Pain Management Symposium", with no declaration of end-of-life care as a part of the symposium.

7. The Board offered Dr. Brown the opportunity to reactivate licensure in West Virginia through Consent Order whereby he would pay a two hundred dollar (\$200) fine for the deficiency of continuing education in end-of-life care including pain management and one hundred dollars (\$100) for administrative costs. If he did not wish to sign such a Consent Order, the Board offered Dr. Brown the opportunity to request withdrawal of his application for reactivation of license.

8. Dr. Brown declined both options and the Board denied him reactivation of licensure by letter of November 8, 2010.

9. Dr. Brown timely filed a Request for Appeal of Licensure Denial received by the Board on December 7, 2010.

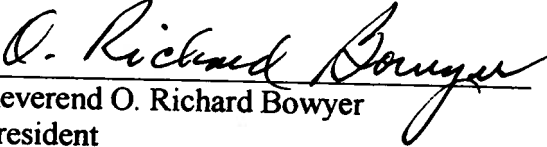
10. Probable cause exists to deny Dr. Brown reactivation of a license to practice medicine in this State due to the provisions of West Virginia Code § 30-3-14 (c)(17) and 11 CSR 1A 12.1(a) relating to presenting a false statement in connection with an application for a license.

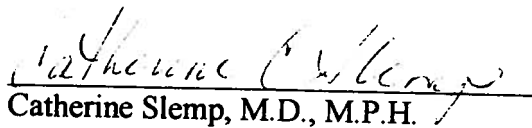
Accordingly, Michael W. Brown, M.D., is hereby notified that a hearing will be convened on February 23, 2011, for the purpose of hearing evidence on the aforesaid request of Dr. Brown for a license to practice medicine and surgery in West Virginia, at

which time Dr. Brown must be present in person, may be accompanied by an attorney if he so desires, to present witnesses or other evidence on his behalf. By law, the burden of satisfying the Board of the applicant's qualifications for licensure is upon the applicant. The hearing will begin at 9:00 a.m. and the applicant, shall in writing and within fifteen (15) days of this Notice, select as Hearing Examiner Anne Werum Lambright, Esquire, or Jack McClung, Esquire, to preside at and conduct the proceedings.

Dated this 10th day of January, 2011.

WEST VIRGINIA BOARD OF MEDICINE

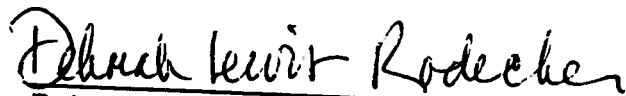

Reverend O. Richard Bowyer
President


Catherine Slemp, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, Deborah Lewis Rodecker, General Counsel for the West Virginia Board of Medicine, do hereby certify that I have served the foregoing Notice of Hearing by depositing a true and accurate copy of the same via certified United States mail, with postage prepaid, on this 10th day of January, 2011, addressed as follows:

MICHAEL WAYNE BROWN MD
3405 BIRCH HOLLOW RD
PIKESVILLE MD 21208



Deborah Lewis Rodecker
Bar # 3144
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
304.558.2921 x 214
Facsimile: 304.558.2084
Deborah.Lewis.Rodecker@wv.gov

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: MICHAEL W. BROWN, M.D.

SECOND NOTICE OF HEARING

Now comes the West Virginia Board of Medicine ("Board") and states the following:

1. On November 10, 1997, Michael W. Brown, M.D., was issued License No. 19205 by the Board.
2. On May 22, 2004, Dr. Brown requested that License No. 19205 be surrendered to the Board, and the surrender/lapse was accepted by the Board effective July 1, 2004.
3. In February 2010 Dr. Brown applied to reactivate the medical license.
4. In the course of submitting documents in support of reactivation of the medical license, it became evident that Dr. Brown had submitted false information on his license renewal application submitted to the Board in June 2002 when he attested that he had completed the mandatory two (2) hours of continuing education coursework in end-of-life care including pain management during the period July 1, 2000, to June 30, 2002.
5. Dr. Brown had signed the certification on his application dated June 7, 2002, that he had completed the requisite coursework directly under the following statement: "I understand that any license issued from this application is based on the truth of this statement, and that should I furnish any false information in this application, such act constitutes good cause for the denial or revocation of my license to practice medicine in the State of West Virginia."

6. Dr. Brown submitted information to the Board which did not satisfy the requirement of two (2) hours of end-of-life care including pain management continuing education coursework during the requisite time period, July 1, 2000 to June 30, 2002. The information submitted by Dr. Brown was a brochure showing a symposium during the requisite time period, September 9, 2000, entitled "Pain Management Symposium", with no declaration of end-of-life care as a part of the symposium.

7. The Board offered Dr. Brown the opportunity to reactivate licensure in West Virginia through Consent Order whereby he would pay a two hundred dollar (\$200) fine for the deficiency of continuing education in end-of-life care including pain management and one hundred dollars (\$100) for administrative costs. If he did not wish to sign such a Consent Order, the Board offered Dr. Brown the opportunity to request withdrawal of his application for reactivation of license.

8. Dr. Brown declined both options and the Board denied him reactivation of licensure by letter of November 8, 2010.

9. Dr. Brown timely filed a Request for Appeal of Licensure Denial received by the Board on December 7, 2010.

10. Probable cause exists to deny Dr. Brown reactivation of a license to practice medicine in this State due to the provisions of West Virginia Code § 30-3-14 (c)(17) and 11 CSR 1A 12.1(a) relating to presenting a false statement in connection with an application for a license.

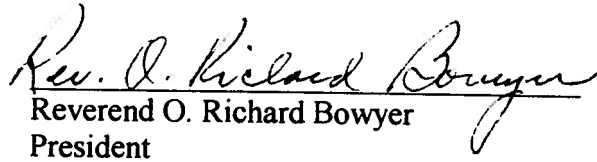
Accordingly, Michael W. Brown, M.D., was notified that a hearing would be convened on February 23, 2011, for the purpose of hearing evidence on the aforesaid request of Dr. Brown for a license to practice medicine and surgery in West Virginia, at

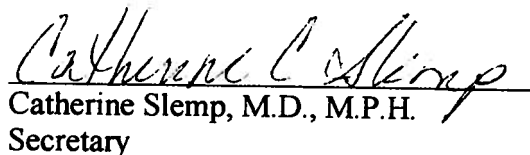
which time Dr. Brown must be present in person, accompanied by an attorney if he so desired, to present witnesses or other evidence on his behalf. Upon receipt of said notification, Dr. Brown requested that the hearing be continued until a later date and has now requested that the hearing be held on October 6, 2011.

Accordingly, the hearing will begin on October 6, 2011 at 9:30 a.m., in the Board of Medicine Offices at 101 Dee Drive, Charleston, West Virginia 25311, and Dr. Brown shall, in writing and within fifteen (15) days of this Second Notice of Hearing, select as Hearing Examiner Anne Werum Lambright, Esquire, or Jack McClung, Esquire, to preside at and conduct the proceedings.

Dated this 11th day of July, 2011.

WEST VIRGINIA BOARD OF MEDICINE

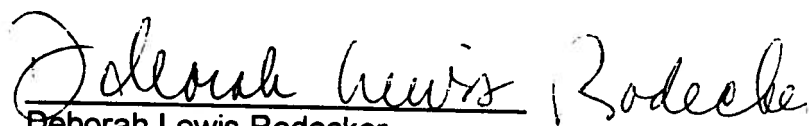

Reverend O. Richard Bowyer
President


Catherine Slemp, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, Deborah Lewis Rodecker, General Counsel for the West Virginia Board of Medicine, do hereby certify that I have served the foregoing Second Notice of Hearing by depositing a true and accurate copy of the same via certified United States mail, with postage prepaid, on this 11th day of July, 2011, addressed as follows:

Michael Wayne Brown, M.D.
3405 Birch Hollow Rd
Pikesville, MD 21208



Deborah Lewis Rodecker
Bar # 3144
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
304.558.2921 x 214
Facsimile: 304.558.2084
Deborah.Lewis.Rodecker@wv.gov

ADMINISTRATIVE ACTIONS ON APPEAL - 2011

WEST VIRGINIA BOARD OF MEDICINE

Disciplinary Cases - 2011
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. GIBSON, CLERK
KANAWHA COUNTY CIRCUIT COURT

Petitioner,

v.

Administrative Appeal No. 10-AD-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.

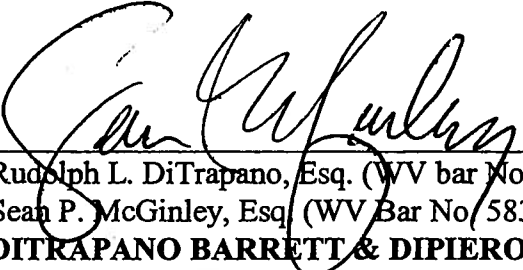
As stated in *Berlow v. State Bd. of Medicine*, 193 W. Va. 666 (W. Va. 1995):

"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

KS

2010 OCT 15 PM 3:32

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 CIRCUIT 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.