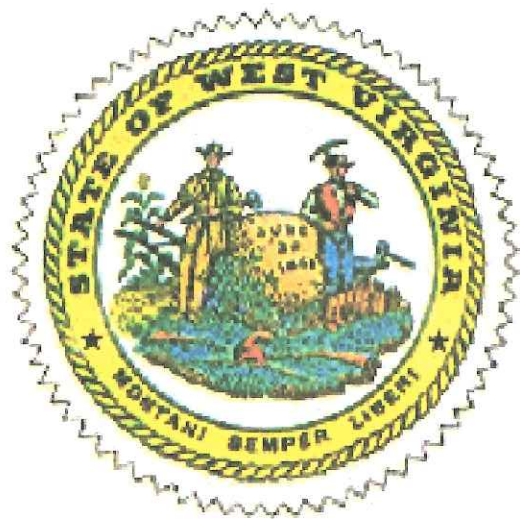


West Virginia Board of Medicine

Annual Report to the Legislature



2012
Volume II

WEST VIRGINIA BOARD OF MEDICINE

2012

ANNUAL REPORT TO THE LEGISLATURE

**Submitted by: Robert C. Knittle, Executive Director
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COMPLAINTS/INVESTIGATIONS - 2012

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

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2012

Closed Cases - No Probable Cause Found/
No Disciplinary Sanction

MONTH OF JANUARY 2012

11-71-L	Luis Enrique Bolano, M.D.
11-91-G	Richard Osborne Booth, Jr., M.D.
11-68-B	Allan Dip-Figueroa, M.D.
11-114-L	Tressie Montene Duffy, M.D.
11-99-S	Patrick Parker Dugan, M.D.
11-92-C	Richard Rosling Feder, M.D.
11-78-T	Joseph George Feghali, M.D.
11-100-D	Gilbert Goliath, M.D.
11-98-C	Andrea Arlene Huffman, M.D.
11-118-R	Ghali Ibrahim-Bacha, M.D.
11-84-B	John Henry Johnson, III, M.D.
11-87-M	Joseph Henry Matusic, M.D.
11-134-B	Richard Manford Moorehead, D.P.M.
11-75-D	Mazen Nashed, M.D.
11-105-B	Kamalesh Purushottam Patel, M.D.
11-102-G	Vishnu Atmaram Patel, M.D.
11-113-R	Humayun Rashid, M.D.
11-117-G	Joseph Barry Selby, M.D.
11-106-E	Sushil Mitter Sethi, M.D.
11-107-W	Daniel Lee Stickler, II, M.D.
11-135-H	Timothy Lawrence Thistlethwaite, M.D.
11-81-C	Ernest Richard Tonski, M.D.
11-89-H	Robert Lee Vawter, M.D.
11-67-A	Syed Abdul Zahir, M.D.

TOTAL 24

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

LUIS ENRIQUE BOLANO, M.D.

COMPLAINT NO. 11-71-L

DECISION

FINDINGS OF FACT

1. Luis Enrique Bolano, M.D. ("Dr. Bolano"), holds a license to practice medicine and surgery in West Virginia, License No. 18023, and his address of record with the Board is in Huntington, West Virginia.

2. In June 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Everett B. Leasure, alleging that Dr. Bolano failed to practice medicine acceptably and engaged in unprofessional conduct by failing to examine the Complainant in a timely manner.

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

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

5. The Complaint Committee subpoenaed further information and Dr. Bolano appeared for a full discussion of the matter before the Complaint Committee at its January 8, 2012, meeting.

6. At the January 8, 2012, 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. Bolano 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. Bolano 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. Bolano'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Bolano 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. Bolano 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. Bolano to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Bolano 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. Bolano'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RICHARD OSBORNE BOOTH, JR., M.D.

COMPLAINT NO. 11-91-G

DECISION

FINDINGS OF FACT

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

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Pamela Grubbs, alleging that Dr. Booth failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant's minor daughter.

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

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

5. At the January 8, 2012, 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. Booth 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. Booth'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 January 9, 2012.

CONCLUSIONS OF LAW

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

2. There is no evidence in this matter to prove that Dr. Booth is unqualified to practice medicine and surgery in this State for 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. Booth violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Booth's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Booth 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. Booth'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ALLAN DIP-FIGUEROA, M.D.

COMPLAINT NO. 11-68-B

DECISION

FINDINGS OF FACT

1. Allan Dip-Figueroa, M.D. ("Dr. Dip-Figueroa"), holds a license to practice medicine and surgery in West Virginia, License No. 14444, and his address of record with the Board is in Parkersburg, West Virginia.

2. In June 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Linda S. Bush, alleging that Dr. Dip-Figueroa failed to practice medicine acceptably and engaged in unprofessional conduct for fees charged to the Complainant by Dr. Dip-Figueroa.

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

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

5. The Complaint Committee subpoenaed further information and Dr. Dip-Figueroa appeared for a full discussion of the matter before the Complaint Committee at its January 8, 2012, meeting.

6. At the January 8, 2012, 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. Dip-Figueroa 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. Dip-Figueroa 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. Dip-Figueroa'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Dip-Figueroa is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code §30-3-14(c) and specifically there is insufficient evidence in this matter to prove that Dr. Dip-Figueroa violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that the license of Dr. Dip-Figueroa to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Dip-Figueroa 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. Dip-Figueroa'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

TRESSIE MONTENE DUFFY, M.D.

COMPLAINT NO. 11-114-L

DECISION

FINDINGS OF FACT

1. Tressie Montene Duffy, M.D. ("Dr. Duffy"), holds a license to practice medicine and surgery in West Virginia, License No. 19978, and her address of record with the Board is in Martinsburg, West Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Michele Jayne Linaburg, alleging that Dr. Duffy failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant.

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

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

5. At the January 8, 2012, 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. Duffy 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. Duffy'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 January 9, 2012.

CONCLUSIONS OF LAW

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

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

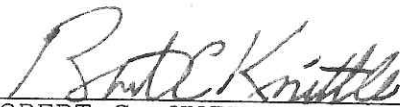
3. The evidence presented in this matter fails to prove that Dr. Duffy's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Duffy failed to practice medicine and

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. Duffy'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PATRICK PARKER DUGAN, M.D.

COMPLAINT NO. 11-99-S

DECISION

FINDINGS OF FACT

1. Patrick Parker Dugan, M.D. ("Dr. Dugan"), holds a license to practice medicine and surgery in West Virginia, License No. 20069, and his address of record with the Board is in Vienna, West Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Stephen E. Smith, alleging that Dr. Dugan failed to practice medicine acceptably and engaged in unprofessional conduct by failing to provide care and treatment to the Complainant.

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

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

5. The Complaint Committee at its January 8, 2012, meeting 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. Dugan 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. Dugan 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. Dugan'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Dugan 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. Dugan 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. Dugan to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Dugan 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. Dugan'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RICHARD ROSLING FEDER, M.D.

COMPLAINT NO. 11-92-C

DECISION

FINDINGS OF FACT

1. Richard Rosling Feder, M.D. ("Dr. Feder"), holds a license to practice medicine and surgery in West Virginia, License No. 12830, 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 April Childers, alleging that Dr. Feder failed to adequately care for Complainant's step-son by refusing to provide care to her step-son, and discriminating against the Complainant's disability.

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

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

5. At the January 8, 2012, 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. Feder 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. Feder failed to perform any statutory or legal obligation placed on a licensed physician. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Feder'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Feder 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. Feder 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. Feder's license to practice medicine and surgery in this State should be restricted or limited because no evidence

exists to show that Dr. Feder 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) and (o).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict Dr. Feder'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOSEPH GEORGE FEGHALI, M.D.

COMPLAINT NO. 11-78-T

DECISION

FINDINGS OF FACT

1. Joseph George Feghali, M.D. ("Dr. Feghali"), holds a license to practice medicine and surgery in West Virginia, License No. 14782, and his 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 Karen Sue Teagarden, alleging that Dr. Feghali failed to practice medicine acceptably and engaged in unprofessional conduct by failing to provide care and treatment to the Complainant after surgery.

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

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

5. The Complaint Committee at its January 8, 2012, meeting 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. Feghali 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. Feghali 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. Feghali'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Feghali 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. Feghali 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. Feghali to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Feghali 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. Feghali'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GILBERT GOLIATH, M.D.

COMPLAINT NO. 11-100-D

DECISION

FINDINGS OF FACT

1. Gilbert Goliath, M.D. ("Dr. Goliath"), holds a license to practice medicine and surgery in West Virginia, License No. 15811, 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 Melanie Duncan, alleging that Dr. Goliath failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant's children.

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

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

5. At the January 8, 2012, 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. Goliath 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. Goliath'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Goliath 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. Goliath 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. Goliath's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Goliath 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. Goliath'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ANDREA ARLENE HUFFMAN, M.D.

COMPLAINT NO. 11-98-C

DECISION

FINDINGS OF FACT

1. Andrea Arlene Huffman, M.D. ("Dr. Huffman"), holds a license to practice medicine and surgery in West Virginia, License No. 24012, and her address of record with the Board is in Salem, West Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from George Robert Casto, alleging that Dr. Huffman failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant.

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

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

5. At the January 8, 2012, 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. Huffman 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. Huffman'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Huffman 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. Huffman 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. Huffman's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Huffman 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. Huffman'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

GHALI IBRAHIM-BACHA, M.D.

COMPLAINT NO. 11-118-R

DECISION

FINDINGS OF FACT

1. Ghali Ibrahim-Bacha, M.D. ("Dr. Ibrahim-Bacha"), holds a license to practice medicine and surgery in West Virginia, License No. 19464, and his address of record with the Board is in Charleston, West Virginia.

2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Barbara F. Ruby, alleging that Dr. Ibrahim-Bacha failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant's deceased husband.

3. The Complaint Committee began an investigation of the complaint and in October 2011, a response to the complaint was filed on behalf of Dr. Ibrahim-Bacha.

4. Subsequently, Dr. Ibrahim-Bacha's response was forwarded to the Complainant and the Complainant filed a reply in December 2011.

5. At the January 8, 2012, 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. Ibrahim-Bacha

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. Ibrahim-Bacha'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Ibrahim-Bacha 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. Ibrahim-Bacha 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. Ibrahim-Bacha's license to practice medicine and

surgery in this State should be restricted or limited because no evidence exists to show that Dr. Ibrahim-Bacha 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. Ibrahim-Bacha'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN HENRY JOHNSON, III, M.D.

COMPLAINT NO. 11-84-B

DECISION

FINDINGS OF FACT

1. John Henry Johnson, III, M.D. ("Dr. Johnson"), holds a license to practice medicine and surgery in West Virginia, License No. 20381, and his address of record with the Board is in Beckley, West Virginia.

2. In July 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Douglas Bryant and Christina Reed, alleging that Dr. Johnson failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant's son.

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

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

5. In November 2011, the Complaint Committee subpoenaed additional documents for its review.

6. At the January 8, 2012, 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. Johnson 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. Johnson'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Johnson 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. Johnson 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. Johnson's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Johnson 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. Johnson'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOSEPH HENRY MATUSIC, M.D.

COMPLAINT NO. 11-87-M

DECISION

FINDINGS OF FACT

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

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kelly Matusic, Dr. Matusic's ex-wife, alleging that Dr. Matusic failed to practice medicine acceptably and engaged in unprofessional conduct by failing to provide adequate care to their children.

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

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

5. At the January 8, 2012, 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. Matusic 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. Matusic 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. Matusic'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Matusic 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. Matusic violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to

prove that the license of Dr. Matusic to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Matusic 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. Matusic'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

RICHARD MANFORD MOOREHEAD, D.P.M.

COMPLAINT NO. 11-134-B

DECISION

FINDINGS OF FACT

1. Richard Manford Moorehead, D.P.M. ("Dr. Moorehead"), holds a license to practice podiatry in West Virginia, License No. 00156, and his address of record with the Board is in Moundsville, West Virginia.

2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Marjorie Brown, alleging that Dr. Moorehead failed to practice podiatry acceptably by failing to render appropriate medical care and treatment to the Complainant.

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

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

5. At the January 8, 2012, 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. Moorehead 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. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Moorehead'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Moorehead 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. Moorehead 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. Moorehead's license to practice podiatry in this State should be restricted or limited because no evidence exists to show that Dr. Moorehead 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 podiatrist engaged in the same specialty, as being acceptable under similar conditions and circumstances. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1 (x).

4. No probable cause exists in this matter to substantiate disqualification from the practice of podiatry or to restrict Dr. Moorehead'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

MAZEN NASHED, M.D.

COMPLAINT NO. 11-75-D

DECISION

FINDINGS OF FACT

1. Mazem Nashed, M.D. ("Dr. Nashed"), holds a license to practice medicine and surgery in West Virginia, License No. 19485, and his address of record with the Board is in Bridgeport, West Virginia.

2. In July 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Evelyn Sharon Davisson, alleging that Dr. Nashed behaved in an unprofessional manner by failing to supply the Complainant with a copy of her 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. Nashed filed a response to the complaint.

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

5. Additional information was requested and received from Dr. Nashed. At the January 8, 2012, 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. Nashed 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. Nashed'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Nashed 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. Nashed 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. Nashed's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Nashed 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. Nashed'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KAMALESH PURUSHOTTAM PATEL, M.D.

COMPLAINT NO. 11-105-B

DECISION

FINDINGS OF FACT

1. Kamalesh Prurshottam Patel, M.D. ("Dr. Patel"), holds a license to practice medicine and surgery in West Virginia, License No. 20783, and his address of record with the Board is in Bland, Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Flora Kaye Bowman, alleging that Dr. Patel failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant.

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

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

5. At the January 8, 2012, 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. Patel 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. Patel'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Patel is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter to prove that Dr. Patel violated any provision of the Medical Practice Act or rule of the Board.
3. The evidence presented in this matter fails to prove that Dr. Patel's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Patel 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. Patel'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

VISHNU ATMARAM PATEL, M.D.

COMPLAINT NO. 11-102-G

DECISION

FINDINGS OF FACT

1. Vishnu Atmaram Patel, M.D. ("Dr. Patel"), holds a license to practice medicine and surgery in West Virginia, License No. 19058, and his address of record with the Board is in Princeton, West Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Thomas C. Gambill, alleging that Dr. Patel failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant.

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

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

5. In November 2011, the Complaint Committee subpoenaed additional documents for its review.

6. At the January 8, 2012, 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. Patel 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. Patel'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 January 9, 2012.

CONCLUSIONS OF LAW

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

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

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

exists to show that Dr. Patel 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. Patel'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: January 9, 2012

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. 11-113-R

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 September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Bobby Running Cougar Roddy, #26488, alleging that Dr. Rashid failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant.

3. The Complaint Committee began an investigation of the complaint and in October 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 November 2011.

5. At the January 8, 2012, 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. 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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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.

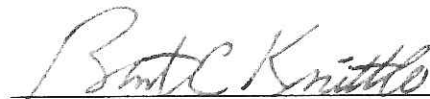
3. The evidence presented in this matter fails to prove that Dr. Rashid's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Rashid failed to practice medicine and

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. 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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOSEPH BARRY SELBY, M.D.

COMPLAINT NO. 11-117-G

DECISION

FINDINGS OF FACT

1. Joseph Barry Selby, M.D. ("Dr. Selby"), holds a license to practice medicine and surgery in West Virginia, License No. 17492, and his address of record with the Board is in Morgantown, West Virginia.

2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Sammy L. Golden, alleging that Dr. Selby failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant.

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

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

5. At the January 8, 2012, 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. Selby 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. Selby'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Selby 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. Selby 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. Selby's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Selby 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. Selby'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SUSHIL MITTER SETHI, M.D.

COMPLAINT NO. 11-106-E

DECISION

FINDINGS OF FACT

1. Sushil Mitter Sethi, M.D. ("Dr. Sethi"), holds a license to practice medicine and surgery in West Virginia, License No. 20744, and his address of record with the Board is in Mansfield, Ohio.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Sylvia J. Eddy, alleging that Dr. Sethi failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant.

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

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

5. At the January 8, 2012, 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. Sethi 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. Sethi'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Sethi 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. Sethi 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. Sethi's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Sethi 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. Sethi'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DANIEL LEE STICKLER, II, M.D.

COMPLAINT NO. 11-107-W

DECISION

FINDINGS OF FACT

1. Daniel Lee Stickler, II, M.D. ("Dr. Stickler"), holds a license to practice medicine and surgery in West Virginia, License No. 19806, 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 Cynthia Denise Wilson, alleging that Dr. Stickler failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant.

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

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

5. In November 2011, the Complaint Committee subpoenaed further documentation for its review.

6. Dr. Stickler appeared for a full discussion of the matter before the Complaint Committee at its January 8, 2012, meeting.

7. At the January 8, 2012, 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. Stickler 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. Stickler'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Stickler 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. Stickler 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. Stickler's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Stickler 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. Stickler'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

TIMOTHY LAWRENCE THISTLEWAITE, M.D.

COMPLAINT NO. 11-135-H

DECISION

FINDINGS OF FACT

1. Timothy Lawrence Thistlewaite, M.D. ("Dr. Thistlewaite"), holds a license to practice medicine and surgery in West Virginia, License No. 21587, and his address of record with the Board is in Charleston, West Virginia.

2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Dallas K. Hall, #42797, alleging that Dr. Thistlewaite failed to practice medicine acceptably and engaged in unprofessional conduct by failing to provide proper medication to the Complainant.

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

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

5. The Complaint Committee at its January 8, 2012, meeting 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. Thistlewaite 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. Thistlewaite 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. Thistlewaite'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Thistlewaite 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. Thistlewaite 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. Thistlewaite to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Thistlewaite 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. Thistlewaite'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ERNEST RICHARD TONSKI, M.D.

COMPLAINT NO. 11-81-C

DECISION

FINDINGS OF FACT

1. Ernest Richard Tonski, M.D. ("Dr. Tonski"), holds a license to practice medicine and surgery in West Virginia, License No. 12256, and his address of record with the Board is in Huntington, West Virginia.

2. In July 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ronald D. Caskey, alleging that Dr. Tonski failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant.

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

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

5. At the January 8, 2012, 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. Tonski 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. Tonski'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Tonski 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. Tonski 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. Tonski's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Tonski 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. Tonski'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ROBERT LEE VAWTER, M.D.

COMPLAINT NO. 11-89-H

DECISION

FINDINGS OF FACT

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

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Robert Hauch, alleging that Dr. Vawter failed to practice medicine acceptably by failing to render appropriate medical care and treatment to the Complainant and terminating the Complainant as a patient.

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

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

5. At the January 8, 2012, 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. Vawter 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. Vawter'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 January 9, 2012.

CONCLUSIONS OF LAW

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

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

3. The evidence presented in this matter fails to prove that Dr. Vawter's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Vawter 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. Vawter'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SYED ABDUL ZAHIR, M.D.

COMPLAINT NO. 11-67-A

DECISION

FINDINGS OF FACT

1. Syed Abdul Zahir, M.D. ("Dr. Zahir"), holds a license to practice medicine and surgery in West Virginia, License No. 9606, and his address of record with the Board is in Beckley, West Virginia.

2. In May 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Brandy Lynn Addison, alleging that Dr. Zahir failed to practice medicine acceptably and engaged in unprofessional conduct by failing to provide care and treatment to the Complainant.

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

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

5. The Complaint Committee at its January 8, 2012, meeting 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. Zahir 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. Zahir 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. Zahir'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 January 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Zahir 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. Zahir 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. Zahir to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Zahir 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. Zahir'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: January 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2012

Closed Cases - No Probable Cause Found/

No Disciplinary Sanction

MONTH OF MARCH 2012

11-136-B Seyoum Daffo Bage, M.D.
11-141-T Richard Graham Bowman, II, M.D.
11-80-M Richard Harvey Byrne, M.D.
11-124-G Jay Walter Copley, III, P.A.-C.
11-104-W Antonio Rimando Diaz, Jr., M.D.
11-109-S Antonio Rimando Diaz, Jr., M.D.
11-137-H Antonio Rimando Diaz, Jr., M.D.
11-138-N Antonio Rimando Diaz, Jr., M.D.
11-152-H Dilipkumar Parsotambhai Ghodasara, M.D.
11-142-M Lisa Caroline Hill, M.D.
11-143-K Charles Rodney Honaker, M.D.
10-147-T Shahrooz Saheb Jamie, M.D.
11-130-G William Randolph Jeffrey, M.D.
11-123-B Samina Kazmi, M.D.
11-95-C Brian Stephen Love, M.D.
11-86-C Steven Christopher Mills, M.D.
11-157-B Prasadarao B. Mukkamala, M.D.
11-131-D Jondavid Pollock, M.D.
11-116-P Humayun Rashid, M.D.
11-122-B Humayun Rashid, M.D.
11-139-C Humayun Rashid, M.D.
11-144-D Humayun Rashid, M.D.
11-145-C Humayun Rashid, M.D.
11-149-T Humayun Rashid, M.D.
11-127-R David Henry Roelkey, V, M.D.
11-125-L Raghda Tolaymat Sahloul, M.D.
11-103-G John Michel Shamma'a, M.D.
11-140-M Garland Roosevelt Ward, III, P.A.-C.

TOTAL 28

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Seyoum Daffo Bage, M.D.

COMPLAINT NO. 11-136-B

DECISION

FINDINGS OF FACT

1. Seyoum Daffo Bage, M.D. ("Dr. Bage") holds a license to practice medicine and surgery in West Virginia, License No. 21587, and his address of record with the Board is in Parkersburg, West Virginia.

2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Michael D. Brown alleging that Dr. Bage behaved in a rude manner and had terminated him as a patient.

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

4. Subsequently, Dr. Bage's response was forwarded to the Complainant and the Complainant submitted a reply in February 2012.

5. At the March 11, 2012, 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. Bage 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. Bage'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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Bage 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. Bage 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. Bage's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Bage 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. Bage'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Richard Graham Bowman, II, M.D.

COMPLAINT NO. 11-141-T

DECISION

FINDINGS OF FACT

1. Richard Graham Bowman, II, M.D. ("Dr. Bowman") holds a license to practice medicine in West Virginia, License No. 20316, and his address of record with the Board is in Charleston, West Virginia.
2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Mrs. Jackie Trevorrow alleging that Dr. Bowman had failed to properly examine the Complainant and communicate with her.
3. The Complaint Committee began an investigation of the complaint and in December 2011, Dr. Bowman filed a response to the complaint.
4. Subsequently, Dr. Bowman's response was forwarded to the Complainant and the Complainant filed a reply in January 2012.
5. At the March 11, 2012, 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. Bowman failed to practice medicine with the level of care, skill and treatment which is

recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances. Moreover, there is no evidence to show that Dr. Bowman 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. Bowman's license to practice medicine 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 12, 2012.

CONCLUSIONS OF LAW

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

2. There is no evidence in this matter to prove that Dr. Bowman is unqualified to practice medicine 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. Bowman violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to

prove that Dr. Bowman's license to practice medicine in this State should be restricted or limited because no evidence exists to show that Dr. Bowman engaged in unprofessional conduct and/or failed to practice medicine with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances. 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 or to restrict Dr. Bowman's license to practice medicine for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Richard Harvey Byrne, M.D.

COMPLAINT NO. 11-80-M

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 July 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Vincent Marino alleging that Dr. Byrne had failed to provide him with a copy of his medical records upon request and had terminated the physician-patient relationship without proper notice.
3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2011, Dr. Byrne filed a response to the complaint.
4. Subsequently, Dr. Byrne's response was forwarded to the Complainant and the Complainant filed a reply in September 2011.
5. Dr. Byrne appeared for a full discussion of the matter before the Complaint Committee at its January 8, 2012, meeting.

6. Additional information was requested and received from Dr. Byrne. At the March 11, 2012, 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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Jay Walter Copley, III, P.A.-C.

COMPLAINT NO. 11-124-G

DECISION

FINDINGS OF FACT

1. Jay Walter Copley, P.A.-C. ("Mr. Copley"), holds a license to practice as a physician assistant in West Virginia, License No. 00613, and his address of record with the Board is in Richwood, West Virginia.
2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Paul L. Gregory alleging that Mr. Copley had failed to properly document his Worker's Compensation injuries during an emergency room examination on December 26, 2009.
3. The Complaint Committee began an investigation of the complaint and in December 2011, Mr. Copley filed a response to the complaint.
4. Subsequently, Mr. Copley's response was forwarded to the Complainant. The Complainant filed no reply.
5. At the March 11, 2012, 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 Medical Practice Act or the rules pertaining to physician assistants. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Mr. Copley'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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Copley 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. Copley violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Mr. Copley'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. Copley'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Antonio Rimando Diaz, Jr., M.D.

COMPLAINT NO. 11-104-W

DECISION

FINDINGS OF FACT

1. Antonio Diaz, M.D. ("Dr. Diaz") holds a license to practice medicine and surgery in West Virginia, License No. 16814, 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 Mark A. Workman alleging that Dr. Diaz had failed to provide him 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 in October 2011, Dr. Diaz filed a response to the complaint.
4. Subsequently, Dr. Diaz's response was forwarded to the Complainant and the Complainant did not file a reply.
5. Dr. Diaz appeared for a full discussion of the matter before the Complaint Committee at its March 11, 2012, meeting.
6. At the March 11, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence to show that Dr. Diaz 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. Diaz's license to practice medicine 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 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Diaz 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. Diaz 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. Diaz's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Diaz 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. Diaz'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Antonio Rimando Diaz, Jr., M.D.

COMPLAINT NO. 11-109-S

DECISION

FINDINGS OF FACT

1. Antonio Diaz, M.D. ("Dr. Diaz") holds a license to practice medicine and surgery in West Virginia, License No. 16814, and his address of record with the Board is in Huntington, West Virginia.

2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Alan Sigman alleging that Dr. Diaz failed to provide him 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 in October 2011, Dr. Diaz filed a response to the complaint.

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

5. Dr. Diaz appeared for a full discussion of the matter before the Complaint Committee at its March 11, 2012, meeting.

6. At the March 11, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no

evidence to show that Dr. Diaz 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. Diaz's license to practice medicine 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 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Diaz 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. Diaz 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. Diaz's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists

to show that Dr. Diaz 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. Diaz'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Antonio Rimando Diaz, Jr., M.D.

COMPLAINT NO. 11-137-H

DECISION

FINDINGS OF FACT

1. Antonio Diaz, M.D. ("Dr. Diaz") holds a license to practice medicine and surgery in West Virginia, License No. 16814, and his address of record with the Board is in Huntington, West Virginia.
2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Robert T. Harris alleging that Dr. Diaz failed to provide him 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 in December 2011, Dr. Diaz filed a response to the complaint.
4. Subsequently, Dr. Diaz's response was forwarded to the Complainant and the Complainant did not file a reply.
5. Dr. Diaz appeared for a full discussion of the matter before the Complaint Committee at its March 11, 2012, meeting.
6. At the March 11, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence to show that Dr. Diaz 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. Diaz's license to practice medicine 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 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Diaz 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. Diaz violated any provision of the Medical Practice Act or rule of the Board.

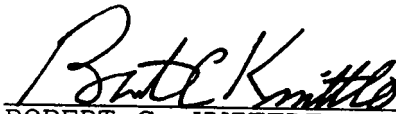
3. The evidence presented in this matter fails to prove that Dr. Diaz's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Diaz engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, 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. Diaz'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Antonio Rimando Diaz, Jr., M.D.

COMPLAINT NO. 11-138-N

DECISION

FINDINGS OF FACT

1. Antonio Diaz, M.D. ("Dr. Diaz") holds a license to practice medicine and surgery in West Virginia, License No. 16814, and his address of record with the Board is in Huntington, West Virginia.

2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Brenda Nunley alleging that Dr. Diaz failed to provide her with a copy of her medical records upon request.

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

4. Subsequently, Dr. Diaz's response was forwarded to the Complainant and the Complainant did not file a reply.

5. Dr. Diaz appeared for a full discussion of the matter before the Complaint Committee at its March 11, 2012, meeting.

6. At the March 11, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence to show that Dr. Diaz 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. Diaz's license to practice medicine 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 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Diaz 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. Diaz 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. Diaz's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Diaz 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. Diaz'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Dilipkumar Parsotambhai Ghodasara, M.D. COMPLAINT NO. 11-152-H

DECISION

FINDINGS OF FACT

1. Dilipkumar Ghodasara, M.D. ("Dr. Ghodasara") holds a license to practice medicine and surgery in West Virginia, License No. 18267, and his address of record with the Board is in Charleston, West Virginia.
2. In December 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Susan G. Hannah (on behalf of Zona L. Hannah, her husband) alleging that Dr. Ghodasara failed to provide appropriate medical care and treatment to her husband.
3. The Complaint Committee began an investigation of the complaint and in January 2012, Dr. Ghodasara filed a response to the complaint.
4. Subsequently, Dr. Ghodasara's response was forwarded to the Complainant and the Complainant filed a reply in January 2012.
5. At the March 11, 2012, 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. Ghodasara 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 or similar 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. Ghodasara'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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Ghodasara 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. Ghodasara violated any provision of the Medical Practice Act or rule of the Board.

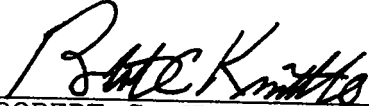
3. The evidence presented in this matter fails to prove that Dr. Ghodasara's license to practice medicine and surgery in this State should be restricted or limited because no

evidence exists to show that Dr. Ghodasara 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 or similar 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. Ghodasara'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Lisa Caroline Hill, M.D.

COMPLAINT NO. 11-142-M

DECISION

FINDINGS OF FACT

1. Lisa Caroline Hill, M.D. ("Dr. Hill") holds a license to practice medicine and surgery in West Virginia, License No. 20527, and her address of record with the Board is in Wheeling, West Virginia.

2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Carolyn Keith Moore alleging that Dr. Hill had failed to render appropriate medical care and treatment to her.

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

4. Subsequently, Dr. Hill's response was forwarded to the Complainant and the Complainant filed a reply in January 2012.

5. At the March 11, 2012, 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. Hill 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 or similar 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. Hill'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 March 12, 2012.

CONCLUSIONS OF LAW


1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Hill 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. Hill 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. Hill's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Hill 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 or similar 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. Hill'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Charles Rodney Honaker, M.D.

COMPLAINT NO. 11-143-K

DECISION

FINDINGS OF FACT

1. Charles Rodney Honaker, M.D. ("Dr. Honaker") holds a license to practice medicine and surgery in West Virginia, License No. 10458, and his address of record with the Board is in Parkersburg, West Virginia.

2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Adam J. Kaplan, M.D., alleging that Dr. Honaker had failed to see a patient at a hospital and had not made himself available.

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

4. Subsequently, Dr. Honaker's response was forwarded to the Complainant and the Complainant filed a reply in January of 2012.

5. At the March 11, 2012, 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. Honaker 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 or similar 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. Honaker'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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Honaker 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. Honaker 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. Honaker's license to practice medicine and surgery in this State should be restricted or limited because no evidence

exists to show that Dr. Honaker 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 or similar 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. Honaker'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Shahrooz Saheb Jamie, M.D.

COMPLAINT NO. 10-147-T

DECISION

FINDINGS OF FACT

1. Shahrooz Saheb Jamie, M.D. ("Dr. Jamie") holds a license to practice medicine and surgery in West Virginia, License No. 10485, and his address of record with the Board is in Clay, West Virginia.

2. In September 2010, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Billy W. Tanner alleging that Dr. Jamie overcharged him for office visits.

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

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

5. Dr. Jamie appeared for a full discussion of the matter before the Complaint Committee at its July 10, 2011, meeting and information from him was requested.

6. At the March 11, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no

evidence to show that Dr. Jamie engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof with respect to the billing of the Complainant. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Jamie's license to practice medicine 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 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Jamie 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. Jamie 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. Jamie's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists

to show that Dr. Jamie engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof with respect to fees 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); 11 CSR 1A 12.2(i).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict Dr. Jamie'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

William Randolph Jeffrey, M.D.

COMPLAINT NO. 11-130-G

DECISION

FINDINGS OF FACT

1. William Randolph Jeffrey, M.D. ("Dr. Jeffrey") holds a license to practice medicine in West Virginia, License No. 18123, and his address of record with the Board is in South Charleston, West Virginia.

2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Wanda J. Gore alleging that Dr. Jeffrey failed to properly examine her during a disability evaluation.

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

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

5. At the March 11, 2012, 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. Jeffrey failed to practice medicine with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in

the same or similar specialty as being acceptable under similar conditions and circumstances. Moreover, there is no evidence to show that Dr. Jeffrey 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. Jeffrey's license to practice medicine 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 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Jeffrey is unqualified to practice medicine 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. Jeffrey 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. Jeffrey's license to practice medicine in this State should be restricted or limited because no evidence exists to show that Dr. Jeffrey engaged in unprofessional conduct and/or failed to practice medicine with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances. 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 or to restrict Dr. Jeffrey's license to practice medicine for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Samina Kazmi, M.D.

COMPLAINT NO. 11-123-B

DECISION

FINDINGS OF FACT

1. Samina Kazmi, M.D. ("Dr. Kazmi") holds a license to practice medicine and surgery in West Virginia, License No. 20887, and her address of record with the Board is in Ontario, Canada.

2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Vickie L. Bowen alleging that Dr. Kazmi failed to provide her with a copy of her medical records upon request.

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

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

5. At the March 11, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence to show that Dr. Kazmi 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. Kazmi's license to practice medicine 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 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Kazmi 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. Kazmi 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. Kazmi's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Kazmi 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. Kazmi'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Brian Stephen Love, M.D.

COMPLAINT NO. 11-95-C

DECISION

FINDINGS OF FACT

1. Brian Stephen Love, M.D. ("Dr. Love") holds a license to practice medicine and surgery in West Virginia, License No. 22407, 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 Kim Carter alleging that Dr. Love had refused to refund an "application fee" for treatment which she had paid on behalf of her sister.
3. The Complaint Committee began an investigation of the complaint and in October 2011, Dr. Love filed a response to the complaint.
4. Subsequently, Dr. Love's response was forwarded to the Complainant and the notice was returned unclaimed. A second notice was sent to the Complainant; however, she did not file a reply.
5. At the March 11, 2012, 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. Love 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 or similar specialty as being acceptable under similar conditions and circumstances with respect to fees. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Love'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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Love 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. Love violated any provision of the Medical Practice Act or rule of the Board.

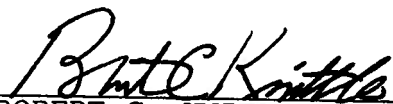
3. The evidence presented in this matter fails to prove that Dr. Love's license to practice medicine and surgery in

this State should be restricted or limited because no evidence exists to show that Dr. Love 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 or similar specialty as being acceptable under similar conditions and circumstances with respect to fees. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x); 11 CSR 1A 12.2(e).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict Dr. Love'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: March 12, 2012

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. 11-86-C

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 of Medicine is in San Andreas, California.
2. In July 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Penni L. Cochran alleging that Dr. Mills had failed to render appropriate medical care and treatment to her and that he failed to inform her of his office closing.
3. The Complaint Committee began an investigation of the complaint and in September 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 September 2011.
5. In November 2011, the Board issued a Subpoena Duces Tecum for the Complainant's medical records. Dr. Mills responded to the Subpoena Duces Tecum and indicated that he did not have access to the records, which were located at Ohio Valley Medical Center. The Board then issued a Subpoena Duces Tecum to Ohio

Valley Medical Center for the Complainant's medical records.

6. The Complainant's medical records were received from Ohio Valley Medical Center in March 2012.

7. At the March 11, 2012, Complaint Committee meeting, the Complaint Committee reviewed the medical records and other information received with respect to the complaint and determined that there is no evidence 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 or similar 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. 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 West Virginia Board of Medicine at its regular meeting on March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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 no evidence exists 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 or similar 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. 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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Prasadarao B. Mukkamala, M.D.

COMPLAINT NO. 11-157-B

DECISION

FINDINGS OF FACT

1. Prasadarao B. Mukkamala, M.D. ("Dr. Mukkamala") holds a license to practice medicine and surgery in West Virginia, License No. 11880, and his address of record with the Board is in Charleston, West Virginia.

2. In December 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Debra Baisden alleging that Dr. Mukkamala was "hateful and rude" to her.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2012, Dr. Mukkamala filed a response to the complaint.

4. Subsequently, Dr. Mukkamala's response was forwarded to the Complainant and the Complainant submitted a reply in February 2012.

5. At the March 11, 2012, 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. Mukkamala 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. Mukkamala'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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Mukkamala 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. Mukkamala 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. Mukkamala's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Mukkamala 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. Mukkamala'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Jondavid Pollock, M.D.

COMPLAINT NO. 11-131-D

DECISION

FINDINGS OF FACT

1. Jondavid Pollock, M.D. ("Dr. Pollock") holds a license to practice medicine and surgery in West Virginia, License No. 20089, and his address of record with the Board is in Wheeling, West Virginia.
2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Janice Donahue, M.D. alleging that Dr. Pollock failed to provide appropriate medical care and treatment to her and failed to provide her with a copy of her medical records upon request.
3. The Complaint Committee began an investigation of the complaint and in November 2011, Dr. Pollock filed a response to the complaint.
4. Subsequently, Dr. Pollock's response was forwarded to the Complainant and the Complainant did not file a reply.
5. At the March 11, 2012, 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. Pollock 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 or similar 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. 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 West Virginia Board of Medicine at its regular meeting on March 12, 2012.

CONCLUSIONS OF LAW

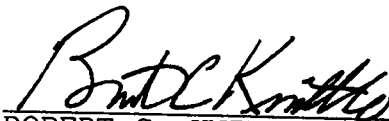
1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Pollock is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter 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 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 or similar 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. 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: March 12, 2012

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. 11-116-P

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 September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ro'Shawn Pannell alleging that Dr. Rashid failed to provide appropriate medical care and treatment to him.
3. The Complaint Committee began an investigation of the complaint and in October 2011, Dr. Rashid filed a response to the complaint.
4. Subsequently, Dr. Rashid's response was forwarded to the Complainant and the Complainant did not file a reply.
5. At the March 11, 2012, 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 or similar 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. 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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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 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 or similar 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. 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: March 12, 2012

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. 11-122-B

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 September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Joseph Braddock alleging that Dr. Rashid failed to provide appropriate medical care and treatment to him.

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

4. Subsequently, Dr. Rashid's response was forwarded to the Complainant via certified mail, however, the certified mail was returned and envelope was marked "Deceased."

5. In January 2012, the Board issued a Subpoena Duces Tecum for the Complainant's medical records.

6. At the March 11, 2012, 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 or similar 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. 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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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 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 or similar 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. 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: March 12, 2012

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. 11-139-C

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 October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from James Aaron Cooper, III alleging that Dr. Rashid failed to provide appropriate medical care and treatment to him.

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

4. Subsequently, Dr. Rashid's response was forwarded to the Complainant and in January 2012, the Complainant filed a reply.

5. At the March 11, 2012, 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 or similar 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. 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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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.

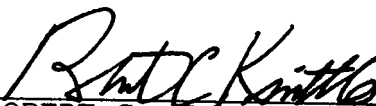
3. The evidence presented in this matter fails to prove that Dr. Rashid's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Rashid failed to practice medicine and

surgery with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar 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. 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: March 12, 2012

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. 11-144-D

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 November 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Miguel Delgado alleging that Dr. Rashid failed to provide appropriate medical care and treatment to him.
3. The Complaint Committee began an investigation of the complaint and in December 2011, Dr. Rashid filed a response to the complaint.
4. Subsequently, Dr. Rashid's response was forwarded to the Complainant and in January 2012, the Complainant filed a reply.
5. At the March 11, 2012, 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 or similar 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. 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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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 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 or similar 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. 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: March 12, 2012

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. 11-145-C

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 November 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Robbie Campbell alleging that Dr. Rashid failed to provide appropriate medical care and treatment to him.
3. The Complaint Committee began an investigation of the complaint and in December 2011, Dr. Rashid filed a response to the complaint.
4. Subsequently, Dr. Rashid's response was forwarded to the Complainant and in January 2012, the Complainant filed a reply.
5. At the March 11, 2012, 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

which is recognized by a reasonable, prudent physician engaged in the same or similar 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. 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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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.

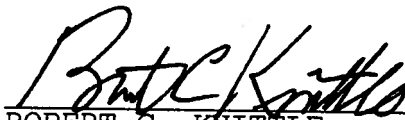
3. The evidence presented in this matter fails to prove that Dr. Rashid's license to practice medicine and surgery in this State should be restricted or limited because no evidence

exists to show that Dr. Rashid 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 or similar 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. 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: March 12, 2012

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. 11-149-T

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 November 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from John Timmons alleging that Dr. Rashid failed to provide appropriate medical care and treatment to him.

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

4. Subsequently, Dr. Rashid's response was forwarded to the Complainant and he did not file a reply.

5. At the March 11, 2012, 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 or similar 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. 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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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 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 or similar 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. 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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

David Henry Roelkey, V, M.D.

COMPLAINT NO. 11-127-R

DECISION

FINDINGS OF FACT

1. David Henry Roelkey, V, M.D. ("Dr. Roelkey") holds a license to practice medicine and surgery in West Virginia, License No. 24525, and his address of record with the Board is in Charles Town, West Virginia.
2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Crystal Rankin alleging that Dr. Roelkey failed to provide appropriate medical care and treatment to her.
3. The Complaint Committee began an investigation of the complaint and in December 2011, Dr. Roelkey filed a response to the complaint.
4. Subsequently, Dr. Roelkey's response was forwarded to the Complainant and in January 2012, the Complainant filed a reply.
5. At the March 11, 2012, 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. Roelkey 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 or similar 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. Roelkey'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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Roelkey 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. Roelkey 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. Roelkey's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Roelkey 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 or similar 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. Roelkey'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Raghda Tolaymat Sahloul, M.D.

COMPLAINT NO. 11-125-L

DECISION

FINDINGS OF FACT

1. Raghda Tolaymat Sahloul, M.D. ("Dr. Sahloul") holds a license to practice medicine and surgery in West Virginia, License No. 20791, and her address of record with the Board is in Charleston, West Virginia.
2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Stephen P. Looney alleging that Dr. Sahloul failed to provide appropriate medical care and treatment to him.
3. The Complaint Committee began an investigation of the complaint and in December 2011, Dr. Sahloul filed a response to the complaint.
4. Subsequently, Dr. Sahloul's response was forwarded to the Complainant and he did not file a reply.
5. At the March 11, 2012, 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. Sahloul 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 or similar 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. Sahloul'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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Sahloul 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. Sahloul 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. Sahloul's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Sahloul 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 or similar 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. Sahloul'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

John Michel Shamma'a, M.D.

COMPLAINT NO. 11-103-G

DECISION

FINDINGS OF FACT

1. John Michel Shamma'a, M.D. ("Dr. Shamma'a") holds a license to practice medicine and surgery in West Virginia, License No. 13786, and his address of record with the Board is in Morgantown, West Virginia.

2. In August 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Diana F. Grimm regarding Dr. Shamma'a's treatment of her.

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

4. Subsequently, Dr. Shamma'a's response was forwarded to the Complainant and the Complainant submitted a reply in January 2012.

5. At the March 11, 2012, 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. Shamma'a 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. Shamma'a'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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Shamma'a 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. Shamma'a 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. Shamma'a's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Shamma'a 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), (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. Shamma'a'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: March 12, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Garland Roosevelt Ward, III, P.A.-C.

COMPLAINT NO. 11-140-M

DECISION

FINDINGS OF FACT

1. Garland Roosevelt Ward, III, P.A.-C. ("Mr. Ward") holds a license to practice as a physician assistant in West Virginia, License No. 01353, and his address of record with the Board is in Beckley, West Virginia.
2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Johnny Ray Miller alleging that Mr. Ward had failed to provide appropriate medical care and treatment to him.
3. The Complaint Committee began an investigation of the complaint and in January 2012, Mr. Ward filed a response to the complaint.
4. Subsequently, Mr. Ward's response was forwarded to the Complainant, who filed a reply in February 2012.
5. At the March 11, 2012, 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 Medical Practice Act or the rules pertaining to physician assistants. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Mr. Ward'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 March 12, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Ward 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. Ward violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Mr. Ward'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. Ward'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: March 12, 2012

FOR THE COMMITTEE:

A handwritten signature in cursive script, appearing to read "Robert C. Knittle", written over a horizontal line.

ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2012

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

MONTH OF MAY 2012

12-05-K	Vincent Battista, M.D.
11-151-G	Richard Rosling Feder, M.D.
11-47-H	Cecil Curtis Graham, M.D.
11-120-C	Sidney Boggess Jackson, M.D.
12-04-R	Phillip Edward Jarvis, M.D.
11-155-G	Joby Joseph, M.D.
11-153-M	Mostafa Kurdi, M.D.
11-156-M	Apolonio E. Lirio, Jr., M.D.
11-126-A	Victor Maevsky, M.D.
12-09-T	Sandra K. May, P.A.-C.
11-150-C	Humayun Rashid, M.D.
12-06-H	Lucia Irene Soltis, M.D.
11-154-G	David Leon Soulsby, M.D.

TOTAL 13

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Vincent Battista, M.D.

COMPLAINT NO. 12-05-K

DECISION

FINDINGS OF FACT

1. Vincent Battista, M.D. ("Dr. Battista") holds a license to practice medicine and surgery in West Virginia, License No. 23385, and his address of record with the Board is in Huntington, West Virginia.

2. In January 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Bertha Charrell Kirk alleging that Dr. Battista failed to provide appropriate medical care and treatment to her.

3. The Complaint Committee began an investigation of the complaint and in March 2012, Dr. Battista filed a response to the complaint.

4. Subsequently, Dr. Battista's response was forwarded to the Complainant and in April 2012, the Complainant filed a reply.

5. At the May 20, 2012, 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. Battista 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 or similar 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. Battista'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 21, 2012.

CONCLUSIONS OF LAW

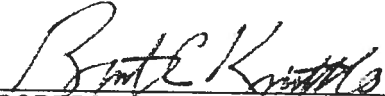
1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical Practice Act ("Medical Practice Act"), contained in Chapter 30, Article 3, of the West Virginia Code, and the rules promulgated thereunder.
2. There is no evidence in this matter to prove that Dr. Battista 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. Battista 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. Battista's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Battista 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 or similar 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. Battista'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 21, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Richard Rosling Feder, M.D.

COMPLAINT NO. 11-151-G

DECISION

FINDINGS OF FACT

1. Richard Rosling Feder, M.D. ("Dr. Feder") holds a license to practice medicine and surgery in West Virginia, License No. 12830, and his address of record with the Board is in Wheeling, West Virginia.

2. In December 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Rosetta Gordon alleging that Dr. Feder had acted in an unprofessional manner and that his office was unsanitary.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in January 2012, a reply to the complaint was filed on behalf of Dr. Feder.

4. Subsequently, Dr. Feder's response was forwarded to the Complainant and the Complainant filed a reply in February 2012.

5. At the May 20, 2012, 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. Feder 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. Feder'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 21, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Feder 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. Feder violated any provision of the Medical Practice Act or rule of the Board.

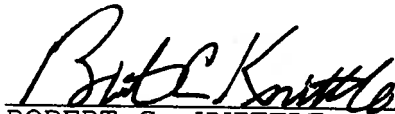
3. The evidence presented in this matter fails to prove that Dr. Feder's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Feder engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, 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. Feder'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 21, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Cecil Curtis Graham, M.D.

COMPLAINT NO. 11-47-H

DECISION

FINDINGS OF FACT

1. Cecil Curtis Graham, M.D. ("Dr. Graham) holds a license to practice medicine and surgery in West Virginia, License No. 14895, and his address of record with the Board is in Phoenix, Arizona.

2. In March 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Gary M. Hartsog, President, Alpha Records Management, Inc., alleging that Dr. Graham had abandoned patient medical records and failed to pay storage and access fees for such patient medical records.

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

4. Subsequently, Dr. Graham's response was forwarded to

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

5. In May 2012, the Complainant submitted documentation stating that the matter regarding his complaint against Dr. Graham had been resolved.

6. At the May 20, 2012, 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. Graham engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, or failing to perform a statutory or legal obligation. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Graham'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 21, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Graham 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. Graham 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. Graham's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Graham engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof, or failure to perform a statutory or legal obligation, 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), (j) and (o).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict Dr. Graham'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 21, 2012

FOR THE COMMITTEE:

A handwritten signature in black ink, appearing to read "Robert C. Knittle". The signature is written in a cursive style with some loops and flourishes.

ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Sidney Boggess Jackson, M.D.

COMPLAINT NO. 11-120-C

DECISION

FINDINGS OF FACT

1. Sidney Boggess Jackson, M.D. ("Dr. Jackson") holds a license to practice medicine in West Virginia, License No. 11573, and his address of record with the Board is in Bridgeport, West Virginia.

2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Gary Lee Collins alleging that Dr. Jackson had failed to examine or provide medical care to him.

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

4. In November 2011, Dr. Jackson's response was forwarded to the Complainant for his reply. The correspondence was returned to the Board of Medicine as having been "refused".

5. In March 2012, additional correspondence was sent to Complainant and it was also returned to the Board of Medicine as having been "refused."

6. At the May 20, 2012, 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. Jackson failed to practice medicine with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances. Moreover, there is no evidence to show that Dr. Jackson 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. Jackson's license to practice medicine 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 21, 2012.

CONCLUSIONS OF LAW

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

2. There is no evidence in this matter to prove that Dr. Jackson is unqualified to practice medicine 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. Jackson violated any provision of the Medical Practice Act or rule of the


Board.

3. The evidence presented in this matter fails to prove that Dr. Jackson's license to practice medicine in this State should be restricted or limited because no evidence exists to show that Dr. Jackson engaged in unprofessional conduct and/or failed to practice medicine with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances. 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 or to restrict Dr. Jackson's license to practice medicine for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 21, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Phillip Edward Jarvis, M.D.

COMPLAINT NO. 12-04-R

DECISION

FINDINGS OF FACT

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

2. In January 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kimberly Ann Clay Riffe on behalf of her deceased husband alleging that Dr. Jarvis failed to provide appropriate medical care and treatment to her deceased husband.

3. The Complaint Committee began an investigation of the complaint and in March 2012, Dr. Jarvis filed a response to the complaint.

4. Subsequently, Dr. Jarvis's response was forwarded to the Complainant and in March 2012, the Complainant filed a reply.

5. At the May 20, 2012, 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. Jarvis 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 or similar 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. Jarvis'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 21, 2012.

CONCLUSIONS OF LAW

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

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

3. The evidence presented in this matter fails to prove that Dr. Jarvis's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Jarvis 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 or similar 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. Jarvis'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 21, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Joby Joseph, M.D.

COMPLAINT NO. 11-155-G

DECISION

FINDINGS OF FACT

1. Joby Joseph, M.D. ("Dr. Joseph") holds a license to practice medicine and surgery in West Virginia, License No. 15460, and his address of record with the Board is in Hurricane, West Virginia.

2. In December 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Lea Ann Gordon alleging that Dr. Joseph failed to provide appropriate medical care and treatment to her.

3. The Complaint Committee began an investigation of the complaint and in January 2012, Dr. Joseph filed a response to the complaint.

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

5. At the May 20, 2012, 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. Joseph 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 or similar 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. Joseph'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 21, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Joseph 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. Joseph 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. Joseph's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Joseph 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

or similar 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. Joseph'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 21, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Mostafa Kurdi, M.D.

COMPLAINT NO. 11-153-M

DECISION

FINDINGS OF FACT

1. Mostafa Kurdi, M.D. ("Dr. Kurdi") holds a license to practice medicine and surgery in West Virginia, License No. 24582, and his address of record with the Board is in Weston, West Virginia.
2. In December 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Karen N F Mealey alleging that Dr. Kurdi failed to provide appropriate medical care and treatment to her.
3. The Complaint Committee began an investigation of the complaint and in January 2012, Dr. Kurdi filed a response to the complaint.
4. Subsequently, Dr. Kurdi's response was forwarded to the Complainant and the Complainant filed no reply.
5. At the May 20, 2012, 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. Kurdi 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 or similar 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. Kurdi'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 21, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Kurdi 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. Kurdi 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. Kurdi's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Kurdi 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

or similar 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. Kurdi'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 21, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Apolonio E. Lirio, Jr., M.D.

COMPLAINT NO. 11-156-M

DECISION

FINDINGS OF FACT

1. Apolonio E. Lirio, Jr., M.D. ("Dr. Lirio") holds a license to practice medicine in West Virginia, License No. 12065, and his address of record with the Board is in Crab Orchard, West Virginia.

2. In December 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Clayton Miller alleging that Dr. Lirio had failed to provide proper care and treatment and terminated the patient/physician relationship.

3. The Complaint Committee began an investigation of the complaint and in January 2012, Dr. Lirio filed a response to the complaint.

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

5. At the May 20, 2012, 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. Lirio failed to practice medicine with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same

or similar specialty as being acceptable under similar conditions and circumstances. Moreover, there is no evidence to show that Dr. Lirio 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. Lirio's license to practice medicine 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 21, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Lirio is unqualified to practice medicine 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. Lirio 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. Lirio's license to practice medicine in this State

should be restricted or limited because no evidence exists to show that Dr. Lirio engaged in unprofessional conduct and/or failed to practice medicine with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances. 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 or to restrict Dr. Lirio's license to practice medicine for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: May 21, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Victor Maevsky, M.D.

COMPLAINT NO. 11-126-A

DECISION

FINDINGS OF FACT

1. Victor Maevsky, M.D. ("Dr. Maevsky) holds a license to practice medicine and surgery in West Virginia, License No. 23120, and his address of record with the Board is in Wheeling, West Virginia.

2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from David W. Avery, M.D. alleging that Dr. Maevsky was argumentative and rude to him during a consult call regarding patient care.

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

4. Subsequently, Dr. Maevsky's response was forwarded to the Complainant and the Complainant submitted a reply in December 2011.

5. Additional information was subpoenaed and reviewed by the Complaint Committee at its May 20, 2012, meeting.

6. Dr. Maevsky appeared for a full discussion of the matter before the Complaint Committee at its May 20, 2012, meeting.

7. At the May 20, 2012, 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. Maevsky 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. Maevsky'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 21, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Maevsky 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. Maevsky 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. Maevsky's license to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Maevsky 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. Maevsky'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 21, 2012

FOR THE COMMITTEE:

A handwritten signature in black ink, appearing to read "Robert C. Knittle", written over a horizontal line.

ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Sandra K. May, P.A.-C.

COMPLAINT NO. 12-09-T

DECISION

FINDINGS OF FACT

1. Sandra K. May, P.A.-C. ("Ms. May"), holds a license to practice as a physician assistant in West Virginia, License No. 01366, and her address of record with the Board is in Charleston, West Virginia.
2. In February 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ron Trahan alleging that Ms. May acted in an unprofessional and unethical manner and shared his medical records with a third-party.
3. The Complaint Committee began an investigation of the complaint and in March 2012, Ms. May filed a response to the complaint.
4. Subsequently, Ms. May's response was forwarded to the Complainant. In March 2012, the Complainant filed a reply.
5. At the May 20, 2012, 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 Medical Practice Act or the rules pertaining to physician assistants. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Ms. May'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 May 21, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. May 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. May violated any provision of the Medical Practice Act or rule of the Board.


3. The evidence presented in this matter fails to prove that Ms. May'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. May'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: May 21, 2012

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. 11-150-C

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 Charleston, West Virginia.
2. In December 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from James A. Cooper, III, #31356 alleging that Dr. Rashid failed to provide appropriate medical care and treatment to him.
3. The Complaint Committee began an investigation of the complaint and in January 2012, Dr. Rashid filed a response to the complaint.
4. Subsequently, Dr. Rashid's response was forwarded to the Complainant and the Complainant filed no reply.
5. At the May 20, 2012, 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 or similar 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. 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 May 21, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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 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 or similar 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. 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: May 21, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Lucia Irene Soltis, M.D.

COMPLAINT NO. 12-06-H

DECISION

FINDINGS OF FACT

1. Lucia Irene Soltis, M.D. ("Dr. Soltis") holds a license to practice medicine and surgery in West Virginia, License No. 24336, and her address of record with the Board is in Hamlin, West Virginia.

2. In January 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Mary E. Holdren alleging that Dr. Soltis failed to provide appropriate medical care and treatment to her.

3. The Complaint Committee began an investigation of the complaint and in February 2012, Dr. Soltis filed a response to the complaint.

4. Subsequently, Dr. Soltis's response was forwarded to the Complainant and in March 2012, the Complainant filed a reply.

5. At the May 20, 2012, 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. Soltis 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 or similar 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. Soltis'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 21, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Soltis 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. Soltis 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. Soltis's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Soltis 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 or similar 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. Soltis'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 21, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

David Leon Soulsby, M.D.

COMPLAINT NO. 11-154-G

DECISION

FINDINGS OF FACT

1. David Leon Soulsby, M.D. ("Dr. Soulsby") holds a license to practice medicine and surgery in West Virginia, License No. 13599, and his address of record with the Board is in South Charleston, West Virginia.
2. In December 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Misty D. Green alleging that Dr. Soulsby failed to provide appropriate medical care and treatment to her.
3. The Complaint Committee began an investigation of the complaint and in February 2012, Dr. Soulsby filed a response to the complaint.
4. Subsequently, Dr. Soulsby's response was forwarded to the Complainant and in March 2012, the Complainant filed a reply.
5. At the May 20, 2012, 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. Soulsby 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 or similar 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. Soulsby'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 21, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Soulsby 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. Soulsby violated any provision of the Medical Practice Act or rule of the Board.

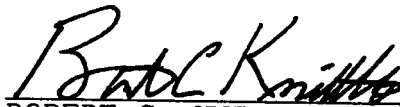
3. The evidence presented in this matter fails to prove that Dr. Soulsby's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Soulsby failed to practice medicine and surgery with the level of care, skill and treatment which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

recognized by a reasonable, prudent physician engaged in the same or similar 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. Soulsby'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 21, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2012

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

MONTH OF JULY 2012

12-19-J	Marsha Lee Bailey, M.D.
12-15-B	Suresh Balasubramony, M.D.
12-17-S	Subhash Chander Bhanot, M.D.
11-108-W	William Lee Harris, M.D.
12-18-B	Theodore Arden Jackson, M.D.
12-08-P	Christopher Konkyo Kim, M.D.
12-07-B	John Peter Lubicky, M.D.
12-23-B	Peter Joseph Lukowski, M.D.
12-48-W	Nizar Darwiche Nouredine, M.D.
12-30-M	Nikunj Prafulbhai Patel, M.D.
12-16-L	Sushil Mitter Sethi, M.D.
12-22-B	Lee Elliott Smith, M.D.
12-24-S	Shrikant Kashinath Vaidya, M.D.

TOTAL 13

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Marsha Lee Bailey, M.D.

COMPLAINT NO. 12-19-J

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 March 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Ronald Craig Jones alleging that Dr. Bailey had acted in an unprofessional manner and submitted a false and misleading report concerning her examination of him to a third party.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2012, Dr. Bailey filed a response to the complaint.

4. Subsequently, Dr. Bailey's response was forwarded to the Complainant and the Complainant submitted a reply in May 2012.

5. At the July 8, 2012, 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 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. 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 Board at its regular meeting on July 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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 reasons 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 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. 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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Suresh Balasubramony, M.D.

COMPLAINT NO. 12-15-B

DECISION

FINDINGS OF FACT

1. Suresh Balasubramony, M.D. ("Dr. Balasubramony") holds a license to practice medicine and surgery in West Virginia, License No. 20866, and his address of record with the Board is in Mineral Wells, West Virginia.

2. In March 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Theresa S. Bowen alleging that Dr. Balasubramony failed to render appropriate medical care and treatment and acted in an unprofessional manner.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2012, a response was filed on behalf of Dr. Balasubramony to the complaint.

4. Subsequently, Dr. Balasubramony's response was forwarded to the Complainant. The Complainant did not submit a reply to the response.

5. At the July 8, 2012, 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. Balasubramony 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. Balasubramony'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 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Balasubramony 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. Balasubramony 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. Balasubramony's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Balasubramony 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. Balasubramony'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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Subhash Chander Bhanot, M.D.

COMPLAINT NO. 12-17-S

DECISION

FINDINGS OF FACT

1. Subhash Chander Bhanot, M.D. ("Dr. Bhanot") holds a license to practice medicine and surgery in West Virginia, License No. 13531, and his address of record with the Board is in Logan, West Virginia.

2. In March 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Marvin Smith alleging that Dr. Bhanot failed to render appropriate medical care and treatment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2012, Dr. Bhanot filed a response to the complaint.

4. Subsequently, Dr. Bhanot's response was forwarded to the Complainant. The Complainant did not submit a reply to the response.

5. At the July 8, 2012, 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. Bhanot 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 or similar 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. Bhanot'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 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Bhanot 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. Bhanot 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. Bhanot's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Bhanot 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 or similar 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. Bhanot'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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

William Lee Harris, M.D.

COMPLAINT NO. 11-108-W

DECISION

FINDINGS OF FACT

1. William Lee Harris, M.D. ("Dr. Harris") holds a license to practice medicine and surgery in West Virginia, License No. 10537, 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 Doris L. Williams alleging that Dr. Harris had charged excessive fees and engaged in improper billing practices.

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

4. Subsequently, Dr. Harris' response was forwarded to the Complainant and the Complainant submitted a reply in November 2011.

5. In January 2012, the Board issued a Subpoena Duces Tecum for the Complainant's medical records.

6. The Complainant's medical and billing records were received in January 2012.

7. An independent review of the records was obtained by the Committee in April 2012.

8. At the July 8, 2012, 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. Harris 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 or similar specialty as being acceptable under similar conditions and circumstances with respect to fees and there is no evidence to show that Dr. Harris 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. Harris' 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 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Harris 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. Harris 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. Harris' license to practice medicine and surgery in this State

should be restricted or limited because no evidence exists to show that Dr. Harris 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 or similar specialty as being acceptable under similar conditions and circumstances with respect to fees and there is no evidence to show that Dr. Harris engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x) and (j); 11 CSR 1A 12.2(e).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict Dr. Harris' 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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Theodore Arden Jackson, M.D.

COMPLAINT NO. 12-18-B

DECISION

FINDINGS OF FACT

1. Theodore Arden Jackson, M.D. ("Dr. Jackson") holds a license to practice medicine and surgery in West Virginia, License No. 13531, and his address of record with the Board is in Charleston, West Virginia.

2. In March 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Diana Lynn Boyko alleging that Dr. Jackson failed to render appropriate medical care and treatment to her.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in April 2012, Dr. Jackson filed a response to the complaint.

4. Subsequently, Dr. Jackson's response was forwarded to the Complainant. The Complainant did not submit a reply to the response.

5. At the July 8, 2012, 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. Jackson 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 or similar 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. Jackson'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 9, 2012.

CONCLUSIONS OF LAW

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

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

rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Jackson's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Jackson 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 or similar 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. Jackson'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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Christopher Konkyo Kim, M.D.

COMPLAINT NO. 12-08-P

DECISION

FINDINGS OF FACT

1. Christopher Konkyo Kim, M.D. ("Dr. Kim") holds a license to practice medicine and surgery in West Virginia, License No. 19743, and his address of record with the Board is in Charleston, West Virginia.

2. In February 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Alice M. Pritt alleging that Dr. Kim failed to render appropriate medical care and treatment to her.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2012, Dr. Kim filed a response to the complaint.

4. Subsequently, Dr. Kim's response was forwarded to the Complainant and Complainant filed a reply in May of 2012.

5. At the July 8, 2012, 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. Kim 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 or similar 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. Kim'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 9, 2012.

CONCLUSIONS OF LAW

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

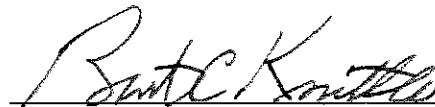
2. There is no evidence in this matter to prove that Dr. Kim is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter to prove that Dr. Kim violated any provision of the Medical Practice Act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

3. The evidence presented in this matter fails to prove that Dr. Kim's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Kim 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 or similar 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. Kim'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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

John Peter Lubicky, M.D.

COMPLAINT NO. 12-07-B

DECISION

FINDINGS OF FACT

1. John Peter Lubicky, M.D. ("Dr. Lubicky") holds a license to practice medicine and surgery in West Virginia, License No. 23860, and his address of record with the Board is in Morgantown, West Virginia.

2. In February 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Michael and Ashley Boggess alleging that Dr. Lubicky was disrespectful and made unprofessional comments during his evaluation of their 19-month-old son.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in March 2012, Dr. Lubicky filed a response to the complaint.

4. Subsequently, Dr. Lubicky's response was forwarded to the Complainants and the Complainants submitted a reply in March 2012.

5. Dr. Lubicky appeared for a full discussion of the matter

before the Complaint Committee at its July 8, 2012, meeting.

6. At the July 8, 2012, 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. Lubicky 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. Lubicky'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 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Lubicky 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. Lubicky 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. Lubicky's license to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Lubicky 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. Lubicky'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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Peter Joseph Lukowski, M.D.

COMPLAINT NO. 12-23-B

DECISION

FINDINGS OF FACT

1. Peter Joseph Lukowski, M.D. ("Dr. Lukowski") holds a license to practice medicine and surgery in West Virginia, License No. 14877, and his address of record with the Board is in Charleston, West Virginia.

2. In April 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Brenda L. Brogan alleging that Dr. Lukowski failed to render appropriate medical care and treatment and acted in an unprofessional manner.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in May 2012, Dr. Lukowski filed a response to the complaint.

4. Subsequently, Dr. Lukowski's response was forwarded to the Complainant. The Complainant submitted a reply in June 2012.

5. At the July 8, 2012, 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. Lukowski 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. Lukowski'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 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Lukowski 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. Lukowski 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. Lukowski's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Lukowski 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. Lukowski'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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Nizar Darwiche Nouredine, M.D.

COMPLAINT NO. 12-48-W

DECISION

FINDINGS OF FACT

1. Nizar Darwiche Nouredine, M.D. ("Dr. Nouredine"), holds a license to practice medicine and surgery in West Virginia, License No. 23130, and his address of record with the Board is in Winston Salem, North Carolina.

2. In May 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") initiated a complaint against Dr. Nouredine alleging unprofessional conduct and making a false statement in connection with a licensure application regarding continuing medical education (CME) credits.

3. The Complaint Committee began an investigation of the complaint and in June 2012, a letter was received from Cindy Dailey, Program Administrator, Adult Cardiology Fellowship Training Program, Marshall University, Department of Cardiology Services certifying that Dr. Nouredine had fulfilled the CME requirements for the time period in question on his licensure application.

4. At the July 8, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence to show that Dr. Nouredine 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. Nouredine'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 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Nouredine 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. Nouredine violated any provision of the Medical Practice Act or rule of the Board.

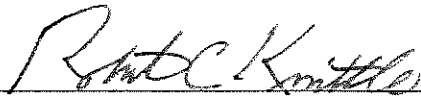
3. The evidence presented in this matter fails to prove that Dr. Nouredine's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Nouredine engaged in

dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(e)and(j) and W. Va. Code § 30-3-14(c)(1) and (17), 11 CSR 1A 12.1(a) and 11 CSR 6 4.2 and 4.4.

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict Dr. Nouredine'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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Nikunj Prafulbhai Patel, M.D.

COMPLAINT NO. 12-30-M

DECISION

FINDINGS OF FACT

1. Nikunj Prafulbhai Patel, M.D. ("Dr. Patel") holds a license to practice medicine and surgery in West Virginia, License No. 24128, and his address of record with the Board is in Beckley, West Virginia.

2. In April 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Roger Mulready alleging that Dr. Patel had charged excessive fees for medical services.

3. The Complaint Committee began an investigation of the complaint and in May 2012, Dr. Patel filed a response to the complaint.

4. Subsequently, Dr. Patel's response was forwarded to the Complainant and the Complainant submitted a reply in June 2012.

5. At the July 8, 2012, 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. Patel 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 or similar specialty as being acceptable under similar conditions and circumstances with respect to fees and there is no evidence to show that Dr. Patel engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Dr. Patel'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 9, 2012.

CONCLUSIONS OF LAW

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

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

3. The evidence presented in this matter fails to

prove that Dr. Patel's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Patel 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 or similar specialty as being acceptable under similar conditions and circumstances with respect to fees and there is no evidence to show that Dr. Patel engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x) and (j); 11 CSR 1A 12.2(e).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict Dr. Patel'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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Sushil Mitter Sethi, M.D.

COMPLAINT NO. 12-16-L

DECISION

FINDINGS OF FACT

1. Sushil Mitter Sethi, M.D. ("Dr. Sethi") holds a license to practice medicine in West Virginia, License No. 20744, and his address of record with the Board is in Mansfield, Ohio.

2. In March 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Elizabeth Lafferty alleging that Dr. Sethi set forth false information in written reports submitted to a third party regarding his evaluations of her.

3. The Complaint Committee began an investigation of the complaint and in April 2012, Dr. Sethi filed a response to the complaint.

4. Subsequently, Dr. Sethi's response was forwarded to the Complainant. The Complainant did not submit a reply to the response.

5. At the July 8, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence to show that Dr. Sethi 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. Sethi's license to practice medicine 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 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Sethi is unqualified to practice medicine 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. Sethi 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. Sethi's license to practice medicine in this State should be restricted or limited because no evidence exists to show that Dr. Sethi engaged in dishonorable, unethical or unprofessional conduct. 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 or to restrict Dr. Sethi's license to practice medicine for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: July 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Lee Elliott Smith, M.D.

COMPLAINT NO. 12-22-B

DECISION

FINDINGS OF FACT

1. Lee Elliott Smith, M.D. ("Dr. Smith") holds a license to practice medicine and surgery in West Virginia, License No. 13597, and his address of record with the Board is in Princeton, West Virginia.

2. In March 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Patricia C. Brown alleging that Dr. Smith had acted in an unprofessional and unethical manner during his treatment of her.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in May 2012, Dr. Smith filed a response to the complaint.

4. Subsequently, Dr. Smith's response was forwarded to the Complainant and the Complainant submitted a reply in May 2012.

5. At the July 8, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with

in this matter to show that Dr. Smith 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. Smith'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 9, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Smith 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. Smith 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. Smith's license to practice medicine and surgery in this

State should be restricted or limited because no evidence exists to show that Dr. Smith 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. Smith'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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Shrikant Kashinath Vaidya, M.D.

COMPLAINT NO. 12-24-S

DECISION

FINDINGS OF FACT

1. Shrikant Kashinath Vaidya, M.D. ("Dr. Vaidya") holds a license to practice medicine and surgery in West Virginia, License No. 13842, and his address of record with the Board is in Point Pleasant, West Virginia.

2. In April 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Charles Martin Shaver alleging that Dr. Vaidya failed to render appropriate medical care and treatment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in May 2012, Dr. Vaidya filed a response to the complaint.

4. Subsequently, Dr. Vaidya's response was forwarded to the Complainant and the Complainant submitted a reply in May 2012.

5. At the July 8, 2012, 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. Vaidya 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 or similar 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. Vaidya'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 9, 2012.

CONCLUSIONS OF LAW

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

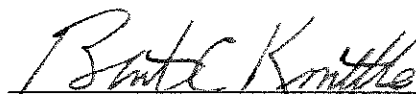
2. There is no evidence in this matter to prove that Dr. Vaidya is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter to prove that Dr. Vaidya violated any provision of the Medical Practice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

3. The evidence presented in this matter fails to prove that Dr. Vaidya's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Vaidya 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 or similar 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. Vaidya'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 9, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2012

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

MONTH OF SEPTEMBER 2012

12-31-B	John David Angotti, M.D.
12-41-M	Paul Christian Bown, M.D.
11-115-N	Susan Lynn Cavender, M.D.
12-29-S	Matthew Adam Cupp, M.D.
11-132-S	Stefan A. Dobranski, M.D.
11-133-S	Cecil Todd Holbert, M.D.
12-61-M	Jason Anthony Hudak, M.D.
11-94-C	Rajiv Khanna, M.D.
12-26-T	Arun Kumar, M.D.
12-59-C	Sandra K. May, P.A.-C.
12-28-G	Humayun Rashid, M.D.
11-119-B	Wilbur Zinn Sine, M.D.
12-10-R	Deleno H. Webb, III, M.D.
12-42-L	Isha Woofter, M.D.

TOTAL 14

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

John David Angotti, M.D.

COMPLAINT NO. 12-31-B

DECISION

FINDINGS OF FACT

1. John David Angotti, M.D. ("Dr. Angotti") holds a license to practice medicine and surgery in West Virginia, License No. 15717, and his address of record with the Board is in Bridgeport, West Virginia.

2. In April 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Carl L. Beverlin alleging that Dr. Angotti failed to render appropriate medical care and treatment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in June 2012, Dr. Angotti filed a response to the complaint.

4. Subsequently, Dr. Angotti's response was forwarded to the Complainant and the Complainant submitted a reply in June 2012.

5. At the September 9, 2012, 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. Angotti 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 or similar 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. Angotti'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Angotti 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. Angotti 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. Angotti's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Angotti 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 or similar 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. Angotti'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 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Paul Christian Bown, M.D.

COMPLAINT NO. 12-41-M

DECISION

FINDINGS OF FACT

1. Paul Christian Bown, M.D. ("Dr. Bown") holds a license to practice medicine and surgery in West Virginia, License No. 20411, and his address of record with the Board is in Huntington, West Virginia.

2. In May 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Patricia A. Morris alleging that Dr. Bown failed to render appropriate medical care and treatment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in June 2012, Dr. Bown filed a response to the complaint.

4. Subsequently, Dr. Bown's response was forwarded to the Complainant and the Complainant did not submit a reply.

5. At the September 9, 2012, 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. Bown 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 or similar 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. Bown'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Bown 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. Bown 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. Bown's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Bown 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 or similar 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. Bown'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 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Susan Lynn Cavender, M.D.

COMPLAINT NO. 11-115-N

DECISION

FINDINGS OF FACT

1. Susan L. Cavender, M.D. ("Dr. Cavender") holds a license to practice medicine and surgery in West Virginia, License No. 14497, and her address of record with the Board is in Charleston, West Virginia.

2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Cindy Nunley alleging that Dr. Cavender had "over prescribed" medications to her adult daughter.

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

4. Subsequently, Dr. Cavender's response was forwarded to the Complainant and the Complainant submitted a reply in January 2012.

5. In March 2012, the Board issued a Subpoena Duces Tecum for the Complainant's daughter's medical records.

6. In April 2012, the Board received a response from Dr. Cavender's legal counsel objecting to the Subpoena Duces

Tecum.

7. In May 2012, the Board petitioned the Circuit Court of Kanawha County for enforcement of the Subpoena Duces Tecum. The Court issued an Order in July 2012 requiring Dr. Cavender to produce documents in response to the Board's Subpoena Duces Tecum.

8. In July 2012, the Board received the medical records from Dr. Cavender.

9. At the September 9, 2012, 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. Cavender 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 or similar 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. Cavender'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Cavender 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. Cavender 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. Cavender's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Cavender 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 or similar 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. Cavender'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 10, 2012

FOR THE COMMITTEE:

Handwritten signature of Robert C. Knittle in cursive script.

ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Matthew Adam Cupp, M.D.

COMPLAINT NO. 12-29-S

DECISION

FINDINGS OF FACT

1. Matthew Adam Cupp, M.D. ("Dr. Cupp") holds a license to practice medicine and surgery in West Virginia, License No. 18353, and his address of record with the Board is in Elkins, West Virginia.

2. In April 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Crystal Summers on behalf of her father, Ralph Bailey, alleging that Dr. Cupp had acted in an unprofessional and unethical manner with respect to completing a Certificate of Medical Necessity form.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in June 2012, Dr. Cupp filed a response to the complaint.

4. Subsequently, Dr. Cupp's response was forwarded to the Complainant and the Complainant did not submit a reply.

5. At the September 9, 2012, 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. Cupp 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. Cupp'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Cupp 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. Cupp 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. Cupp's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Cupp 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. Cupp'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 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Stefan A. Dobranski, M.D.

COMPLAINT NO. 11-132-S

DECISION

FINDINGS OF FACT

1. Stefan A. Dobranski, M.D. ("Dr. Dobranski") holds a license to practice medicine and surgery in West Virginia, License No. 21680, and his address of record with the Board is in Mount-Clare, West Virginia.

2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Thomas E. Samples on behalf of his deceased mother, Patricia C. Samples, alleging that Dr. Dobranski had failed to render appropriate medical care and treatment to her.

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

4. Subsequently, Dr. Dobranski's response was forwarded to the Complainant and the Complainant submitted a reply in January 2012.

5. In March 2012, the Board issued a Subpoena Duces Tecum for the Complainant's decedent's medical records.

6. The Complainant's medical records were received in March and April of 2012.

7. At the September 9, 2012, 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. Dobranski 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 or similar 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. Dobranski'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Dobranski 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. Dobranski 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. Dobranski's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Dobranski 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 or similar 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. Dobranski'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 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Cecil Todd Holbert, M.D.

COMPLAINT NO. 11-133-S

DECISION

FINDINGS OF FACT

1. Cecil Todd Holbert, M.D. ("Dr. Holbert") holds a license to practice medicine and surgery in West Virginia, License No. 20262, and his address of record with the Board is in Bridgeport, West Virginia.

2. In October 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Thomas E. Samples on behalf of his deceased mother, Patricia C. Samples, alleging that Dr. Holbert had failed to render appropriate medical care and treatment to her.

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

4. Subsequently, Dr. Holbert's response was forwarded to the Complainant and the Complainant submitted a reply in January 2012.

5. In March 2012, the Board issued a Subpoena Duces Tecum for the Complainant's decedent's medical records.

6. The Complainant's decedent's medical records were received in March and April of 2012.

7. At the September 9, 2012, 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. Holbert 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 or similar 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. Holbert'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Holbert 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. Holbert 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. Holbert's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Holbert 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 or similar 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. Holbert'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 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Jason Anthony Hudak, M.D.

COMPLAINT NO. 12-61-M

DECISION

FINDINGS OF FACT

1. Jason Anthony Hudak, M.D. ("Dr. Hudak") holds a license to practice medicine and surgery in West Virginia, License No. 22791, and his address of record with the Board is in Barboursville, West Virginia.

2. In June 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Estella Morrison alleging that Dr. Hudak failed to render appropriate medical care and treatment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2012, Dr. Hudak filed a response to the complaint.

4. Subsequently, Dr. Hudak's response was forwarded to the Complainant and the Complainant submitted a reply in August 2012.

5. At the September 9, 2012, 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. Hudak 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 or similar 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. Hudak'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Hudak 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.

Hudak 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. Hudak's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Hudak 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 or similar 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. Hudak'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 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Rajiv Khanna, M.D.

COMPLAINT NO. 11-94-C

DECISION

FINDINGS OF FACT

1. Rajiv Khanna, M.D. ("Dr. Khanna") holds a license to practice medicine and surgery in West Virginia, License No. 18164, 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 Ben Colagrosso on behalf of his deceased wife, Florence B. Colagrosso, alleging that Dr. Khanna had failed to render appropriate medical care and treatment to her.

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

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

5. In November 2011, the Board issued a Subpoena Duces Tecum for the Complainant's decedent's medical records.

6. The Complainant's decedent's medical records were received in November and December of 2011.

7. An independent review of the records was obtained by the Committee in July 2012.

8. At the September 9, 2012, 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. Khanna 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 or similar 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. Khanna'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Khanna 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. Khanna 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. Khanna's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Khanna 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 or similar 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. Khanna'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 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Arun Kumar, M.D.

COMPLAINT NO. 12-26-T

DECISION

FINDINGS OF FACT

1. Arun Kumar, M.D. ("Dr. Kumar") holds a license to practice medicine and surgery in West Virginia, License No. 21630, and his address of record with the Board is in Huntington, West Virginia.

2. In April 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Arnold Townsend on behalf of his deceased wife, Carolyn Townsend, alleging that Dr. Kumar failed to render appropriate medical care and treatment to her.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in June 2012, Dr. Kumar filed a response to the complaint.

4. Subsequently, Dr. Kumar's response was forwarded to the Complainant and the Complainant submitted a reply in June 2012.

5. At the September 9, 2012, 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. Kumar 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 or similar 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. Kumar'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Kumar 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. Kumar 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. Kumar's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Kumar 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 or similar 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. Kumar'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 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Sandra K. May, P.A.-C.

COMPLAINT NO. 12-59-C

DECISION

FINDINGS OF FACT

1. Sandra K. May, P.A.-C. ("Ms. May"), holds a license to practice as a physician assistant in West Virginia, License No. 01366, and her address of record with the Board is in Charleston, West Virginia.

2. In May 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kenneth Chance, Jr. alleging that Ms. May failed to render appropriate medical care and treatment.

3. The Complaint Committee began an investigation of the complaint and in July 2012, Ms. May filed a response to the complaint.

4. Subsequently, Ms. May's response was forwarded to the Complainant. In July 2012, the Complainant filed a reply.

5. At the September 9, 2012, 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 Medical Practice Act or the rules pertaining to physician assistants. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Ms. May'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. May 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. May violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Ms. May'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. May'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 10, 2012

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. 12-28-G

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 Charleston, West Virginia.

2. In April 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Timothy Gibbs alleging that Dr. Rashid failed to render appropriate medical care and treatment.

3. The Complaint Committee began an investigation of the complaint and in May 2012, Dr. Rashid filed a response to the complaint.

4. Subsequently, Dr. Rashid's response was forwarded to the Complainant and in June 2012, the Complainant filed a reply.

5. At the September 9, 2012, 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

treatment which is recognized by a reasonable, prudent physician engaged in the same or similar 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. 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 September 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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 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 or similar 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. 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: September 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Wilbur Zinn Sine, M.D.

COMPLAINT NO. 11-119-B

DECISION

FINDINGS OF FACT

1. Wilbur Zinn Sine, M.D. ("Dr. Sine") holds a license to practice medicine and surgery in West Virginia, License No. 09890, and his address of record with the Board is in Morgantown, West Virginia.

2. In September 2011, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Brenda Bonnett alleging that Dr. Sine had charged excessive fees, engaged in improper billing practices and failed to render appropriate medical care and treatment.

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

4. Subsequently, Dr. Sine's response was forwarded to the Complainant and the Complainant submitted a reply in November 2011.

5. In January 2012, the Board issued Subpoenas Duces Tecum for the Complainant's medical and billing records.

6. The Complainant's medical and billing records were received in January and February 2012.

7. Dr. Sine appeared before the Complaint Committee in May of 2012 for a discussion regarding this matter.

8. At the September 9, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with

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. Sine 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 or similar specialty as being acceptable under similar conditions and circumstances with respect to fees and there is no evidence to show that Dr. Sine 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. Sine'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Sine 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. Sine 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. Sine's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Sine 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 or similar specialty as being acceptable under similar conditions and circumstances with respect to fees and there is no evidence to show that Dr. Sine engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(x); 11 CSR 1A 12.2(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. Sine'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 10, 2012

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. 12-10-R

DECISION

FINDINGS OF FACT

1. Deleno H. Webb, III, M.D. ("Dr. Webb") holds a license to practice medicine in West Virginia, License No. 09413, and his address of record with the Board is in Huntington, West Virginia.

2. In February 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Gregory Racer alleging that Dr. Webb had failed to provide proper care and treatment and had terminated the patient/physician relationship with him.

3. The Complaint Committee began an investigation of the complaint and in April 2012, Dr. Webb filed a response to the complaint.

4. Subsequently, Dr. Webb's response was forwarded to the Complainant and the Complainant submitted a reply in May 2012.

5. In July 2012, the Board issued a Subpoena Duces Tecum for the Complainant's medical records.

6. The Complainant's medical records were received in August 2012.

7. At the September 9, 2012, 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 with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances. Moreover, there is no evidence 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 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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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 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 Dr. Webb's license to practice medicine 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 with the level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances. 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 or to restrict Dr. Webb's license to practice medicine for reasons set forth in W. Va. Code § 30-3-14(c) and/or in the rules promulgated thereunder.

DATE ENTERED: September 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: Isha Woofter, M.D.

COMPLAINT NO. 12-42-L

DECISION

FINDINGS OF FACT

1. Isha Woofter, M.D. ("Dr. Woofter") holds a license to practice medicine and surgery in West Virginia, License No. 21452, and her address of record with the Board is in Clarksburg, West Virginia.

2. In May 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Betty Lopez alleging that Dr. Woofter failed to render appropriate medical care and treatment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in June 2012, Dr. Woofter filed a response to the complaint.

4. Subsequently, Dr. Woofter's response was forwarded to the Complainant and the Complainant submitted a reply in July 2012.

5. At the September 9, 2012, 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. Woofter 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 or similar 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. Woofter'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 10, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Woofter 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. Woofter 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. Woofter's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Woofter 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 or similar 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. Woofter'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 10, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

WEST VIRGINIA BOARD OF MEDICINE

Complaints/Investigations - 2012

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

MONTH OF NOVEMBER 2012

12-65-B	Ernesto Victorino H. Agbayani, M.D.
12-80-V	Robert William Azar, M.D.
12-81-C	Robert David Bailiff, M.D.
12-60-P	David L. Fishkin, M.D.
12-62-H	Denzil Willard Hawkinberry, II, M.D.
12-79-C	Timothy Kevin Jackson, M.D.
12-13-W	Stanley Gordon Kinkaid, M.D.
12-83-W	Sandra K. May, P.A.-C.
12-84-D	Sandra K. May, P.A.-C.
12-82-C	Daniel Joseph McGraw, M.D.
12-63-G	Jonathan Gabriel Newman, M.D.
12-91-V	Joseph Michael Petersen, M.D.
12-68-D	Bonhomme Joseph Prud'Homme, M.D.
12-56-M	David Ward Ranson, M.D.
12-67-D	Jaiyoung Ryu, M.D.
12-66-J	Muhammad Muhye-Ud-Din Sheikh, M.D.
12-36-S	Kambiz Soleymani, M.D.
12-58-M	Rodney Lee Stephens, M.D.
11-93-C	David Livingstone Stuart, M.D.

TOTAL 19

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Ernesto Victorino H. Agbayani, M.D.

COMPLAINT NO. 12-65-B

DECISION

FINDINGS OF FACT

1. Ernesto Victorino H. Agbayani, M.D. ("Dr. Agbayani") holds a license to practice medicine and surgery in West Virginia, License No. 19905, and his address of record with the Board is in Martinsburg, West Virginia.

2. In June 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Melissa L. Blizzard alleging that Dr. Agbayani had acted in an unprofessional and unethical manner by failing to return her telephone calls and for permitting his office staff to act in a rude manner when speaking with her.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2012, Dr. Agbayani filed a response to the complaint.

4. Subsequently, Dr. Agbayani's response was forwarded to the Complainant on two separate occasions; however, on both occasions, the envelopes were returned as "unclaimed."

5. At the November 4, 2012, 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. Agbayani 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. Agbayani'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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Agbayani 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. Agbayani 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. Agbayani's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Agbayani 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. Agbayani'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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Robert William Azar, M.D.

COMPLAINT NO. 12-80-V

DECISION

FINDINGS OF FACT

1. Robert William Azar, M.D. ("Dr. Azar") holds a license to practice medicine and surgery in West Virginia, License No. 09612, and his address of record with the Board is in Vienna, West Virginia.

2. In July 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Deanna Van Meter alleging that Dr. Azar failed to render appropriate medical care and treatment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2012, Dr. Azar filed a response to the complaint.

4. Subsequently, Dr. Azar's response was forwarded to the Complainant and the Complainant did not submit a reply.

5. At the November 4, 2012, 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. Azar 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 or similar 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. Azar'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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Azar 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. Azar 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. Azar's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Azar 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 or similar 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. Azar'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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Robert David Bailiff, M.D.

COMPLAINT NO. 12-81-C

DECISION

FINDINGS OF FACT

1. Robert David Bailiff, M.D. ("Dr. Bailiff") holds a license to practice medicine and surgery in West Virginia, License No. 24630, and his address of record with the Board is in Parkersburg, West Virginia.

2. In July 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Allen R. Casto and his wife, Donna L. Salser-Casto, alleging that Dr. Bailiff failed to render appropriate medical care and treatment to Allen Casto.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2012, Dr. Bailiff filed a response to the complaint.

4. Subsequently, Dr. Bailiff's response was forwarded to the Complainant and the Complainant submitted a reply.

5. At the November 4, 2012, 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. Bailiff 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 or similar 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. Bailiff'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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Bailiff 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. Bailiff 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. Bailiff's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Bailiff 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 or similar 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. Bailiff'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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

David L. Fishkin, M.D.

COMPLAINT NO. 12-60-P

DECISION

FINDINGS OF FACT

1. David L. Fishkin ("Dr. Fishkin") holds a license to practice medicine and surgery in West Virginia, License No. 17136, and his address of record with the Board is in Martinsburg, West Virginia.

2. In June 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Joan G. Pierce alleging that Dr. Fishkin failed to provide her with a copy of her medical records upon request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2012, Dr. Fishkin filed a response to the complaint.

4. Subsequently, Dr. Fishkin's response was forwarded to the Complainant and the Complainant submitted a reply.

5. At the November 4, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence to show that Dr. Fishkin 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. Fishkin's license to practice medicine 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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Fishkin 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. Fishkin violated any provision of the Medical Practice Act or rule of the Board.

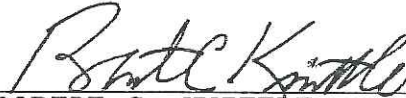
3. The evidence presented in this matter fails to prove that Dr. Fishkin's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Fishkin engaged in dishonorable, unethical or unprofessional conduct of a character likely to deceive, 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. Fishkin'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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Denzil Willard Hawkinberry, II, M.D.

COMPLAINT NO. 12-62-H

DECISION

FINDINGS OF FACT

1. Denzil Willard Hawkinberry, III, M.D. ("Dr. Hawkinberry") holds a license to practice medicine and surgery in West Virginia, License No. 20823, and his address of record with the Board is in Bridgeport, West Virginia.

2. In June 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Stephen Hamrick alleging that Dr. Hawkinberry failed to render appropriate medical care and treatment and was rude to him.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2012, Dr. Hawkinberry filed a response to the complaint.

4. Subsequently, Dr. Hawkinberry's response was forwarded to the Complainant and the Complainant submitted a reply.

5. At the November 4, 2012, 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. Hawkinberry 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 or similar specialty as being acceptable under similar conditions and circumstances and determined that no evidence existed in this matter to show that Dr. Hawkinberry 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. Hawkinberry'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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Hawkinberry 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. Hawkinberry 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. Hawkinberry's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Hawkinberry 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 or similar specialty as being acceptable under similar conditions and circumstances and no evidence exists to show that Dr. Hawkinberry 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(x); 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. Hawkinberry'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 5, 2012

FOR THE COMMITTEE:

A handwritten signature in black ink, appearing to read "Robert C. Knittle", written over a horizontal line.

ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Timothy Kevin Jackson, M.D.

COMPLAINT NO. 12-79-C

DECISION

FINDINGS OF FACT

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

2. In July 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Minnie Costello alleging that Dr. Jackson failed to render appropriate medical care and treatment and failed to respond to her email or return her telephone call.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2012, Dr. Jackson filed a response to the complaint.

4. Subsequently, Dr. Jackson's response was forwarded to the Complainant and the Complainant submitted a reply.

5. At the November 4, 2012, 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. Jackson 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 or similar specialty as being acceptable under similar conditions and circumstances and determined that no evidence existed in this matter to show that Dr. Jackson 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. Jackson'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 5, 2012.

CONCLUSIONS OF LAW

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

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

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

3. The evidence presented in this matter fails to prove that Dr. Jackson's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Jackson 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 or similar specialty as being acceptable under similar conditions and circumstances and no evidence exists to show that Dr. Jackson 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(x); 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. Jackson'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 5, 2012

FOR THE COMMITTEE:

A handwritten signature in cursive script, appearing to read "Robert C. Knittle", written over a horizontal line.

ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Stanley Gordon Kinkaid, M.D.

COMPLAINT NO. 12-13-W

DECISION

FINDINGS OF FACT

1. Stanley Gordon Kinkaid, M.D. ("Dr. Kinkaid"), holds a license to practice medicine and surgery in West Virginia, License No. 24262, and his address of record with the Board is in Winston-Salem, North Carolina.

2. In November, 2011, the West Virginia Board of Medicine received notice from the Credentialing Coordinator of the Department of Veterans Affairs' VA Medical Center in Beckley, West Virginia, that the clinical privileges of Dr. Kinkaid had been suspended and that his employment had been terminated. The notice attached a report from the National Practitioner Data Bank, as well as incomplete portions of patient medical records, reviews of those records, and employment records regarding Dr. Kinkaid.

3. In March 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") reviewed the documents from the VA Medical Center. Based on the review, the Complaint Committee initiated a complaint against Dr. Kinkaid alleging that he appeared to be in apparent violation of portions of the West Virginia Medical Practice Act relating to unprofessional conduct; "gross incompetence, gross ignorance, gross negligence or malpractice" and professional incompetence.

4. The Complaint Committee began an investigation of the complaint and in April 2012, a response to the complaint was filed by Dr. Kinkaid.

5. In June, 2012, the Committee issued a Subpoena Duces Tecum to the Beckley VA Medical Center requesting its complete and entire file concerning the suspension/revocation of Dr. Kinkaid's clinical privileges and the termination of his employment, including the medical records on which the termination had been based.

6. In response to the Subpoena, the Committee received a letter dated June 27, 2012, from a staff attorney with the Department of Veterans Affairs, Office of the Regional Counsel in Huntington indicating that the Beckley VA Medical Center "cannot comply with the subpoena, as the Privacy Act (5 U.S.C. § 552a) does not permit the [VA] to disclose the requested information pursuant to a subpoena." The attorney indicated that a specific form letter had to be submitted to the VA Medical Center, which was done by the Committee in July 2012.

7. In September 2012, the VA Medical Center produced some documents apparently in response to the Subpoena Duces Tecum, although it was impossible to comprehend many of the documents in light of omissions, redactions and unexplained organization.

8. At the November 4, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information

8. At the November 4, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is insufficient evidence provided by the VA Medical Center to the West Virginia Board of Medicine in this matter to show that Dr. Kinkaid engaged in unprofessional conduct which departs from the standards of acceptable and prevailing medicine, or that he committed an act during the course of his medical practice which would be considered to be gross incompetence, gross ignorance, gross negligence or malpractice, or professional incompetence to practice medicine and surgery. This determination was based upon the incomplete and vague records from the VA Medical Center, which were felt to be insufficient to support further action by the Committee. As a result, the Complaint Committee determined that there was no evidence in this matter to proceed against Dr. Kinkaid'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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Kinkaid 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. Kinkaid 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. Kinkaid's license to practice medicine and surgery in this State should be restricted or limited because insufficient evidence exists to show that Dr. Kinkaid engaged in unprofessional conduct, which departs from the standards of acceptable and prevailing medicine, or committed a serious act during the course of his medical practice which would be considered to be gross incompetence, gross ignorance, gross negligence or malpractice or professional incompetence to practice medicine and surgery. W. Va. Code § 30-3-14(c)(17); 11 CSR 1A 12.1(j); 11 CSR 1A 12.2(c); and 11 CSR 1A 12.1 (i).

4. No probable cause exists in this matter to substantiate disqualification from the practice of medicine and surgery or to restrict Dr. Kinkaid'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 5, 2012

FOR THE COMMITTEE:

A handwritten signature in cursive script, appearing to read "Robert C. Knittle". The signature is written in black ink and is positioned above a horizontal line.

ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Sandra K. May, P.A.-C.

COMPLAINT NO. 12-83-W

DECISION

FINDINGS OF FACT

1. Sandra K. May, P.A.-C. ("Ms. May"), holds a license to practice as a physician assistant in West Virginia, License No. 01366, and her address of record with the Board is in Charleston, West Virginia.

2. In July 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Thomas C. Welker alleging that Ms. May failed to render appropriate medical care and treatment.

3. The Complaint Committee began an investigation of the complaint and in August 2012, Ms. May filed a response to the complaint.

4. Subsequently, Ms. May's response was forwarded to the Complainant. In September 2012, the Complainant filed a reply.

5. At the November 4, 2012, 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 Medical Practice Act or the rules pertaining to physician assistants. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Ms. May'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 November 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. May 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. May violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Ms. May'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. May'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: November 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Sandra K. May, P.A.-C.

COMPLAINT NO. 12-84-D

DECISION

FINDINGS OF FACT

1. Sandra K. May, P.A.-C. ("Ms. May"), holds a license to practice as a physician assistant in West Virginia, License No. 01366, and her address of record with the Board is in Charleston, West Virginia.

2. In July 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Miguel Delgado alleging that Ms. May failed to render appropriate medical care and treatment.

3. The Complaint Committee began an investigation of the complaint and in August 2012, Ms. May filed a response to the complaint.

4. Subsequently, Ms. May's response was forwarded to the Complainant. In September 2012, the Complainant filed a reply.

5. At the November 4, 2012, 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 Medical Practice Act or the rules pertaining to physician assistants. As a result, the Complaint Committee determined that there was no reason in this matter to proceed against Ms. May'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 November 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. May 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. May violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Ms. May'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. May'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: November 5, 2012

FOR THE COMMITTEE:

A handwritten signature in cursive script, appearing to read "Robert C. Knittle".

ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Daniel Joseph McGraw, M.D.

COMPLAINT NO. 12-82-C

DECISION

FINDINGS OF FACT

1. Daniel Joseph McGraw, M.D. ("Dr. McGraw") holds a license to practice medicine and surgery in West Virginia, License No. 19481, and his address of record with the Board is in Parkersburg, West Virginia.

2. In July 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Allen R. Casto and his wife, Donna L. Salser-Casto, alleging that Dr. McGraw failed to render appropriate medical care and treatment to Allen Casto.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2012, Dr. McGraw filed a response to the complaint.

4. Subsequently, Dr. McGraw's response was forwarded to the Complainants and the Complainants submitted a reply.

5. At the November 4, 2012, 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. McGraw 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 or similar 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. McGraw'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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. McGraw 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. McGraw 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. McGraw's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. McGraw 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 or similar 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. McGraw'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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Jonathan Gabriel Newman, M.D.

COMPLAINT NO. 12-63-G

DECISION

FINDINGS OF FACT

1. Jonathan Gabriel Newman, M.D. ("Dr. Newman") holds a license to practice medicine and surgery in West Virginia, License No. 18885, and his address of record with the Board is in Fairmont, West Virginia.

2. In June 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Aaron L. Gain alleging that Dr. Newman failed to render appropriate medical care and treatment and was rude with him.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2012, Dr. Newman filed a response to the complaint.

4. Subsequently, Dr. Newman's response was forwarded to the Complainant. The Complainant did not file a reply.

5. At the November 4, 2012, 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. Newman 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 or similar specialty as being acceptable under similar conditions and circumstances and determined that no evidence existed in this matter to show that Dr. Newman 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. Newman'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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Newman 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. Newman 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. Newman's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Newman 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 or similar specialty as being acceptable under similar conditions and circumstances and no evidence exists to show that Dr. Newman 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(x); 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. Newman'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 5, 2012

FOR THE COMMITTEE:

A handwritten signature in black ink, appearing to read "Robert C. Knittle", written over a horizontal line.

ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Joseph Michael Petersen, M.D.

COMPLAINT NO. 12-91-V

DECISION

FINDINGS OF FACT

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

2. In August 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jerry Van Fossen alleging that Dr. Petersen failed to render appropriate medical care and treatment and was disrespectful towards him.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in September 2012, Dr. Petersen filed a response to the complaint.

4. Subsequently, Dr. Petersen's response was forwarded to the Complainant. In October, 2012, the Complainant submitted a reply.

5. At the November 4, 2012, 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. Petersen 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 or similar specialty as being acceptable under similar conditions and circumstances and determined that no evidence existed in this matter to show that Dr. Petersen 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. Petersen'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 5, 2012.

CONCLUSIONS OF LAW

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

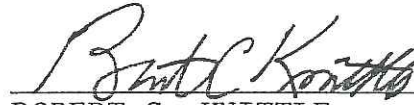
2. There is no evidence in this matter to prove that Dr. Petersen is unqualified to practice medicine and surgery in this State for any reason set forth in W. Va. Code § 30-3-14(c) and specifically there is no evidence in this matter to prove that Dr. Petersen violated any provision of the Medical Practice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

3. The evidence presented in this matter fails to prove that Dr. Petersen's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Petersen 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 or similar specialty as being acceptable under similar conditions and circumstances and no evidence exists to show that Dr. Petersen 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(x); 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. Petersen'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 5, 2012

FOR THE COMMITTEE:

A handwritten signature in black ink, appearing to read "Robert C. Knittle", written over a horizontal line.

ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Bonhomme Joseph Prud'Homme, M.D.

COMPLAINT NO. 12-68-D

DECISION

FINDINGS OF FACT

1. Bonhomme Joseph Prud'Homme, M.D. ("Dr. Prud'Homme") holds a license to practice medicine and surgery in West Virginia, License No. 18188, and his address of record with the Board is in Morgantown, West Virginia.

2. In July 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jeanette R. Davis alleging that Dr. Prud'Homme failed to render appropriate medical care and treatment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2012, Dr. Prud'Homme filed a response to the complaint.

4. Subsequently, Dr. Prud'Homme's response was forwarded to the Complainant and in October 2012, the Complainant submitted a reply.

5. At the November 4, 2012, 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. Prud'Homme 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 or similar 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. Prud'Homme'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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Prud'Homme 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

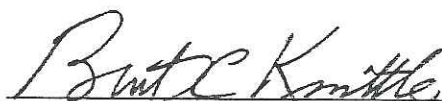
Dr. Prud'Homme violated any provision of the Medical Practice Act or rule of the Board.

3. The evidence presented in this matter fails to prove that Dr. Prud'Homme's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Prud'Homme 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 or similar 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. Prud'Homme'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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

David Ward Ranson, M.D.

COMPLAINT NO. 12-56-M

DECISION

FINDINGS OF FACT

1. David Ward Ranson, M.D. ("Dr. Ranson") holds a license to practice medicine and surgery in West Virginia, License No. 13174, and his address of record with the Board is in South Charleston, West Virginia.

2. In May 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Brenda C. Meickles alleging that Dr. Ranson failed to render appropriate medical care and treatment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2012, Dr. Ranson filed a response to the complaint.

4. Subsequently, Dr. Ranson's response was forwarded to the Complainant and in August 2012, the Complainant submitted a reply.

5. At the November 4, 2012, 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. Ranson 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 or similar 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. Ranson'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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Ranson 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. Ranson 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. Ranson's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Ranson 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 or similar 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. Ranson'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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Jaiyoung Ryu, M.D.

COMPLAINT NO. 12-67-D

DECISION

FINDINGS OF FACT

1. Jaiyoung Ryu, M.D. ("Dr. Ryu") holds a license to practice medicine and surgery in West Virginia, License No. 16912, and his address of record with the Board is in Morgantown, West Virginia.

2. In July 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Jeanette R. Davis alleging that Dr. Ryu failed to render appropriate medical care and treatment.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in August 2012, Dr. Ryu filed a response to the complaint.

4. Subsequently, Dr. Ryu's response was forwarded to the Complainant and in October 2012, the Complainant submitted a reply.

5. At the November 4, 2012, 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. Ryu 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 or similar 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. Ryu'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 5, 2012.

CONCLUSIONS OF LAW

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

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

the Board.

3. The evidence presented in this matter fails to prove that Dr. Ryu's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Ryu 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 or similar 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. Ryu'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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Muhammad Muhye-Ud-Din Sheikh, M.D.

COMPLAINT NO. 12-66-J

DECISION

FINDINGS OF FACT

1. Muhammad Muhye-Ud-Din Sheikh, M.D. ("Dr. Sheikh") does not hold a license to practice medicine and surgery in the State of West Virginia, but he is lawfully practicing medicine in the State of West Virginia as he is engaged in graduate medical training at West Virginia University School of Medicine at Ruby Memorial Hospital, Morgantown, West Virginia.

2. In July 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Kimberly S. James on behalf of her deceased father, Charles E. McGuinness, alleging that Dr. Sheikh had failed to render appropriate medical care and treatment to Charles E. McGuinness by prescribing inappropriate pain medications.

3. The Complaint Committee began an investigation of the complaint and in August 2012, Dr. Sheikh filed a response to the complaint.

4. Subsequently, Dr. Sheikh's response was forwarded to the Complainant and the Complainant did not submit a timely reply.

5. At the November 4, 2012, 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. 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 or similar 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 ability of Dr. Sheikh 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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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 any action should be taken against Dr. Sheikh 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 or similar 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: November 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Kambiz Soleymani, M.D.

COMPLAINT NO. 12-36-S

DECISION

FINDINGS OF FACT

1. Kambiz Soleymani, M.D. ("Dr. Soleymani") holds a license to practice medicine and surgery in West Virginia, License No. 21654, and his address of record with the Board is in Huntington, West Virginia.

2. In May 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Teresa Stapleton alleging that Dr. Soleymani had failed to render appropriate medical care and treatment to her mother, C.B. (full name redacted).

3. The Complaint Committee began an investigation of the complaint. In June 2012, Dr. Soleymani, through his counsel, indicated in correspondence that he could not confirm that C.B. was his patient or disclose any behavioral health information concerning her without an authorization from C.B. or a Court Order authorizing such disclosures.

4. In June 2012, the Committee requested that the Complainant provide either a signed Authorization from her mother or a valid Medical Power of Attorney. The Complainant responded by providing the Committee with a Medical Power of Attorney signed by C.B. on September 26, 2001, in the state of Ohio and naming the complainant as her agent.

5. Counsel for Dr. Soleymani reviewed the Medical Power of Attorney and responded in July 2012 that it does not allow the release of C.B.'s behavioral health information inasmuch as there had been no evidence that her attending physician had determined that C.B. was unable to make health care decisions for herself.

6. In July 2012, Dr. Soleymani indicated that he could not discuss whether C.B. was a patient and her care and treatment if she was a patient. He nonetheless explained what his practice likely would be for a patient such as the one described in the complaint.

7. At the November 4, 2012, 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. Soleymani 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 or similar 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. Soleymani'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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Soleymani 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. Soleymani 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. Soleymani's license to practice medicine and surgery in this State should be restricted or limited because no

evidence exists to show that Dr. Soleymani 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 or similar 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. Soleymani'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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Rodney Lee Stephens, M.D.

COMPLAINT NO. 12-58-M

DECISION

FINDINGS OF FACT

1. Rodney Lee Stephens ("Dr. Stephens") holds a license to practice medicine and surgery in West Virginia, License No. 10685, and his address of record with the Board is in Charleston, West Virginia.

2. In May 2012, the Complaint Committee of the West Virginia Board of Medicine ("Complaint Committee") received a complaint from Lana McCloud alleging that Dr. Stephens failed to provide her with a copy of her medical records upon request.

3. The Complaint Committee of the West Virginia Board of Medicine began an investigation of the complaint and in July 2012, Dr. Stephens filed a response to the complaint.

4. Subsequently, Dr. Stephens's response was forwarded to the Complainant and the Complainant did not submit a reply.

5. At the November 4, 2012, Complaint Committee meeting, the Complaint Committee reviewed all of the information received with respect to the complaint and determined that there is no evidence to show that Dr. Stephens 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. Stephens's license to practice medicine 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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Stephens 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. Stephens 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. Stephens's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Stephens 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. Stephens'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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

David Livingstone Stuart, M.D.

COMPLAINT NO. 11-93-C

DECISION

FINDINGS OF FACT

1. David Livingstone Stuart, M.D. ("Dr. Stuart") holds a license to practice medicine and surgery in West Virginia, License No. 22690, 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 Ben Colagrosso on behalf of his deceased wife, Florence B. Colagrosso, alleging that Dr. Stuart had failed to render appropriate medical care and treatment to the decedent.

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

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

5. In November 2011, the Board issued a Subpoena Duces Tecum for the decedent's medical records.

6. The decedent's medical records were received in December 2011.

7. An independent review of the records by a medical doctor was obtained by the Committee in March 2012.

8. In March, 2012, the medical records were sent to the

expert for review. The expert submitted a response to the review in March 2012.

9. At the November 4, 2012, 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. Stuart 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 or similar specialty as being acceptable under similar conditions and circumstances and there is no evidence to show that Dr. Stuart 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. Stuart' 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 5, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine and its Complaint Committee have jurisdiction over the party and subject matter of the Complaint under the provisions of the West Virginia Medical 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. Stuart 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. Stuart 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. Stuart's license to practice medicine and surgery in this State should be restricted or limited because no evidence exists to show that Dr. Stuart 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 or similar 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. Stuart' 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 5, 2012

FOR THE COMMITTEE:



ROBERT C. KNITTLE
Executive Director
West Virginia Board of Medicine

2012

COMPLAINTS/INVESTIGATIONS

OPEN CASES, INVESTIGATION INITIATED AND CONTINUING

OPEN CASES, DISCIPLINARY PROCEEDINGS COMMENCED

PROBABLE CAUSE FINDINGS

WEST VIRGINIA BOARD OF MEDICINE

2012

Complaints/Investigations Open Cases, Investigation Initiated and Continuing

Total Number of Open Cases

70

<u>Number of Complaints*</u>	<u>Nature of Complaint</u>
47	Malpractice or Failure to Practice Acceptably
30	Unprofessional Conduct
5	Failure to Conform to AMA or APMA Ethical Standards
4	Prescribing Other Than in Good Faith
2	Disciplinary Action in Another State/ License Denial
2	Knowing Delegation of Responsibilities to One Unqualified
2	Violation of Laws, Rules and Orders
1	Exercising Influence for Sexual Activity with Patient
1	Failure to Keep Written Records Justifying Treatment
1	Failure to Perform Statutory or Legal Obligation
1	Inability. . .Due to Physical or Mental Impairment, Including Deterioration Through the Aging Process, Loss of Motor Skill or Abuse of Drugs or Alcohol
1	Prescribing Controlled Substances Other Than Medicinally
1	Violating Dispensing Rule

*please note that open cases may have more than one (1) nature of complaint

2012

Complaints/Investigations
Open Cases, Disciplinary Proceedings Commenced

West Virginia Board of Medicine, Petitioner, v.
Danine Anne Rydland, M.D., Respondent.

West Virginia Board of Medicine, Petitioner, v.
Kenneth James Seen, M.D., Respondent.

Probable Cause Findings
No Disciplinary Proceedings Commenced
As of December 31, 2012

Number

4

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

Petitioner,

v.

Complaint No. 10-141-W

DANINE ANNE RYDLAND, M.D.

Respondent.

**ORDER GRANTING PETITIONER
WEST VIRGINIA BOARD OF MEDICINE'S MOTION FOR CONTINUANCE**

On September 28, 2012, the Petitioner, West Virginia Board of Medicine ["Board of Medicine"], by its disciplinary counsel, Rebecca L. Stepto, filed a Motion for Continuance of the hearing in the above-captioned matter.

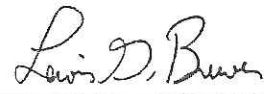
Whereupon, upon review of the motion, it is hereby found as follows:

1. The hearing in this matter is scheduled to begin on November 14, 2012, at the Federal Prison Camp in Alderson, West Virginia.
2. Respondent, Danine Anne Rydland, M.D., ["Dr. Rydland"] is currently incarcerated in the Federal Prison Camp in Alderson, West Virginia, as a result of having been convicted of 34 counts of charges relating to having devised a scheme to defraud health care benefit programs.
3. The Board of Medicine has been unable to make arrangements with prison authorities to conduct the public hearing at the Federal Prison Camp in Alderson, West Virginia, on November 14, 2012.
4. Dr. Rydland has an "actual or projected" release date from prison of April 4, 2013.
5. It is found that good cause has been shown for the continuance of the hearing in this matter from November 14, 2012, to a date to be chosen by the Hearing Examiner.

6. It is further that the Respondent will not be unduly prejudiced by the granting of this motion.

WHEREFORE, the Petitioner West Virginia Board of Medicine's Motion for Continuance is GRANTED.

Dated this 1 day of October, 2012.



Lewis G. Brewer, Esquire
Hearing Examiner

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

Petitioner,

v.

DANINE ANNE RYDLAND, M.D.

Complaint No. 10-141-W

Respondent.

COMPLAINT AND NOTICE OF HEARING

NOW COMES the Petitioner, the West Virginia Board of Medicine ("Board"), and for its Complaint against Respondent, Danine Anne Rydland, M.D. ("Dr. Rydland"), states as follows:

FINDINGS OF FACT

1. Dr. Rydland currently holds an active license to practice medicine in the State of West Virginia, License No. 14040, which was originally issued in 1984. Her address of record with the Board is in Martinsburg, West Virginia.

2. On September 12, 2010, the Complaint Committee of the Board ("Complaint Committee") initiated a complaint against Dr. Rydland based upon notice that Dr. Rydland had been indicted in the United States District Court for the Northern

District of West Virginia for violation of Title 18, United States Code, Sections 1347 and 2.

3. The Board obtained a copy of the Indictment against Dr. Rydland, which reflects that the Grand Jury for the United States District Court for the Northern District of West Virginia found on July 22, 2010, that Dr. Rydland had devised a scheme to defraud health care benefit programs, namely Medicare, Medicaid, PEIA and Unicare, and to obtain, by means of materially false and fraudulent pretenses, representations and promises, money owned by and under the custody and control of said health care benefit programs in connection with the delivery of, and payment for, health care benefits, items and services between the period from June 2004 to September 2008.

4. A trial was conducted beginning on January 31, 2011, in regard to the Indictment against Dr. Rydland in the United States District Court for the Northern District of West Virginia. After deliberations, the jury found Dr. Rydland guilty as to Counts 1 through 3 and Counts 5 through 14 (Scheme to Defraud Health Care Benefit Programs: Prolonged Services) in violation of Title 18 United States Code, Sections 1347 and 2; guilty as to Counts 15 through 17, Counts 19 through 24 and Count 26- (Scheme to Defraud Health Care Benefits Programs: 99215 Level Office Visit Services) in violation of Title 18 United States Code, Sections 1347 and 2; guilty as to Counts 27 through 35 and Counts 37 through 38 (Scheme to Defraud Health Care Benefit Programs; Evaluation and Management Services Not Rendered) in violation of Title 18 United States Code, Sections 1347 and 2; not guilty as to Count 4 (Scheme to Defraud Health Care Benefit Programs: Prolonged Services) in violation of Title 18 United

States Code, Sections 1347 and 2; not guilty as to Count 18 (Scheme to Defraud Health Care Benefit Programs: 99215 Level Office Visit Services) in violation of Title 18 United States Code, Sections 1347 and 2; not guilty as to Count 25 (Scheme to Defraud Health Care Benefit Programs: 99215 Level Office Visit Services) in violation of Title 18 United States Code, Sections 1347 and 2), and not guilty as to Count 36 (Scheme to Defraud Health Care Benefit Programs: Evaluation and Management Services Not Rendered) in violation of Title 18 United States Code, Sections 1347 and 2. The Judgment Order was entered on February 8, 2011, by Chief United States District Judge John Preston Bailey.

5. On May 12, 2011, Dr. Rydland was sentenced to 12 months and one day of incarceration for each of the 34 convicted counts, which are to run concurrently.

6. Dr. Rydland appealed the judgment of the United States District Court to the Fourth Circuit Court of Appeals, which affirmed the judgment on December 9, 2011. It denied Dr. Rydland's Petition for Rehearing *En Banc* on February 8, 2012.

7. Dr. Rydland filed a Petition for Writ of Certiorari before the United States Supreme Court to reverse the judgment of the Fourth Circuit Court of Appeals and the United States District Court for the Northern District of West Virginia on June 15, 2012.

8. Dr. Rydland began serving her prison sentence in approximately May 2012 at the Federal Prison Camp in Alderson, West Virginia. Her scheduled release date is April 3, 2013.

9. The continued licensing of Dr. Rydland as a physician in the State of West Virginia will adversely affect the health and welfare of patients.

COUNT I

10. The Petitioner incorporates herein by reference paragraphs 1 through 9 as if fully set forth herein.

11. Dr. Rydland violated West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), relating to unprofessional and unethical conduct.

COUNT II

12. The Petitioner incorporates herein by reference paragraphs 1 through 11 as if fully set forth herein.

13. Dr. Rydland violated West Virginia Code §30-3-14(c)(17), and 11 CSR 1A 12.1(o), relating to failure to perform any statutory or legal obligation placed upon a licensed physician or podiatrist.

COUNT III

14. The Petitioner incorporates herein by reference paragraphs 1 through 13 as if fully set forth herein.

15. Dr. Rydland violated West Virginia Code §30-3-14(c)(5) and (17), and 11 CSR 1A 12.1(p), relating to filing a report which the licensee knows to be false.

COUNT IV

16. The Petitioner incorporates herein by reference paragraphs 1 through 15 as if fully set forth herein.

17. Dr. Rydland violated West Virginia Code §30-3-14(c)(9) and (17), and 11 CSR 1A 12.1(s), relating to making deceptive, untrue or fraudulent representations in the practice of medicine.

COUNT V

18. The Petitioner incorporates herein by reference paragraphs 1 through 17 as if fully set forth herein.

19. Dr. Rydland violated West Virginia Code §30-3-14(c)(17), and 11 CSR 1A 12.1(bb), relating to violating or attempting to violate any law of this State, any other state and/or the United States.

COUNT VI

20. The Petitioner incorporates herein by reference paragraphs 1 through 19 as if fully set forth herein.

21. Dr. Rydland 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 conform to the standards of acceptable and prevailing medical practice within the state, and any 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).

ACCORDINGLY, Danine Anne Rydland, M.D., is hereby notified that a hearing will convene on November 14, 2012, and if necessary, shall continue thereafter from

day to day until completed, beginning at 1:00 p.m. at the Federal Prison Camp, Glen Ray Road, Box A, Alderson, West Virginia 24901.

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. Dr. Rydland must be present in person at the hearing and may be accompanied by an attorney if she desires. She may present witnesses and other evidence on her behalf at the hearing. Within fifteen (15) days of receipt of this Complaint and Notice of Hearing, Dr. Rydland shall, in writing, select as Hearing Examiner, either R. Joseph Zak, Esquire, or Lewis G. Brewer, Esquire, to preside at and conduct the proceedings.

Dr. Rydland shall serve an Answer to this Complaint and Notice of Hearing within thirty (30) days of service upon her. If she fails to serve an Answer on the Petitioner within this time period, the Petitioner is entitled, pursuant to 11 CSR 3 11.5.s., to take all the allegations set forth herein as confessed by Dr. Rydland.

Dated this 10th day of September, 2012.

WEST VIRGINIA BOARD OF MEDICINE


Reverend O. Richard Bowyer
President


Marian Swinker, M.D., M.P.H.
Secretary

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

Petitioner,

v.

Complaint No. 10-141-W

DANINE ANNE RYDLAND, M.D.

Respondent.

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Disciplinary Counsel for the Petitioner West Virginia Board of Medicine, do hereby certify that on September 11, 2012, I caused the foregoing "Complaint and Notice of Hearing" to be served upon Respondent, via Certified Mail and Hand Delivery to her at:

Danine Anne Rydland, M.D.
Inmate No. 07473-087
Federal Prison Camp - Alderson
Glen Ray Road, Box A
Alderson, WV 24901

and upon her counsel of record via Certified Mail to him at:

James T. Kratovil, Esquire
211 W. Washington Street
Charles Town, WV 25414


Rebecca L. Stepto

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

Petitioner,

v.

Complaint No. 12-123-W

KENNETH JAMES SEEN, M.D.

Respondent.

ORDER GRANTING RESPONDENT'S MOTION FOR CONTINUANCE

On November 13, 2012, the Respondent, Kenneth James Seen, M.D., by counsel, David K. Moore, filed a Motion for Continuance of the hearing in the above-captioned matter.

Whereupon, upon review of the motion, it is hereby found as follows:

1. The hearing in this matter is scheduled to begin on November 19, 2012, at the offices of the Petitioner, West Virginia Board of Medicine ["Board"], in Charleston, West Virginia, pursuant to the Board's Order of Summary Suspension of License to Practice Medicine and Surgery and Notice of Hearing dated November 5, 2012.

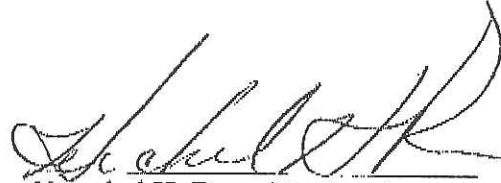
2. On November 13, 2012, Respondent Kenneth James Seen, M.D., filed Respondent's Motion to Continue the hearing seeking a continuance of the hearing until mid to late January 2013 in order to permit his counsel to conduct further investigation of the allegations against him.

3. Petitioner indicates, through counsel, that it has no objection to the continuance of hearing to a mutually convenient date as long as the continuance is not construed as a failure of the Board to adhere to and follow the provisions of West Virginia Code § 30-3-14(k) and 11 CSR 3 10.16, and as long as Dr. Seen understands that his license to practice medicine and surgery in the State of West Virginia will remain on a "suspended" status until the Board enters a final Order following the conclusion of the hearing in this matter.

4. It is found that good cause has been shown for the continuance of the hearing in this matter from November 19, 2012, to a date which is subsequent to January 15, 2013, and which is mutually convenient to the parties.

WHEREFORE, the Respondent's Motion for Continuance is GRANTED.

Dated this 15th day of November, 2012.



Herschel H. Rose, III, Esquire
Hearing Examiner

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

Petitioner,

V.

Complaint No. 12-123-W

KENNETH JAMES SEEN, M.D.

Respondent.

ORDER OF SUMMARY SUSPENSION
OF LICENSE TO PRACTICE MEDICINE AND SURGERY
AND NOTICE OF HEARING

The West Virginia Board of Medicine ["the Board"] hereby SUMMARILY SUSPENDS the license of Kenneth James Seen, M.D., License No. 15316, to practice medicine and surgery in the State of West Virginia pursuant to West Virginia Code § 30-3-14(a), West Virginia Code §30-3-14(c)(17), West Virginia Code §30-3-14(k) and 11 CSR 3 10.16 due to an immediate danger to the public safety, health or welfare as a result of his arrest on a felony charge of child abuse creating risk of injury and on misdemeanor charges of battery and assault.

FINDINGS OF FACT

1. Kenneth James Seen, M.D. ["Dr. Seen"] holds a license to practice medicine and surgery in the State of West Virginia, No. 15316 which was initially issued in 1987. Dr. Seen's address of record with the Board is in Spencer, West Virginia. See Public Current Report of Licensee, attached hereto as Exhibit A.

2. On or about November 1, 2012, the Board learned that Dr. Seen had been arrested on criminal charges on October 31, 2012.

3. The Board subsequently contacted the Magistrate Court of Roane County, which provided the Board with copies of documents relating to one felony charge and three misdemeanor charges which were brought against Dr. Seen on October 31, 2012.

4. One Criminal Complaint issued against Dr. Seen on October 31, 2012, in Case Nos. 12-F-276, 12-M-997 and 12-M-998 reflects that probable cause was found to exist and warrants issued for violations of West Virginia Code § 61-8D-3(c) for child abuse creating risk of injury, West Virginia Code § 61-2-9(c) for battery and West Virginia Code § 61-2-9[b] assault. See Criminal Complaint in Case Nos. 12-F-276, 12-M-997 and 12-M-998, attached hereto as Exhibit B.

5. The Criminal Complaint attached as Exhibit B indicates that it was based on information from the Complainant, who was identified as [West Virginia State Police] Trooper F. L. Hammack of Spencer. The Criminal Complaint reflects that it was based upon the following facts: "On 10/17/12 I was requested by Sgt. J. Caldwell of the Spencer City Police Department to investigate a child abuse complaint involving a 14-year-old male and Mr. Kenneth Seen, pastor of Christian Society of Roane County, located in Spencer. Sgt. Caldwell stated that the [REDACTED] is an employee of the City and would be more comfortable with an outside agency investigating the incident. On the same date, at approximately 1330 hours I began interviewing the victim and three other teenagers that were present. The victim told me that Mr. Seen picked him and his brother up to take them to church on October 7, 2012 in the evening. The victim stated that he was sitting on a ledge over the entrance and had his knife and cell phone. The victim stated that

Mr. Seen instructed him to get down and he did. The victim went on to say that he went to go back up and get his phone and knife and Mr. Seen grabbed him about the waist and threw him to the ground. The victim went on to say that Mr. Seen got on his back and began punching him with closed fists repeatedly. The victim stated that Mr. Seen took him into the rear of the building and pushed him into the refrigerator. The victim stated he used profanity and Mr. Seen then slapped him across the face. I spoke with three other teenage boys present and [sic] separate times. All of them recounted the incident as the victim did. No other adults were present at the time of the incident." See, Criminal Complaint in Case Nos. 12-F-276, 12-M-997 and 12-M-998, attached hereto as Exhibit B.

6. The Criminal Complaint attached as Exhibit B indicates that West Virginia Code § 61-8D-3(c) provides that "child abuse creating risk of injury" is defined as: "Any person who abuses a child and by the abuse creates a substantial risk of serious bodily injury or death." See, Criminal Complaint in Case Nos. 12-F-276, 12-M-997 and 12-M-998, attached hereto as Exhibit B.

7. The Criminal Complaint attached as Exhibit B indicates that West Virginia Code § 61-2-9(c) provides that battery is defined as: "Any person who unlawfully and intentionally makes physical contact of an insulting or provoking nature with the person of another or unlawfully an [sic] intentionally causes physical harm to another person." See, Criminal Complaint in Case Nos. 12-F-276, 12-M-997 and 12-M-998, attached hereto as Exhibit B.

8. The Criminal Complaint attached as Exhibit B indicates that West Virginia Code § 61-2-9(b) provides that assault is defined as: "Any person who unlawfully attempts to commit a violent injury to the person of another or unlawfully commits an act that places another in

reasonable apprehension of immediately receiving a violent injury.” See, Criminal Complaint in Case Nos. 12-F-276, 12-M-997 and 12-M-998, attached hereto as Exhibit B.

9. A second Criminal Complaint issued against Dr. Seen on October 31, 2012, in Case No. 12-M-996 reflects that probable cause was found to exist and a warrant issued for a violation of West Virginia Code § 61-2-9(c) for battery. See, Criminal Complaint in Case No. 12-M-996, attached hereto as Exhibit C.

10. The Criminal Complaint attached as Exhibit C indicates that it was based on information from the Complainant, who was identified as [West Virginia State Police] Trooper F. L. Hammack of Spencer. The Criminal Complaint reflects that it was based upon information from a Ms. Y____ W____ [redacted], who came to West Virginia State Police in Spencer to file a complaint regarding an assault committed against her father, J____ S____ [redacted]. The Complaint indicates that Ms. W____ reported that Roane General Hospital reported to her that Mr. S____, who suffered from dementia and Parkinson’s Disease, had bitten the tongue of Dr. Seen. It indicates that Trooper Hammack obtained Mr. S____’s medical records and had spoken with Dr. Seen, who alleged that Mr. S____ had “grabbed his tongue and pulled Dr. Seen close to him and then Dr. Seen’s memory fades. His statement claimed that he just remembered pain and blood.” See, Criminal Complaint in Case No. 12-M-996, attached hereto as Exhibit C.

11. The Criminal Complaint attached as Exhibit C further indicates that Trooper Hammack interviewed an Emergency Room doctor who had treated Dr. Seen after the incident. That doctor indicated that Dr. Seen could not have caused the injury to himself and that Dr. Seen’s version of events could not be true, according to the Complaint. The ER doctor and the nursing staff at Roane General Hospital also indicated that Mr. S____ was not physically able to have

carried out the actions described by Dr. Seen, according to the Complaint. See, Criminal Complaint in Case No. 12-M-996, attached hereto as Exhibit C.

12. The Board also obtained from the Magistrate Court of Roane County copies of four documents entitled "Warrant for Arrest," which reflect that warrants were issued in each of the four Criminal Complaints against Dr. Seen on October 31, 2012. See, four Warrants for Arrest, collectively attached hereto as Exhibit D.

13. The Board obtained documents from the Magistrate Court of Roane County indicating that Dr. Seen had made an initial appearance and had been released from jail after posting bond on November 1, 2012, in Case Nos. 12-F-276, 12-M-996 and 12-M-998, although all four charges against Dr. Seen are cited in the documents. See, "Initial Appearance: Rights Statement" and "Criminal Bail Agreement: Cash or Recognizance," attached hereto as Exhibit E.

14. On or about October 9, 2012, the Board received an Adverse Action Report from the National Practitioner Data Bank indicating that Roane General Hospital had reported a summary or emergency suspension of clinical privileges of Dr. Seen on September 7, 2012, as a result of an incident which occurred on August 31, 2012. See, Adverse Action Report dated October 8, 2012, attached hereto as Exhibit F.

15. The initial Adverse Action Report indicates that the Medical Executive Committee of Roane General Hospital concluded, following the investigation of an incident between Dr. Seen and a patient, that Dr. Seen had sustained an injury caused by the patient biting his tongue. The Medical Executive Committee could not determine a valid medical procedure which would allow for such an injury to have occurred, and Dr. Seen did not offer a reasonable explanation to explain the injury, according to the initial Adverse Action Report. The Medical Executive Committee

concluded that Dr. Seen's explanation was not credible and that the injury likely had evolved from Dr. Seen's inappropriate contact with the patient, according to the initial Adverse Action Report. See, Adverse Action Report dated October 8, 2012, attached hereto as Exhibit F.

16. On October 24, 2012, the Board received a "revision" Adverse Action Report from the National Practitioner Data Bank indicating that Roane General Hospital had reported that on October 19, 2012, its Board of Trustees had voted unanimously to affirm the Recommendation of the Medical Executive Committee. The report stated that "effective October 19, 2012, Dr. Kenneth Seen's clinical privileges and medical staff membership at/to Roane General Hospital were revoked and terminated." The report also indicates that that action is permanent. See, Adverse Action Report dated October 24, 2012, attached hereto as Exhibit G.

17. The continued licensing of Dr. Seen to practice medicine and surgery in the State of West Virginia presents a potential immediate danger to the public inasmuch as he has been charged with a felony involving child abuse and three misdemeanors relating to a child and to a patient.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. West Virginia Code §30-3-1, et seq.
2. Probable cause exists to substantiate charges of disqualification of Dr. Seen from the practice of medicine and surgery in the State of West Virginia based upon West Virginia

Code §30-3-14(c)(17) and 11 CSR 1A 12.1(j), relating to unprofessional conduct including a departure from the standards of acceptable and prevailing medical practice.

3. West Virginia Code §30-3-14(k) and 11 CSR 3, 10.16 provide that:

...if the board determines the evidence in its possession indicates that a physician's continuation in practice or unrestricted practice constitutes an immediate danger to the public, the board may take any of the actions provided for in subsection (j) of this section on a temporary basis and without a hearing, if institution of procedures for a hearing before the board are initiated simultaneously with the temporary action and begin within fifteen days of the action. The board shall render its decision within five days of the conclusion of a hearing under this subsection.

ORDER

At its regular meeting on November 5, 2012, with a quorum of the Board present and voting, the Board found, with no dissenting votes, that under the facts and circumstances for Dr. Seen to continue to hold an active license to practice medicine and surgery in the State of West Virginia constitutes an immediate danger to the health, welfare, and safety of the public. The Board concluded, as a matter of law, that such danger to the public demands extraordinary measures.

Therefore, the Board, with a quorum present and voting, found, with no dissenting votes, that in accordance with its statutory mandate to protect the public interest, the license to practice medicine and surgery of Kenneth James Seen, M.D., License No. 15316, must be summarily **SUSPENDED** in accordance with West Virginia Code §30-3-14(k) and 11 CSR 3 10.16.

In all of the foregoing matters, Dr. Ferrebee, Dr. Wazir, Dr. Arnold and Ms. Henderson abstained from voting due to their participation in the finding of probable cause to substantiate charges against Dr. Seen as members of the Board's Complaint Committee.

WHEREFORE, the Board ORDERS that the license to practice medicine and surgery held by Kenneth James Seen M.D., License No. 15316, is SUMMARILY SUSPENDED, effective November 5, 2012, at 11:59 p.m.


NOTICE OF HEARING

Pursuant to West Virginia Code §30-3-14(k) and 11 CSR 3 10.16, if an action pursuant thereto is taken by the Board, institution of proceedings for a hearing before the Board must be initiated simultaneously with the temporary action and must begin within 15 days of such action.

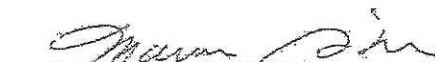
Dr. Seen is hereby notified that on ~~Friday~~ ^{Monday 19th} the 16th day of November, 2012, at 6:00 p.m., the West Virginia Board of Medicine will convene in its offices at 101 Dee Drive, Charleston, West Virginia, with Herschel (Ned) Rose, III, presiding as the hearing examiner, for the purpose of hearing evidence with regard to the contents of this ORDER. At such hearing, Dr. Seen must be present in person and may be accompanied by counsel if he so desires. He may present any witnesses and/or evidence to show cause why his license to practice medicine and surgery in the State of West Virginia should not be subject to further restriction.

The foregoing ORDER OF SUMMARY SUSPENSION OF LICENSE TO PRACTICE MEDICINE AND SURGERY was ENTERED and the foregoing NOTICE OF HEARING was issued this 5th day of November, 2012.

WEST VIRGINIA BOARD OF MEDICINE



Rev. Richard Bowyer
President



Marian Swinker, M.D., M.P.H.
Secretary

WEST VIRGINIA BOARD OF MEDICINE: PUBLIC CURRENT REPORT OF LICENSEE
 Saturday, November 03, 2012

[Print Report](#)

SEEN, KENNETH JAMES MEDICAL DOCTOR Permanent License Number: 15316

Licenses

License Type	License #	Status	Issued	Last Renewal	Last Expiration
PMD	PMD15316	ACTIVE	11/9/1987	7/1/2011	6/30/2013

Other States Where Licensed (License Number):
 WV

Personal

Birth Date: [REDACTED] Birth Place: PHILIPPI, WV Gender: M

Education, Training and Examinations

Type	School or Hospital	Completed Date
MEDICAL OR PODIATRIC SCHOOL	UNIVERSITY OF MARYLAND SCHOOL OF MEDICINE	5/23/1986
POST-GRADUATE TRAINING	WHEELING HOSPITAL, WHEELING	6/30/1987

Exam Type: National Boards Foreign Graduate: No License Method:

Current Addresses

Contact Type	Address	County
Work Location	ROANE GENERAL HOSPITAL 200 HOSPITAL DRIVE SPENCER, WV 25276	ROANE
Preferred Mailing Address	ROANE GENERAL HOSPITAL, 200 HOSPITAL DRIVE SPENCER, WV 25276	ROANE

Current Company Affiliations -- No Current Company Affiliations on Record

Current WV Hospital Privileges

Hospital Name:	City (County)	Filed Date
ROANE GENERAL HOSPITAL	SPENCER (ROANE)	7/1/2001

Current Specialties (Self-Designated)

Rank	Specialty Code	Specialty Name
1	FP	FAMILY PRACTICE

Current Supervision -- No Supervision Information on Record

Discipline Cases -- No Discipline Cases on Record

Malpractice -- No Malpractice Records Found

DISCLAIMER FOR MALPRACTICE

Consumers should take the following factors into consideration when evaluating a physician's competence from malpractice data.

- A number of studies have been conducted to identify indicators of substandard care among physicians. There is no conclusive evidence that malpractice data correlates with professional competence.
- There are a variety of factors unrelated to professional competence or conduct which affect the likelihood that a physician will be the subject of a malpractice claim, such as, the physician's time in practice, the nature of the specialty, the types of patients treated, geographic location, etc. For example, certain medical specialties have a higher rate of malpractice claims because of



higher risk inherent to the field of practice.

- Settlements of malpractice cases by insurance companies are sometimes handled as business decisions. In the case of some minor claims, it is less expensive for the insurance company to make a monetary settlement than it is for them to take the case to court. Many times such cases are settled without a finding of fault or admission of guilt on the part of the physician.
- A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred.

End of Report

Nov. 1. 2012 11:58AM

No. 0452 P. 1

IN THE MAGISTRATE COURT OF Roane COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

12f-276

Case No. 12M-997/998

Kenneth Seen
 Defendant
111 Market Street Apt. 7 Spencer, WV
 Address
[REDACTED]
 Social Security No. [REDACTED] Driver's License No. _____
 Date of Birth _____

Misdemeanor
 Felony

CRIMINAL COMPLAINT

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 10/07/12 in Roane County, West Virginia, in violation of W. Va. Code (cite specific section, subsection, and/or subdivision as applicable) _____ the defendant did (state statutory language of offense)
Child Abuse creating risk of injury 61-8D-3(c) Battery 61-2-9(c) Assault 61-2-9

I further state that this complaint is based on the following facts: See attached

Continued on attached sheet? yes no

Complainant (who appears before magistrate):

Hamirack, F.L.
 Name
100 Triplett Road Spencer, WV
 Address
Spencer 927-0950
 Telephone

Trooper _____
Office or title, if any

[Signature]
Complainant Signature

On this complaint, sworn or affirmed before me and signed this date by complainant in my presence, the item(s) checked below apply:

- Probable cause found
- Summons issued
- Warrant issued
- Warrantless arrest
- No probable cause found

[Signature]
Magistrate Signature

10-31-12
Date



Nov. 7. 2012 11:58AM

No. 0452 P. 2

12F-276 12M-~~697~~/948

(Criminal Complaint Continued)

On 10/17/12 I was requested by Sgt. J. Caldwell of the Spencer City Police Department to investigate a child abuse complaint involving a 14 year old male and Mr. Kenneth Seen, pastor of Christian Society of Roane County, located in Spencer. Sgt. Caldwell stated that the [REDACTED] is an employee of the City and would be more comfortable with an outside agency investigating the incident.

On the same date, at approximately 1330 hours I began interviewing the victim and three other teenagers that were present. The victim told me that Mr. Seen picked him and his brother up to take them to church on October 07, 2012 in the evening. The victim stated that he was sitting on a ledge over the entrance and had his knife and cell phone. The victim stated that Mr. Seen instructed him to get down and he did. The victim went on to say that he went to go back up and get his phone and knife and Mr. Seen grabbed him about the waist and threw him to the ground. The victim went on to say that Mr. Seen got on his back and began punching him with closed fists repeatedly. The victim stated that Mr. Seen took him into the rear of the building and pushed him into the refrigerator. The victim stated that he used profanity and Mr. Seen then slapped him across the face. I spoke with three other teenage boys present and separate times. All of them recounted the incident as the victim did. No other adults were present at the time of the incident.

White - return
Green - defendant
Yellow - file
Pink - complainant
Goldend - prosecutor

12F-276

12M-997/998

CASE No.

(Criminal Complaint Continued)

Child abuse creating the risk of injury 61-8D-3(c)

Any person who abuses a child and by the abuse creates a substantial risk of serious bodily injury or death

Battery 61-2-9(c)

Any person who unlawfully and intentionally makes physical contact of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person

Assault 61-2-9(b)

Any person who unlawfully attempts to commit a violent injury to the person of another or unlawfully commits an act that places another in reasonable apprehension of immediately receiving a violent injury

Nov. 1. 2012 11:59AM

No. 0452 P. 5

IN THE MAGISTRATE COURT OF

Roane

COUNTY, WEST VIRGINIA

STATE OF WEST VIRGINIA

Kenneth Seem

Case No.

12M-996

Defendant

111 Market Street Apt. 7 Spencer, WV

Address

Social Security No.

Driver's License No.

Misdemeanor
 Felony

Date of Birth

CRIMINAL COMPLAINT

I, the undersigned complainant, upon my oath or affirmation, state the following is true and correct to the best of my knowledge and belief. On or about 08/31/12 in Roane County, West Virginia, in violation of W.Va. Code (cite specific section, subsection, and/or subdivision as applicable) Battery 61-2-9(c) the defendant did (state statutory language of offense)

I further state that this complaint is based on the following facts: See attached

Continued on attached sheet? yes no

Complainant (who appears before magistrate):

Hammack, F.L.

Name

100 Triplett Road Spencer, WV

Address

Spencer

927-0950

Telephone

Trooper

Office or title, if any

[Signature]
Complainant Signature

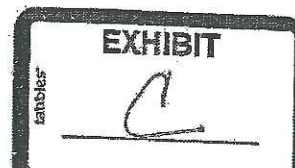
On this complaint, sworn or affirmed before me and signed this date by complainant in my presence, the item(s) checked below apply:

- Probable cause found
- Summons issued
- Warrant issued
- Warrantless arrest
- No probable cause found

Magistrate Signature

Date

10-31-12
[Signature]



White - return
Green - defendant
Yellow - file
Pink - complainant
Goldenrod - prosecutor

(Criminal Complaint Continued)

On 09/18/12, Ms. Y [redacted] W [redacted] came to WVSP Spencer to file a complaint in reference to an assault committed on her father, Mr. J [redacted] S [redacted]. The victim is a resident at Roane General Hospital due to dementia and parkinson's disease. Mr. S [redacted] had recently broken his hip and was transferred to Cabel Huntington Hospital for treatment. Mr. S [redacted] was returned to Roane General on the date of incident and was confined to his bed. Ms. W [redacted] stated that she was informed by Ms. J [redacted] C [redacted] of Roane General that her father had bitten the tongue of his attending physician, Dr. Kenneth Seen. Ms. C [redacted] told Ms. W [redacted] that the attending nurses did clean blood from her father's face and removed an item from his mouth. Ms. [redacted] stated that she was informed that Dr. Seen traveled to [redacted] for stitches.

On today's date and time of report, Ms. V [redacted] brought an authorization to use and disclose protected health information. The document allows the West Virginia State Police to access Mr. S [redacted] medical records.

On Thursday, September 19, 2012 at approximately hours, I retrieved medical records from Roane General Hospital in regards to the incident reported by Mrs. W [redacted]. Among the information in the records was a history an examination conducted by Dr. [redacted] of Mr. [redacted] S [redacted]. In the report, Dr. M [redacted] notes that on the previous evening, Mr. S [redacted] bit of a portion of Dr. Seen's tongue. The report also states that Dr. Seen sought medical treatment. The report notes that there was no injury to Mr. S [redacted] and that he did not wish to discuss the events of the previous evening. I obtained search warrants for Dr. Seen's medical records generated from the night of the incident and any investigations conducted by the hospital.

On 10/02/12, I obtained said information and obtained among other items, Dr. Seen's statement of events. Dr. Seen claimed that Mr. S [redacted] motioned for him to come closer. Dr. Seen complied and in that moment, Mr. S [redacted] grabbed his tongue and pulled Dr. Seen close to him and then Dr. Seen's memory fades. His statement claimed that he just remembered pain and blood. I also obtained the names of the nurses and ER doctor that tended to Dr. Seen on that evening.

On 10/10/12, I obtained a statement from Dr. [redacted], who was the ER doctor at Roane General and tended to Dr. Seen. Dr. [redacted] stated that Dr. Seen had a significant portion of his tongue bit off and the injury was so that Dr. Seen could not have done it to himself. When presented with Dr. Seen's statement of how it happened, Dr. [redacted] stated that it could not be true. Dr. [redacted] explained that in order for Dr. Seen's statement to be correct, Mr. S [redacted] would have had to bite his own finger. In addition, Dr. [redacted] stated that Mr. S [redacted] would not be able to pick up any item, let alone grab Dr. Seen's tongue and hold on to it.

On 10/16/12, I obtained statements from the nursing staff that tended to both Dr. Seen and Mr. [redacted] on 08/31/12. The nursing staff told me that Mr. S [redacted] was never aggressive towards any of them before or after the incident with Dr. Seen. They all also agreed that Mr. S [redacted] was not physically able to carry out the actions described by Dr. Seen. Several of the medical staff claimed that Dr. Seen typed on his personal laptop computer that Mr. S [redacted] bit off his tongue.

On 10/26/12, I obtained medical records for [redacted] where Dr. Seen was referred for treatment. Dr. Seen's accounts to [redacted] were different from those he provided to RGH.

Nov. 7. 2012 11:59AM

No. 0452 P. 7
CASE NO. 12M-996

(Criminal Complaint Continued)

Battery 61-2-9(c)

Any person who unlawfully and intentionally makes physical contact of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person

[Lined area for text entry]

IN THE MAGISTRATE COURT OF ROANE COUNTY, WEST VIRGINIA

WARRANT FOR ARREST

State of West Virginia

v.

Case No(s). 12-F- 276

CHILD ABUSE CREATING RISK OF INJURY

KENNETH SEEN

Defendant

111 MARKET STREET

Address

SPENCER WV 25276

To Any Law Enforcement Officer:

WHEREAS this court has found probable cause to believe that the defendant, KENNETH SEEN did commit an offense or offenses in this County on the 31 day of OCTOBER, 2012 previous to the issuance of this Warrant, by unlawfully [State statutory language of offense(s)]

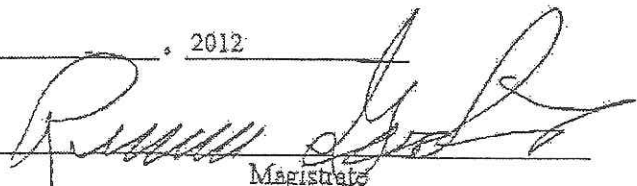
(c) Any person who abuses a child and by the abuse creates a substantial risk of serious bodily injury or of death to the child is guilty of a felony and, upon conviction thereof, shall be fined not more than three thousand dollars and confined to the custody of the division of corrections for not less than one nor more than five years. 61-8D-3

against the peace and dignity of the State.

Therefore, you are commanded in the name of the State of West Virginia to apprehend the above-named defendant and bring that person before any magistrate in this County, to be dealt with in relation to the charge(s) according to law. This arrest warrant is to be executed in the following manner (check one):

- Forthwith
- Between the hours of 9 a.m. and 4 p.m., Monday through Friday
- Other (as specified): _____

Given under my hand this 31 day of OCTOBER, 2012


Magistrate

Executed by: _____ in _____

County, W.Va., on _____
(Date)



IN THE MAGISTRATE COURT OF ROANE COUNTY, WEST VIRGINIA

WARRANT FOR ARREST

State of West Virginia

v.

Case No(s) 12-M-996

KENNETH SEEN

BATTERY

Defendant

111 MARKET STREET

Address

SPENCER, WV 25276

To Any Law Enforcement Officer:

WHEREAS this court has found probable cause to believe that the defendant, KENNETH SEEN, did commit an offense or offenses in this County on the 31 day of OCTOBER, 2012 previous to the issuance of this Warrant, by unlawfully *[State statutory language of offense(s)]*

(c) Battery: -- If any person unlawfully and intentionally makes physical contact of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person, he shall be guilty of a misdemeanor and, upon conviction, shall be confined in jail for not more than twelve months, or fined not more than five hundred dollars, or both such fine and imprisonment. 61-2-9(c)

against the peace and dignity of the State.

Therefore, you are commanded in the name of the State of West Virginia to apprehend the above-named defendant and bring that person before any magistrate in this County, to be dealt with in relation to the charge(s) according to law. This arrest warrant is to be executed in the following manner (check one):

- Forthwith
- Between the hours of 9 a.m. and 4 p.m., Monday through Friday
- Other (as specified): _____

Given under my hand this 31 day of OCTOBER, 2012

Renee Goebel
Magistrate

Executed by: _____ in _____

County, W.Va., on _____
(Date)

IN THE MAGISTRATE COURT OF ROANE COUNTY, WEST VIRGINIA

WARRANT FOR ARREST

State of West Virginia

v.

Case No(s) 12-M-9987

KENNETH SEEN

BATTERY

Defendant

111 MARKET STREET

Address

SPENCER WV 25276

To Any Law Enforcement Officer:

WHEREAS this court has found probable cause to believe that the defendant, KENNETH SEEN did commit an offense or offenses in this County on the 31 day of OCTOBER, 2012 previous to the issuance of this Warrant, by unlawfully *[State statutory language of offense(s)]*

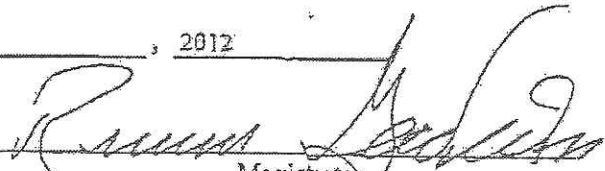
(e) Battery. -- If any person unlawfully and intentionally makes physical contact of an insulting or provoking nature with the person of another or unlawfully and intentionally causes physical harm to another person, he shall be guilty of a misdemeanor and, upon conviction, shall be confined in jail for not more than twelve months, or fined not more than five hundred dollars, or both such fine and imprisonment. 61-2-9(c)

against the peace and dignity of the State.

Therefore, you are commanded in the name of the State of West Virginia to apprehend the above-named defendant and bring that person before any magistrate in this County, to be dealt with in relation to the charge(s) according to law. This arrest warrant is to be executed in the following manner (check one):

- Forthwith
- Between the hours of 9 a.m. and 4 p.m., Monday through Friday
- Other (as specified): _____

Given under my hand this 31 day of OCTOBER, 2012


Magistrate

Executed by: _____ in _____

County, W.Va., on _____
(Date)

IN THE MAGISTRATE COURT OF ROANE COUNTY, WEST VIRGINIA

WARRANT FOR ARREST

State of West Virginia.

v.

Case No(s) 12-M-998

KENNETH SEEN

ASSAULT

Defendant

111 MARKET STREET

Address

SPENCER WV 25276

To Any Law Enforcement Officer:

WHEREAS this court has found probable cause to believe that the defendant, KENNETH SEEN did commit an offense or offenses in this County on the 31 day of OCTOBER, 2012 previous to the issuance of this Warrant, by unlawfully *[State statutory language of offense(s)]*

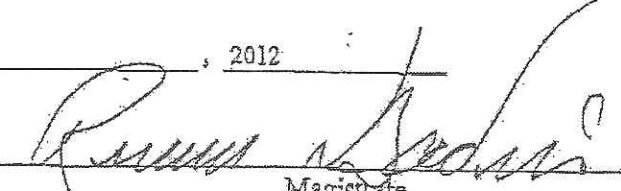
(b) Assault. -- If any person unlawfully attempts to commit a violent injury to the person of another or unlawfully commits an act which places another in reasonable apprehension of immediately receiving a violent injury, he shall be guilty of a misdemeanor and, upon conviction, shall be confined in jail for not more than six months, or fined not more than one hundred dollars, or both such fine and imprisonment 61-2-9.

against the peace and dignity of the State.

Therefore, you are commanded in the name of the State of West Virginia to apprehend the above-named defendant and bring that person before any magistrate in this County, to be dealt with in relation to the charge(s) according to law. This arrest warrant is to be executed in the following manner (check one):

- Forthwith
- Between the hours of 9 a.m. and 4 p.m., Monday through Friday
- Other (as specified): _____

Given under my hand this 31 day of OCTOBER, 2012


Magistrate

Executed by: _____ in _____

County, W.Va., on _____ (Date)

Nov. 1. 2012 11:02AM

No. 1793 P. 2

IN THE MAGISTRATE COURT OF ROANOK COUNTY, WEST VIRGINIA

State of West Virginia

12F-274

v.

Criminal Case Number(s): 12M-996/498

KENNETH SPENCER
Defendant (Full Name)

Driver's License No.

Social Security No.

Date of Birth

Complaint Date: 10-31-12

INITIAL APPEARANCE;
RIGHTS STATEMENTS

SPENCER WV 25274

- ① BATTERY
- ② CHILD ABUSE
CREATING RISK
OF INJURY
- ③ ASSAULT

A. GENERAL: EITHER MISDEMEANOR OR FELONY OR BOTH

1. The magistrate has informed me that I am charged with the offense(s) of _____ and that, if I am later found guilty, the possible penalties are (state mandatory minimum penalty, if any, and maximum penalty):

① ② UP TO 1 YEAR JAIL AND/OR UP TO \$500 FINE ③ UP TO \$3000 FINE AND 1-5 YEARS PRISON ④ UP TO 6 MONTHS JAIL AND/OR UP TO \$100 FINE

2. The magistrate has informed me that, if the W.Va. Code provides for a possible jail penalty, I have the right to be represented by an attorney at every further proceeding and that, if I qualify as being unable to afford to hire an attorney, one will be appointed to represent me. I understand that if I decide to represent myself, I cannot later claim that I was denied my right to be represented by an attorney.

DEFENDANT MUST INITIAL ONE OF THE FOLLOWING THREE CHOICES IF A JAIL PENALTY IS POSSIBLE:

- 7 (a) I give up my right to have an attorney represent me.
- 12 (b) I want to hire an attorney to represent me.
- _____ (c) I want an attorney appointed to represent me.

I understand that, if I am found guilty, I might be required to reimburse the State for attorney fees even if a court-appointed or public-defender attorney is approved to represent me.

Date: 11-01-12

Defendant's Signature: [Signature]

EXHIBIT
9

Nov. 1. 2012 11:03AM

12F-276

No. 1793 P. 3
12M-996/998
Initial Appearance: Rights Statement, page 2 of 2

3. The magistrate has informed me that, except for any felony offense for which the penalty is life imprisonment, the magistrate may release me from custody while I am waiting for further proceedings on the charge(s) stated above if I am able to make bail generally as follows:

\$ 8000

10% CASH - PROPERTY

4. The magistrate has given me reasonable time and opportunity to talk with an attorney or with one relative or other person for the purpose of obtaining counsel or of arranging bail.

5. The magistrate has informed me that I do not have to make any statement to anyone other than the statements in this document and that any statement I do make may be used against me.

B. MISDEMEANOR CHARGE(S) ONLY

1. The magistrate has informed me that I have a right to plead not guilty; that I have a right to trial by a jury or by a magistrate without a jury; and that, if I plead guilty or no contest, I give up my right to a trial.

2. The magistrate has informed me that I have the right to demand a jury trial and that, if I want a jury trial, I must let the magistrate court know in writing no later than 20 days from the date of this initial appearance or, if I receive court-appointed counsel, 20 days from the date that an attorney is appointed. The magistrate has further informed me that if I demand a jury trial, then I may not withdraw my demand for a jury trial if the prosecuting attorney objects to the withdrawal. If I do not demand a jury trial within the 20-day period, I have also been informed that I give up my right to a jury trial, the magistrate will try my case without a jury and an appeal of a magistrate court conviction will not entitle me to a jury trial in circuit court. I understand as well that if I have a jury brought in, the jury fee will be assessed against me if I am convicted.

C. FELONY CHARGE(S) ONLY

1. The magistrate has informed me that, since I have been charged with a felony offense for which the penalty is life imprisonment, only the circuit court may grant and set bail.

2. The magistrate has informed me that, since I have been charged with a felony, I have the right to a preliminary hearing for a determination of whether any felony charge(s) should be bound over for possible presentation to a grand jury.

DEFENDANT MUST INITIAL ONE OF THE FOLLOWING THREE CHOICES:

(a) I want a preliminary hearing.

(b) I give up my right to a preliminary hearing.

(c) I or my attorney will inform the court whether I want a preliminary hearing. I understand that failure to inform the court within 10 days if I am not free on bail or within 20 days if I am free on bail will mean that I do not want a preliminary hearing and that the felony charge(s) against me will be bound over for possible presentation to a grand jury.

Date: 11-01-12 Defendant's Signature: [Signature]

I have informed the defendant personally of the applicable matters set out above. I find that any waiver of rights herein is made knowingly and voluntarily by the defendant. (Initial IF APPLICABLE) I certify that the defendant refused to initial and/or sign this document at the appropriate places.

Date: _____ Magistrate's Signature: _____

Nov. 1, 2012 11:03AM

No. 1793 P. 4

IN THE MAGISTRATE COURT OF

Roanoke

COUNTY, WEST VIRGINIA

12F-276

State of West Virginia

Case No.

12M-996/998

V.

Kenneth Spind
Defendant

Address & Telephone Number(s)

Driver's License Number

Birth Date

(Bail amount per charge: \$2000 (200 cash))

Social Security Number

CRIMINAL BAIL AGREEMENT: CASH OR RECOGNIZANCE

A. AMOUNT OF BAIL. The defendant having been charged with the (initial one) RE misdemeanor or RE felony offense(s) of

BATTERY (1st)

ASSAULT

CHILD ABUSE

and having a

right to bail, this court hereby sets bail for the defendant in the amount of \$ 2000 in the form of (initial one) RE cash or

RE recognizance or RE 10% cash and personal recognizance or RE 10% cash and surety. If real property is used as security,

a. Identification of surety (initial one) _____ is or _____ is not required.

B. TERMS AND CONDITIONS FOR RELEASE ON BAIL. If admitted to bail, the undersigned defendant understands and agrees:

1. To be present personally in this court at _____ on the Without Notice or as will be specified in a notice of hearing that will be mailed at the above address for either (initial one) RE misdemeanor plea proceeding or RE trial or RE felony preliminary hearing;
2. To be present personally at any other proceeding(s) concerning the above charge(s) and to obey any notice, process or order issued by this or the circuit court until this or the circuit court has disposed of all matters with respect to which the bail granted herein may apply;
3. To appear to begin serving jail or prison time as ordered by the disposing court if that court renders a judgment of guilt on the offense(s) charged and imposes a penalty of incarceration;
4. To inform the court immediately of any change of name, address, or telephone number;
5. To not leave the State of West Virginia without written approval by this court;
6. To not violate any state or federal laws;
7. To have no direct or indirect contact with the victim(s) in this matter;
8. To comply with the following additional condition(s) of this bail:

The undersigned defendant also understands and agrees that, if he or she is admitted to bail and does not fulfill the terms and condition(s) above, the full bail amount is subject to forfeiture and may be increased; that other penalties for violation of such terms and condition(s) may be imposed; and that, if the defendant fulfills the terms above, the surety will be exonerated and the cash deposit returned if appropriate, or the recognizance satisfied.

[Signature]
Defendant Signature

11-01-12
Date

Magistrate Signature

Date
 File
 Defendant
 State

Nov. 1, 2012 11:03AM

No. 1793
12F-276

CASE NO. 12M-996/948

CRIMINAL BAIL CASH OR RECOGNIZANCE

2. TYPE OF BAIL. (Magistrate is to initial and complete only one of the following).

1. CASH. The defendant or, on the defendant's behalf, _____ has (have) deposited cash with this court in the amount of \$ _____ (name of other depositor(s) if any) subject to the terms and conditions set out above.

2. PERSONAL RECOGNIZANCE. The undersigned defendant on his or her own recognizance does undertake to forfeit a sum of money equal to the required amount of bond if he or she fails to comply with the specific terms and conditions set out above.

3. RECOGNIZANCE. The undersigned _____ (adult owner(s) of real property or surety company) by recognizance bond on the defendant's behalf, does or do undertake to forfeit a sum of money equal to the required amount of bond if the defendant fails to comply with the specific terms and conditions set out above. A justification of surety (initial one) is or _____ is not required, and if so, is incorporated herein by reference.

R.A. 4. CASH AND PERSONAL RECOGNIZANCE. The defendant or, on the defendant's behalf, _____ (name of other depositor(s) if any) has (have) deposited cash with the court in the amount of \$ 300, which represents 10 percent of the bail, and which will be forfeited if the defendant does not comply with the terms and conditions set out above. Additionally, the undersigned defendant on his or her own recognizance does undertake to forfeit a sum of money equal to 90 percent of the bail if he or she fails to comply with the specific terms and conditions set out above.

5. CASH AND SURETY. The defendant or, on the defendant's behalf, _____ (name of other depositor(s) if any) has (have) deposited cash with the court in the amount of \$ _____, which represents 10 percent of the bail, and which will be forfeited if the defendant does not comply with the terms and conditions set out above. Additionally, the undersigned, _____, by surety in the form of _____ (describe surety, e.g., real property, stock, bonds) on the defendant's behalf, does or do undertake to forfeit a sum of money equal to 90 percent of the bail if the defendant fails to comply with the specific terms and conditions set out above. A justification of surety (initial one if real property is used as a surety) is or _____ is not required, and if so, is incorporated herein by reference.

CONSENT TO APPLY DEPOSIT. As the person(s) posting the bail, I (we) _____ do or do not consent to the application of all or part of the cash deposit to court costs, fees and fines if the depositing court renders a judgment of guilt against the defendant.

Defendant Signature (needed only if defendant personally posts bail)

Date 11-01-12

Signing below, I acknowledge that I have reviewed and agree to the same terms and conditions of bail for pretrial release agreed to by the defendant.

Other Depositor or Surety Signature(s), if any

Date 11-01-12

Other Depositor or Surety Name(s) and Address(es) (type or print):

Other Depositor or Surety Social Security Number(s):

Spencer WU
2827C

Other Depositor or Surety Telephone Number(s):

CONVICTION TO BAIL. Accordingly, the court hereby approves bond for the defendant and ORDERS the defendant's continued freedom or release from custody.

I have acknowledged before me and ORDERED this 11-01-12 day of _____
Magistrate Signature

Exhibit F Redacted

Exhibit G Redacted

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

Petitioner,

v.

Complaint No. 12-123-W

KENNETH JAMES SEEN, M.D.

Respondent.

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Disciplinary Counsel for the Petitioner West Virginia Board of Medicine, do hereby certify that on November 5, 2012, I caused the foregoing "Order of Summary Suspension of License to Practice Medicine and Surgery and Notice of Hearing" to be served upon Respondent Kenneth James Seen, M.D., at:

Kenneth James Seen, M.D. (*via Hand Delivery and Certified Mail*)
111 Market Street
Spencer, WV 25276

Kenneth James Seen, M.D. (*via Certified Mail*)
Roane General Hospital
200 Hospital Drive
Spencer, WV 25276


Rebecca L. Stepto

LICENSES SURRENDERED TO THE BOARD – 2012

WEST VIRGINIA BOARD OF MEDICINE

Licenses Surrendered to the Board - 2012

MEDICAL PROVIDER

Harmon, Jr., Roy, D.P.M.

Shah, Mahendrakumar Chimanlal, M.D.
*see attached Order

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

Petitioner,

COMPLAINT NO. 10-71-W

v.

MAHENDRAKUMAR CHIMANLAL SHAH, M.D.,

Respondent.

CONSENT ORDER

The West Virginia Board of Medicine (“Board”) and Mahendrakumar Chimanlal Shah, M.D., (“Dr. Shah”) freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-1, *et seq.*:

FINDINGS OF FACT

1. Dr. Shah currently holds an active license to practice medicine in the State of West Virginia, License No. 13785, which was originally issued in 1984. His address of record with the Board is in Point Pleasant, West Virginia.

2. In May 2010, the Complaint Committee of the Board (“Complaint Committee”) initiated a complaint against Dr. Shah, based upon a report received from WeTip, Inc., regarding allegations that Dr. Shah was engaging patients in sexual activity in exchange for prescriptions in the course of his practice of medicine.

3. Dr. Shah filed a timely response to the complaint.

4. The Board conducted further investigation of the complaint, including the interviewing of witnesses and Dr. Shah's former patients and former employees, and the review of Dr. Shah's patient records and his controlled substance prescribing practices.

5. The Board's investigation revealed that Dr. Shah prescribed multiple controlled substances over a period of time to some patients whose medical conditions did not warrant the use of multiple controlled substances over such time.

6. The Board's investigation also revealed that Dr. Shah's medical record documentation did not always justify his course of treatment for some patients.

7. The Board proceeded to file a Complaint and Notice of Hearing relating to allegations against Dr. Shah, and he served a timely Answer to the Complaint and Notice of Hearing.

8. While the Board's investigation did not reveal evidence that Dr. Shah was exchanging prescriptions for sexual favors, in his Answer to the Board's Complaint and Notice of Hearing, Dr. Shah admitted that he had sexual relations with a patient. Dr. Shah denied all remaining allegations.

9. The Board subsequently filed an Amended Complaint and Notice of Hearing in which it added allegations regarding Dr. Shah. Dr. Shah denied the additional allegations in his Answer.

10. Dr. Shah desires to close his practice in Point Pleasant, retire from the practice of medicine and surrender his license to practice medicine and surgery in

the State of West Virginia in order to settle the allegations against him as set forth in the Board's Amended Complaint dated July 3, 2012.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to West Virginia Code §30-3-1 to protect the public interest.

2. Probable cause exists to substantiate charges against Dr. Shah pursuant to West Virginia Code §30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), relating to dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud, or harm the public; pursuant to West Virginia Code §30-3-14(c)(8) and 11 CSR 1A 12.1(r), relating to exercising influence within the patient-physician relationship for the purpose of engaging a patient in sexual activity; pursuant to West Virginia Code § 30-3-14(c)(13), relating to prescribing a prescription drug other than in good faith and in a therapeutic manner in accordance with accepted medical standards and in the course of the physician's professional practice; pursuant to West Virginia Code §30-3-14(c)(11) and 11 CSR 1A 12.1(u), relating to failing to keep written records justifying the course of treatment.; pursuant to West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(x), relating to malpractice and the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent, similar physician as being acceptable under similar conditions and circumstances, and pursuant to West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j), and 11 CSR 1A 12.2 a.D., relating to dishonorable, unethical or unprofessional conduct by prescribing controlled substances in such amounts that Dr. Shah knew or had reason to know, under the

attendant circumstances, that the amounts prescribed were excessive under accepted and prevailing medical practice standards.

3. The Board has determined that it is appropriate and in the public interest and for the health and welfare of patients to enter into this Consent Order in order to resolve the charges against Dr. Shah, as set forth in the Amended Complaint, provided that he surrenders his license to practice medicine and surgery in the State of West Virginia.

CONSENT

Mahendrakumar Chimanlal Shah, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Shah acknowledges that he is fully aware that, without his consent, here given, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, *et seq.*;

2. Dr. Shah acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, the right to cross-examine witnesses against him, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

3. Dr. Shah waives all such rights;

4. Dr. Shah consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia; and

5. Dr. Shah understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law and the foregoing Consent of Dr. Shah, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Effective on August 31, 2012, at 12:01 a.m., Dr. Shah's license to practice medicine and surgery in West Virginia, No. 13785, is **SURRENDERED** to the Board.
2. Effective on August 31, 2012, at 12:01 a.m., Dr. Shah's drug dispensing registration issued by the Board, No. 01689, is **TERMINATED**.
3. Dr. Shah shall **SURRENDER** his Drug Enforcement Administration registration certificate to the Drug Enforcement Administration and provide evidence to the Board of the same, on or before August 31, 2012.
4. Dr. Shah shall **CLOSE** and terminate his medical practice on or before August 31, 2012, at 12:01 a.m.

5. Dr. Shah shall not apply to the Board for licensure in the future, and, if he does, his application will be denied.

The foregoing Order was entered this 10th day of September, 2012.

WEST VIRGINIA BOARD OF MEDICINE

Rev. O. Richard Bowyer
Reverend O. Richard Bowyer
President

Marian Swinker
Marian Swinker, M.D., M.P.H.

I, MAHENDRAKUMAR CHIMANLAL SHAH, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT ORDER. I UNDERSTAND THAT, BY SIGNING THIS CONSENT ORDER, I HAVE WAIVED CERTAIN RIGHTS. I AM SIGNING THIS CONSENT ORDER VOLUNTARILY. I UNDERSTAND THAT THIS CONSENT ORDER CONTAINS THE ENTIRE AGREEMENT WHICH I HAVE MADE WITH THE WEST VIRGINIA BOARD OF MEDICINE, AND THAT THERE ARE NO OTHER AGREEMENTS, EITHER VERBAL OR WRITTEN, BETWEEN THE BOARD OF MEDICINE AND ME REGARDING THIS MATTER.

M Shah
Mahendrakumar Chimanlal Shah, M.D.

Date: 8/13/2012

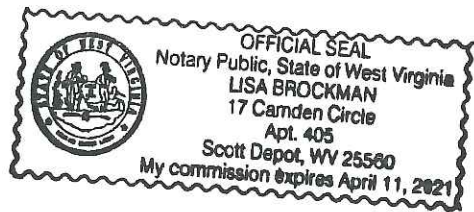
STATE OF West Virginia

COUNTY OF Kanawha, to wit:

I, Lisa Brockman, a Notary Public for said county and state, do hereby certify that Mahendrakumar Chimanlal Shah, M.D., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 13 day of August, 2012.

My commission expires on April 11, 2021.



Lisa Brockman
Notary Public

LICENSURE DENIALS – 2012

WEST VIRGINIA BOARD OF MEDICINE

Licensure Denials - 2012

MEDICAL PROVIDER

Gant, Charles Edward, M.D.

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: CHARLES EDWARD GANT, M.D.

ORDER

The West Virginia Board of Medicine "Board" at its regular meeting on January 9, 2012, reviewed the matter of Dr. Gant's application to the Board for a license to practice medicine and surgery in West Virginia and voted to deny him such a license.

The Board determined that Dr. Gant is unqualified to practice medicine and surgery in the State of West Virginia due to the provisions of West Virginia Code § 30-3-14(c) and 11 CSR 1A 12.1(g). These provisions relate to having a license suspended in another state, in Dr. Gant's case, New York State, where Dr. Gant's license to practice medicine was suspended for a five (5) year period, with all but a six (6) month period of suspension stayed. After reinstatement of his medical license in New York State, Dr. Gant's medical license was in a probationary status for a period of four (4) and one half (1/2) years, which probationary period was in effect until February 24, 2008. This probation constitutes a further violation of West Virginia Code § 30-3-14(c) and 11 CSR 1A 12.1(g), relating to having a license subjected to disciplinary action by the licensing authority of another state.

In addition, the basis for the actions in New York State were negligence, willfully making or filing a false report, practicing the profession fraudulently, and moral unfitness. The actions which were affirmed by the New York Supreme Court, Appellate Division, Third Judicial Department, to have been taken by Dr. Gant include actions which constitute violations of West Virginia Code § 30-3-14(c)(5),(9),(11) and 11 CSR 1A 12.1(e),(j),(p),(q),(s),(u),(x) and

(jj), all relating to making or filing reports that a person knows to be false; making fraudulent representations in the practice of medicine; failing to keep written records justifying the course of treatment of a patient and which are adequate to enable the physician to provide proper diagnosis and treatment; unprofessional conduct, including any departure from the standards of acceptable and prevailing medical practice and committing any act contrary to honesty or good morals; receiving consideration for patient referrals; and failing to practice medicine with that level of care, skill and treatment recognized by a reasonable, prudent physician engaged in the same or a similar specialty as being acceptable under similar conditions or circumstances.

Dr. Gant was notified by certified letter of October 25, 2011, which he accepted on October 28, 2011, that he was scheduled to appear at the November 12, 2011, Licensure Committee meeting in support of his licensure application. He did not appear at the November 12, 2011, meeting and gave no prior notification, or any notification or explanation thereafter, of his absence. By certified letter of November 16, 2011, Dr. Gant was given the opportunity to request withdrawal of his application in light of a probable denial recommendation. Dr. Gant did not claim the November 16, 2011, letter, and though a subsequent letter and e-mails and voice mails were sent to him regarding this matter, he did not respond in any way. Such lack of attention to his request for a medical license and discourteous behavior is again a violation of West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1 (e) and (j), in that such conduct is unprofessional.

The Board determined that the Board would not be able to justify the issuance of a license to Dr. Gant to practice medicine in West Virginia under any circumstances and determined that Dr. Gant had failed to meet his burden of satisfying the Board of his qualifications for licensure under 11 CSR 1A 4.12.

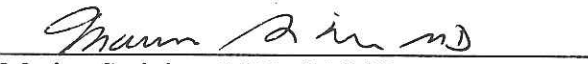
Dr. Gant was notified of the Board's decision by a three (3) page certified letter dated January 18, 2012, and the letter was sent as well to him by regular mail. The letter was signed by the President and Secretary of the Board and contained a clear statement that Dr. Gant had thirty (30) days to appeal the decision. The three (3) page certified letter was returned "unclaimed" to the Board, received by the Board February 13, 2012. The letter sent by regular mail has not been returned to the Board. The presumption is "clear and strong" that notice bearing letters reach their intended addresses. Michies Jurisprudence, Notice, §3.

More than thirty (30) days have passed since Dr. Gant should have received and did receive the Board's decision, and no written request for an appeal has been received from him. The matter of the Board's denial of a license to Dr. Gant is therefore, by this Order **CONFIRMED**, effective March 12, 2012, the date upon which the Board at its regular meeting voted to do so.

Dated this 12th day of March, 2012.

WEST VIRGINIA BOARD OF MEDICINE

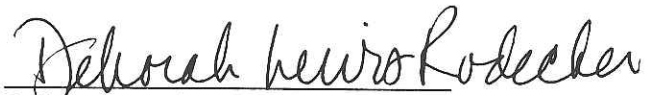

Reverend O. Richard Bowyer
President


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 Order upon Dr. Gant by depositing copies of the same in the United States Mail, postage prepaid, by Regular First Class and Certified Mail, this 12th day of March 2012 addressed as follows:

Charles Edward Gant, M.D.
6996 Henderson Road
Jamesville, NY 13078



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

LICENSURE PROCEEDINGS OPEN – 2012

WEST VIRGINIA BOARD OF MEDICINE

Licensure Proceedings Open - 2012

In Re: Weixing Guo, M.D.

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

In re:

WEIXING GUO, M.D.

AMENDED NOTICE OF HEARING

The previously noticed hearing in the above-captioned matter will begin on Monday, February 11, 2013, beginning at 10:00 a.m. at the offices of the Board of Medicine at 101 Dee Drive, Charleston, West Virginia.

Hearing Examiner Jack C. McClung, Esquire, will preside at the hearing.

Dated this 11th day of December, 2012.

WEST VIRGINIA BOARD OF MEDICINE

BY COUNSEL



Rebecca L. Stepto, State Bar No. 3597
Counsel

West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, West Virginia 25311
(304) 558-2921, Extension 70007

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

In re:

WEIXING GUO, M.D.

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, Counsel for the West Virginia Board of Medicine, do hereby certify that on December 11, 2012, I served the foregoing Amended Notice of Hearing upon Weixing Guo, M.D., at:

Weixing Guo, M.D. (via Certified Mail)
2727 Fairlane Drive
Doraville, GA 30340

and upon his counsel of record via U.S. Mail to:

Stephen S. Burchett
Offutt Nord Burchett PLLC
949 Third Avenue, Suite 300
Huntington, WV 25701



Rebecca L. Stepto

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE


IN RE: WEIXING GUO, M.D.

ORDER OF CONTINUANCE

On October 31, 2012, Weixing Guo, M.D. ["Dr. Guo"] filed a Motion to Continue the Hearing date from November 27, 2012, to a date subsequent to Dr. Guo's anticipated completion of courses and training on February 2, 2013.

It is hereby found that good cause exists to grant the Motion and that the West Virginia Board of Medicine does not oppose the Motion. Accordingly, the Motion to Continue Hearing is hereby GRANTED and the hearing is continued to a date subsequent to February 2, 2013.

ENTERED this 9th day of Nov., 2012.


Hearing Examiner
Jack C. McClung, Esq.
2211 Washington Street, East
Charleston, West Virginia 25311
Telephone: (304)346-0591
Fax: 346-0592
Email: jackmc@wvaco.org

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: WEIXING GUO, M.D.

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, counsel for the West Virginia Board of Medicine, do hereby certify that on November 15, 2012, I caused the foregoing "Order of Continuance" to be served upon Weixing Guo, M.D., at:

Weixing Guo, M.D. (*via Certified Mail*)
415 Owen Lane, Apt. 1410
Waco, TX 76710

and upon his counsel of record, via Certified Mail, to:

Stephen S. Burchett, Esquire
Michael R. Dockery, Esquire
Offutt Nord Burchett PLLC
949 Third Avenue, Suite 300
Huntington, WV 25701



Rebecca L. Stepto
State Bar No. 3597
West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311
(304) 558-2921, Extension 70007

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

In re:

WEIXING GUO, M.D.

NOTICE OF HEARING

NOW COMES the West Virginia Board of Medicine ("Board") and states the following:

1. On September 9, 2002, Weixing Guo was issued License No. 20962 by the Board.
2. On March 8, 2010, License No. 20962 was revoked by the Board.
3. No appeal of the revocation of License No. 20962 was filed by or on behalf of Dr. Guo.
4. In May 2012, Dr. Guo applied for a license to practice medicine and surgery in West Virginia.
5. In September 2012, the Board refused to grant Dr. Guo a license and denied the application for a license. The Board sent a September 19, 2012, letter to Dr. Guo detailing its decision and the reasons supporting its decision.
6. The Board declared in its September 19, 2012, letter to Dr. Guo that it had determined that Dr. Guo is unqualified to practice medicine and surgery due to his violations of provisions of West Virginia Code § 30-3-14(c)(8), (13), (17) and (20) and 11 CSR 1A 12.1 (e), (g), (j), (r) and (x), and 11 CSR 1A 12.2 (a)(A),(B),(D), and (d).
7. The Board's September 19, 2012, letter specifically states that:
 - A.) West Virginia Code § 30-3-14 (c)(8) and 11 CSR 1A 12.1(r) both relate to exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity.
 - B.) West Virginia Code § 30-3-14 (c)(13) relates to prescribing, dispensing, administering, mixing or otherwise preparing a prescription drug, including any controlled substance under state or federal law, other

than in good faith and in a therapeutic manner in accordance with accepted medical standards and in the course of the physician's medical practice.

C.) West Virginia Code § 30-3-14 (c)(17) relates to violating a rule of the Board, and in addition to the violation of 11 CSR 1A 12.1(r) noted in 7. A.) above, Dr. Guo has violated:

1. 11 CSR 1A 12.1 (e) and (j) relating to unprofessional, unethical and dishonorable conduct;
2. 11 CSR 1A 12.1(g), relating to having his medical license revoked not only in West Virginia but also in California, Florida, and New York, and having been restricted from medical practice in Kentucky;
3. 11 CSR 1A 12.1(x), relating to engaging in malpractice or failing to practice medicine with that level of conduct which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances;
4. 11 CSR 1A 12.2(a)(A),(B), (D), and (d), explain in further detail the acts constituting dishonorable, unethical or unprofessional conduct to include:
 - Prescribing or dispensing any controlled substance with the intent or knowledge that it will be used or is likely to be used other than medicinally or for an accepted therapeutic purpose;
 - With the intent to evade any law with respect to the sale, use or disposition of the controlled substances;
 - In such amounts that the licensee knows or has reason to know, under the attendant circumstances, that the amounts prescribed or dispensed are excessive under accepted and prevailing medical practice standards; and
 - Conduct which has the effect of bringing the medical profession into disrepute.

D). West Virginia Code § 30-3-14(c)(20), relating to professional incompetence.

8. The September 19, 2012, Board letter to Dr. Guo stated that the Board determined that under all the circumstances it would not protect the public health, interest, safety and welfare to grant Dr. Guo any kind of license to practice medicine and surgery in the State of West Virginia, nor would it result in a professional environment that encourages the delivery of quality medical services within West Virginia. The letter stated that in the Board's opinion, it is

the Board's obligation to consider these factors under the West Virginia Medical Practice Act.

9. The September 19, 2012, Board letter stated that the Board noted that two and one-half (2 ½) years ago, Dr. Guo did not exercise his right to appeal the March 8, 2010, Notice of Revocation of his license by the Board, which in the Board's judgment was the appropriate and necessary action for him to take at that time since he now asserts that he disputes the Notice of Revocation.
10. The September 19, 2012, Board letter stated Dr. Guo has failed to meet his burden of satisfying the Board of his qualifications for licensure under 11 CSR 1A 4.12.
11. Dr. Guo received the September 19, 2012, Board letter on September 24, 2012. He notified the Board of his intent to appeal the denial of a license in his counsel's letter dated October 12, 2012, which was received by the Board on October 15, 2012.
12. Probable cause exists to refuse to grant Dr. Guo a license to practice medicine and surgery and to deny him a license to practice medicine and surgery pursuant to West Virginia Code § 30-3-14(c)(8),(13),(17) and (20), and 11 CSR 1A 12.1(r), all relating to exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity; relating to prescribing, mixing or otherwise preparing a prescription drug , including any controlled substance under state or federal law other than in good faith and in a therapeutic manner in accordance with accepted medical standards and in the course of the physician's medical practice; relating to violating rules of the Board, and relating to professional incompetence.
13. Probable cause exists to refuse to grant Dr. Guo a license to practice medicine and surgery and to deny him a license to practice medicine and surgery pursuant to West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1 (e),(g),(j) and (x) and 11 CSR 1A 12.2 (a)(A),(B),(D) and (d), all relating to unprofessional, unethical and dishonorable conduct; relating to having a medical license revoked in West Virginia, California, Florida and New York, and being restricted from medical practice in Kentucky; relating to engaging in malpractice or failing to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or a similar specialty as being acceptable under similar conditions and circumstances; relating to prescribing or dispensing any controlled substance with the intent or knowledge that it will be used or is likely to be used other than medicinally or for an accepted therapeutic purpose; with the intent to evade any law with respect to the sale, use or disposition of the controlled substances; in such amounts that the licensee knows or has reason to know, under the attendant circumstances, that the amounts prescribed or dispensed are excessive under accepted and prevailing medical practice

standards, and conduct which has the effect of bringing the medical profession into disrepute.

Accordingly, Weixing Guo, M.D., is hereby notified that a hearing will be convened beginning at 9:30 a.m. on November 27, 2012, in the Board offices at 101 Dee Drive, Charleston, West Virginia, for the purpose of hearing evidence on the aforesaid request of Dr. Guo for a license to practice medicine and surgery in West Virginia, at which time Dr. Guo 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.

Dr. Guo shall in writing and within fifteen (15) days of this Notice select as hearing examiner either Carole A. Bloom, Esquire, or Jack C. McClung, Esquire, to preside at and conduct the proceedings.

Dated this 25th day of October, 2012.

WEST VIRGINIA BOARD OF MEDICINE

Rev. O. Richard Bowyer

Rev. O. Richard Bowyer
President

Marian Swinker MD

Marian Swinker, M.D., M.P.H.
Secretary

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

In re:

WEIXING GUO, M.D.

CERTIFICATE OF SERVICE

I, Rebecca L. Stepto, counsel for the West Virginia Board of Medicine, do hereby certify that on October 25, 2012, I caused the foregoing "Notice of Hearing" to be served upon Weixing Guo, M.D., at:

Weixing Guo, M.D. (via Certified Mail)
415 Owen Lane, Apt. 1410
Waco, TX 76710

and upon his counsel of record via Certified Mail to:

Stephen S. Burchett
Offutt Nord Burchett PLLC
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