

WEST VIRGINIA BOARD OF MEDICINE

Complaint Committee Meeting Minutes

March 10, 2024

A meeting of the West Virginia Board of Medicine Complaint Committee was held at 101 Dee Drive, Charleston, West Virginia, on the 10th day of March 2024 beginning at 12:30 p.m.

The following Committee members were present:

David A. Mullins, MD, Complaint Committee Chair
Jonathan P. Lilly, MD, Vice President
Angela A. Mayfield
Christopher J. Tipton, PA

The following Staff members were present:

Mark A. Spangler, MA
Jamie S. Alley, Esquire
Greg Foster, Esquire
Leslie A. Thornton, CMBI
Jacob W. Spradling

**CALL TO
ORDER**

Dr. Mullins called the meeting to order.

**APPROVAL
OF**

MINUTES Dr. Lilly made a motion to approve the minutes of the January 7, 2024 Complaint Committee meeting and the January 22, 2024 Complaint Committee special meeting. Ms. Mayfield seconded the motion, and the motion carried.

BOARD

COUNSEL REPORT Mr. Foster provided an update with respect to the Consent Orders offered by the Committee. Since the January meeting, a fully executed Consent Order has been entered with respect to each of the following licensees:

CONSENT ORDERS

Licensee	Entry Date	Summary and Terms
Christopher Roman Koebele, MD Complaint No. 23-81-W	January 8, 2024	This licensee was fined \$500.00 for failing to complete a Board approved CME course on drug diversion training and best practice prescribing of controlled substances training.
Steven Wayne Powell, MD Complaint No. 23-102-W	January 8, 2024	In resolution of a pending complaint, this licensee permanently surrendered his West Virginia medical license.
Todd Allan Lares, MD Complaint No. 23-86-W	February 15, 2024	This physician was fined \$500.00 for failing to disclose a medical malpractice settlement in association with his 2022 licensure renewal application.
Todd Richard Myers, MD Complaint No. 21-102-W	February 15, 2024	In July 2022, this physician agreed to an indefinite restriction on his ability to perform surgical procedures in West Virginia. Dr Myers has satisfied the preconditions for re-entry into surgical practice, and the Amended Consent Order establishes terms and conditions, including proctoring and monitoring, upon his re-entry into surgical practice.

Troy Lane Potthoff, MD Complaint No. 23-101-W	February 26, 2024	This licensee was publicly reprimanded for the conduct that led to his license being disciplined in another state.
Laura Ellen Purdy, MD Complaint No. 23-65-W	March 1, 2024	This licensee was publicly reprimanded for having action taken against her Mississippi license and for the conduct, including failing to establish a physician patient relationship prior to prescribing via telehealth, which formed the basis of the Mississippi action.
Kiritkumar Harjivandas Bhalani, MD Complaint No. 23-71-W	March 6, 2024	This licensee was fined \$500.00 for a CME deficit of 4 hours.

EXECUTIVE

SESSION Mr. Tipton made a motion that the Public Session be recessed in order to enter into Executive Session pursuant to W. Va. Code § 6-9A-4(b)(4) and (6), and West Virginia Code § 30-3-6 to discuss pre-probable cause disciplinary matters, matters effecting a license, and information that, if disclosed, would constitute an unwarranted invasion of privacy. Ms. Mayfield seconded the motion, and the motion carried.

PUBLIC

SESSION The Committee re-entered Public Session.

Dr. Mullins declared a conflict in a pending Complaint Committee matter. The matter was identified as a confidential report pending before the Committee for possible initiation of a Committee complaint and investigation. Dr. Mullins disclosed that his conflict relates to the fact that he and the licensee share a personal friendship. Dr. Mullins designated Dr. Lilly to chair the meeting in his absence and left the meeting room.

During his absence, Mr. Tipton moved that the Committee initiate Complaint No. 24-29-W. Ms. Mayfield seconded the motion, and the motion carried. Having completed discussion and action upon the matter in which Dr. Mullins declared a conflict, Dr. Mullins returned to the meeting room and was present for remainder of the meeting.

**COMPLAINT
COMMITTEE**

ACTIONS Mr. Tipton moved that the Committee take the following actions:

CLOSURES

23-46-W	Susan Lovejoy Alberto, MD
23-113-W	Christopher Hager, MD
23-108-W	John Adetunji Adeniyi, MD
23-110-R	Angela Dolganiuc, MD
23-117-N	Melissa Dawn Graves, MD
23-93-H	Dawn Reed Jones, MD
23-121-S	Kamalesh Purushottam Patel, MD
23-95-D	Crishelle Lynn Shank, MD
23-37-S	Arif Mahmood Malik, MD
23-20-G	John Robert Phillips, MD
23-21-G	Pieter Alexander Verhoeven, MD

INITIATED COMPLAINTS

24-24-W
24-25-W
24-26-W
24-27-W
24-28-W

Ms. Mayfield seconded the motion, and the motion carried.

Mr. Tipton moved that the Committee seek authority from the Board to issue Consent Orders or Amended Consent Orders in eleven ongoing matters. Ms. Mayfield seconded the motion, and the motion carried.

On March 17, 2020, Parth Sarathi Bharill, MD's West Virginia medical license was mandatorily revoked by the Board as required by section 30-3-14(d) of the Medical Practice Act. The Order of Revocation was based upon Dr. Bharill's conviction on February 4, 2020, of one felony count of conspiring to distribute suboxone outside the normal course of professional practice. Dr. Bharill was sentenced to 6 months of home detention and 5 years of probation. He was also ordered to pay a \$50,000.00 fine, an assessment of \$100.00, and \$23,076.95 in restitution. Section 30-3-14(d) provides that a physician whose license has been mandatorily revoked under this section may apply for re-licensure upon completion of their sentence and full satisfaction of any fines or other fees imposed by the Court. The Board may grant the petition upon finding that the physician is, except for the underlying conviction, otherwise qualified to practice medicine. Provided, the Board may place whatever terms, conditions and limitations it deems appropriate upon the physician.

Dr. Bharill has submitted a petition to reactivate his revoked license and has provided evidence that he has satisfied all preconditions to be eligible to reactivate his revoked license. Dr. Bharill completed his sentence of home confinement and was granted early termination of his probation period by the Court on January 25, 2023. He also provided proof of his satisfaction of all fines and court fees.

Dr. Bharill provided additional information, including that:

- His Iowa medical license was fully reinstated to unrestricted status on November 17, 2022
- His Pennsylvania medical license was fully reinstated to unrestricted status on February 24, 2023
- Dr. Bharill is currently board certified in the medical specialties of internal medicine and gastroenterology and is participating in maintenance of certification.

On January 7, 2024, Dr. Bharill appeared before the Complaint Committee to discuss his petition for re-licensure.

Based upon review of Dr. Bharill's application and his appearance, Ms. Mayfield moved that the Complaint Committee recommend that the Board find that except for the underlying conviction, Dr. Bharill is otherwise qualified to practice medicine and surgery in West Virginia, and offer reactivation of licensure pursuant to the following terms to be memorialized in a Consent Order:

1. Dr. Bharill may not re-enter clinical medical practice without a Board-approved re-entry plan.
2. While Dr. Bharill has agreed not to resume the practice of addiction medicine, should he seek to resume clinical practice in any area of medical specialty other than internal medicine or gastroenterology, he shall contact the Board for guidance concerning the content and requirements of any proposed plan re-entry plan.
3. In order to return to the independent practice of internal medicine, Dr. Bharill must first successfully complete a proctoring regimen to ensure his clinical skills and knowledge are current and appropriate for the practice of internal medicine. The proctoring regimen shall comport with the following requirements:
 - a. Dr. Bharill shall be proctored for a minimum of six (6) months by a qualified physician that is board certified in internal medicine and has been approved by the Complaint Committee.
 - b. The proctoring physician must be familiar with the terms and conditions of the Consent Order.
 - c. The proctoring physician shall submit quarterly reports to the Committee assessing Dr. Bharill's ongoing progress, including his performance, clinical decision making, clinical knowledge and medical documentation practices.
 - d. After six months of proctoring, the proctoring physician shall issue a report which contains a certification of whether the proctoring regimen was successfully completed and any recommendations regarding Dr. Bharill's return to independent practice in the area of internal medicine.
 - e. After the Board is in receipt of all required documentation from the proctoring physician which indicates that Dr. Bharill has successfully completed his internal medicine proctoring regimen, Dr. Bharill may petition the Board to lift or modify this Consent Order and return to the independent practice of internal medicine.

4. In order to return to the independent practice of gastroenterology, Dr. Bharill must first successfully complete a proctoring regimen to ensure his clinical and surgical skills are current and appropriate for the practice of gastroenterology. The proctoring regimen shall comport with the following requirements:

a. Dr. Bharill shall be proctored by a qualified physician that is board certified in gastroenterology and has been approved by the Committee.

b. The proctoring physician must be familiar with the terms and conditions of the Consent Order and must submit written notification to the Board that he or she understands the terms of the proctorship and agrees to submit the required documentation and written reports required by this Consent Order.

c. Dr. Bharill shall be proctored until he has successfully completed all of the following procedures the specified number of times:

i. Colonoscopy (25 procedures)

ii. EGD (25 procedures)

d. The proctoring physician shall act as first assistant for all surgeries in which Dr. Bharill assumes primary responsibility. The proctoring physician shall be present in the room and directly observe the procedure and be available to step in as necessary for patient safety. If any question or concern arises during the procedure, Dr. Bharill shall defer to the judgment or decision of the proctoring physician.


e. The proctoring physician shall submit quarterly reports to the Committee regarding Dr. Bharill's progress and the number and type of proctored procedures Dr. Bharill has performed, and assessing Dr. Bharill's performance, surgical skill, decision making and medical documentation.

f. Upon completion of the proctoring regimen, the proctoring physician shall submit a final report to the Committee which contains a certification of whether the proctoring regimen was successfully completed and any recommendations regarding Dr. Bharill's independent practice of gastroenterology.

g. After the Board is in receipt of all required documentation from the proctoring physician which indicates that Dr. Bharill has successfully completed his gastroenterology proctoring regimen, Dr. Bharill may petition the Board to lift or modify this Consent Order and return to the independent practice of gastroenterology.

Mr. Tipton seconded the motion, and the motion carried.

ADJOURNMENT There being no further business, the Complaint Committee determined by consensus to adjourn.



David A. Mullins, MD
Chair of the Complaint Committee