

WEST VIRGINIA BOARD OF MEDICINE
Complaint Committee Meeting Minutes
May 19, 2024

A meeting of the West Virginia Board of Medicine Complaint Committee was held at 101 Dee Drive, Charleston, West Virginia, on the 19th day of May 2024, beginning at 12:30 p.m.

The following Committee members were present:

David A. Mullins, MD, Complaint Committee Chair
Radhakrishna U. Kukkillaya, MD
Angela A. Mayfield
Christopher J. Tipton, PA

The following Staff members were present:

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

**CALL TO
ORDER**

Dr. Mullins called the meeting to order.

**APPROVAL
OF**

MINUTES Mr. Tipton made a motion to approve the minutes of the March 10, 2024 Complaint Committee meeting and the April 19, 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 March 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
Eduardo Diego Abarca-Rojas, MD Complaint No. 23-67-W	April 9, 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.
Stuart Douglas Anderson, MD Complaint No. 21-116-W	May 9, 2024	This licensee was publicly reprimanded for performing unindicated surgical procedures on patients and prohibited from performing surgical procedures in West Virginia.
Miguel Antonatos, MD Complaint No. 23-107-W	May 7, 2024	This licensee was publicly reprimanded for the conduct that led to his license being disciplined in another state.
Parth Sarathi Bharill, MD Consent Order	April 9, 2024	This licensee petitioned the Board to reactivate his previously revoked license as permitted by W. Va. Code § 30-3-14(d). Dr. Bharill provided evidence that he satisfied all statutory conditions and requirements for reactivation. Accordingly, his license was reactivated, subject to certain terms, limitations, and conditions, including a re-entry plan.

Anand Pankaj Lalaji, MD Complaint No. 24-05-W	March 26, 2024	This licensee was prohibited from practicing medicine and surgery in West Virginia or otherwise to West Virginia patients until otherwise lifted or modified by the Board.
Shannon Bradley Murrell, PA Complaint No. 23-87-W	March 11, 2024	This licensee was fined \$500.00 for failing to disclose a medical malpractice settlement in association with his 2023 licensure renewal application.
Mark Warren Nolan, MD Complaint No. 21-63-W	April 23, 2024	This licensee was restricted from the practice of weight-loss medicine and prohibited from prescribing, administering or dispensing medication for weight loss.
Michael Allen Stewart, MD Complaint No. 23-105-W	May 9, 2024	This licensee was publicly reprimanded for his unprofessional conduct.
Yuanhui Zhang, MD Complaint No. 23-103-W	March 26, 2024	This physician was fined \$500.00 for failing to disclose a medical malpractice settlement in association with his 2023 licensure renewal application.

EXECUTIVE

SESSION Ms. Mayfield 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. Mr. Tipton seconded the motion, and the motion carried.

PUBLIC

SESSION The Committee re-entered Public Session.

Dr. Mullins declared a conflict with regard to Complaint No. 24-29-W. Dr. Mullins disclosed that his conflict relates to the fact that he and the licensee share a personal friendship. Dr. Mullins designated Ms. Mayfield to chair the meeting in his absence and left the meeting room.

During his absence, Mr. Tipton moved that the Committee close Complaint No. 24-29-W. Dr. Kukkillaya 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 the remainder of the meeting.

Mr. Tipton declared a conflict with regard to Complaint No. 24-11-W. Mr. Tipton disclosed that his conflict relates to the fact that he and the licensee are former coworkers. Mr. Tipton then exited the meeting room. Having completed discussion upon the matter in which Mr. Tipton declared a conflict, Mr. Tipton returned to the meeting room for the remainder of the meeting.

The Complaint Committee undertook a discussion of its protocols regarding investigatory action of complaints pending Committee review. Specifically, at a prior meeting on September 10, 2023, the Committee delegated authority to Board staff to subpoena medical records in association with complaints pending Committee review if the complaint sets forth: (1) allegations of professional misconduct that arise from and/or relate to a patient death or serious injury; and (2) the records are relevant to the allegations in the complaint and would assist the Committee in its review. At the May 19, 2024 meeting, Board staff proposed that this delegation also pertain to complaints that set forth allegations of sexual misconduct.

At the conclusion of the Committee discussion, Ms. Mayfield moved that the Committee also delegate authority to Board staff to subpoena records in association with complaints pending Committee review if the complaint involves allegations of sexual misconduct. Mr. Tipton seconded the motion, and the motion carried.

COMPLAINT COMMITTEE

ACTIONS Ms. Mayfield moved that the Committee take the following actions:

CLOSURES

24-02-W	Taylor Morgan Chevalier, PA
23-72-W	Shirley Ann Conibear, MD
23-73-W	Ozeta Dareace Cooper, MD
24-14-W	Antoine Katiny, MD
22-126-W	Dana Thayer Lerman, MD
24-06-W	Alexandra Merritt Matthews, MD
24-01-W	Olga Minenko-McDaniel, MD
23-118-C	David Summers Ratliff, MD
23-35-W	M. Saad Khan Sikanderkhel, MD
24-20-N	Sanjay Ranjit Bharti, MD
24-21-L	Melinda Nicole Cooper, MD
24-16-D	Juan Manuel D'Brot, MD
23-119-E	Jeremy Shayne Hensley, MD
24-19-W	Sandra K. May, PA
24-18-C	Emily Anne Parker Montgomery, MD
23-111-K	Rozaleen Edward Phaltas, MD
23-124-J	Marie Ann Stemple, MD

INITIATED COMPLAINTS

24-46-W
24-47-W
24-48-W
24-49-W
24-50-W
24-51-W
24-52-W
24-53-W
24-54-W
24-55-W
24-56-W
24-57-W
24-58-W
24-59-W
24-60-W
24-61-W
24-62-W

Dr. Kukkillaya seconded the motion, and the motion carried.

Ms. Mayfield moved that the Committee seek authority from the Board to issue Consent Orders or Amended Consent Orders in seven ongoing matters. Dr. Kukkillaya 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