

# WEST VIRGINIA BOARD OF MEDICINE

## Board Meeting Minutes

April 10, 2024

The West Virginia Board of Medicine met via Zoom at 12:30 pm on April 10, 2024.

The following Board members attended the meeting:

Ashish P. Sheth, MD, President, Executive/Management Chair and  
Personnel Committee Chair

Matthew Q. Christiansen, MD, MPH, Secretary

Kiran S. Devaraj, MD

Radhakrishna U. Kukkillaya, MD

Kiran R. Patel, MD, FACOG, Licensure Committee Chair

Mustafa Rahim, MD, Legislative Committee Chair

Victoria L. Takubo, PA-C, Physician Assistant Committee Chair

Russell O. Wooton

The following Board member did not attend the meeting:

Kishore K. Challa, MD, FACC

Douglas S. Dockery, DPM

Reverend Janet M. Harman

The following Board members were conflicted from deliberating in the matter of *West Virginia Board of Medicine, Petitioner, v. Phillip Allen Peterson, MD, Respondent*, Complaint No. 22-86-W due to their participation on the Board's Complaint Committee, and therefore were not invited to attend the meeting:

Jonathan P. Lilly, MD, Vice President

Angela A. Mayfield

David A. Mullins, MD, Complaint Committee Chair

Christopher J. Tipton, PA-C

The following staff member attended the meeting:

Jamie C. Frame

The following representative from the West Virginia Attorney General's Office attended the meeting:

Anthony Eates, Esq.

Dr. Sheth called the meeting to order, and attendance was documented by Ms. Frame.

CALL TO  
ORDER

With a quorum of the members present and participating, Mr. Eates advised the Board in the matter of *West Virginia Board of Medicine, Petitioner, v. Phillip Allen Peterson, MD, Respondent*, Complaint No. 22-86-W. Mr. Eates gave the procedural history of the case and reported on the *Hearing Examiner's Recommended Findings of Fact, Conclusions of Law and Recommended Decision*. Mr. Eates pointed out that in Conclusion of Law #20, on page 33, in the third sentence, the Hearing Examiner refers to "Dr. Peterson's recollection of disciplinary actions." This sentence should refer to Dr. Lee Smith's testimony.

After considering the Hearing Examiner's Recommended Findings of Fact, Conclusions of Law and Recommended Decision, and the underlying record adduced in this matter, Dr. Rahim moved that the Board:

- a. Adopt and accept the recommended decision.
- b. Modify Conclusion of Law #20 of the Hearing Examiner's Recommended Findings of Fact, Conclusions of Law and Recommended Decision to read as follows:

20. Dr. Lee Smith's testimony regarding factual matters was generally credible. However, his opinion testimony regarding the merits of the Complaint against Dr. Peterson is afforded no weight because he admitted that he and Dr. Peterson are "personal friends" and he would necessarily be ethically recused from participating in any disciplinary matter regarding Dr. Peterson if he was presently serving on the Board. In addition, Dr. Lee Smith's recollection of disciplinary actions taken by the Board regarding CME violations by physicians during his tenure on the Board was substantially impeached by reliable documentary evidence presented during Dr. Smith's cross-examination by counsel for the Board. Further, Dr. Smith has not served on the Board at any time since this West Virginia-specific controlled substance CME requirement was enacted.

- c. Assess Dr. Peterson a fine of five hundred dollars (\$500.00), to be paid no later than thirty (30) days from the entry of an Order.
- d. Order Dr. Peterson to pay the costs and expenses of the proceeding, as permitted by 11 C.S.R. 1A § 12.3.g, within thirty (30) days of the issuance of an invoice by the Board.

Mr. Wooton seconded the motion, and the motion carried without opposition.

There being no further business to consider, Dr. Rahim moved that the meeting adjourn. Dr. Devaraj seconded the motion, and the motion carried.

**ADJOURNMENT**



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Ashish P. Sheth, MD  
President



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Matthew Q. Christiansen, MD, MPH  
Secretary