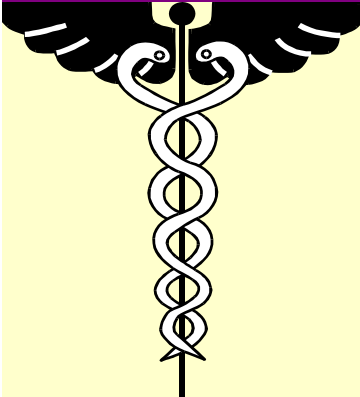


West Virginia Board of Medicine Quarterly Newsletter



???DID YOU KNOW???

The **Health Insurance Portability and Accountability Act (HIPAA)** permits the imposition of reasonable, cost based fees by health care providers when patients request copies of their medical records. The fee may include only the cost of copying (including supplies and labor) and postage.

However, West Virginia state law requirements (West Virginia Code §16-29-2) state reasonable expenses are to be reimbursed as follows:

The health care provider shall be reimbursed by the person requesting in writing a copy of the records at the time of delivery for all reasonable expenses incurred in producing record copies: "Provided, That the cost may not exceed seventy-five cents per page for the copying of any record or records which have already been reduced to written form and a search fee may not exceed ten dollars."

A provider shall not impose a charge on an indigent person or his or her authorized representative if the medical records are necessary for the purpose of supporting a claim or appeal under any provisions of the Social Security Act.

The state law further provides that: *a person is considered indigent if he or she:*

Is represented by an organization or affiliated pro bono program that provides legal assistance to indigents; or

Verifies on a medical records request and release form that the records are requested for purposes of supporting a social security claim or appeal and submits with the release form reasonable proof that the person is financially unable to pay full copying charges by reason of unemployment, disability, income below the federal poverty level, or receipt of state or federal income assistance.

Any person requesting free copies of written medical records is limited to one set of copies per provider. Additional requests for the same records from the same provider are subject to the fee provisions.

The search fee allowed under West Virginia law is preempted or voided by **HIPAA** and only the copying fee, not to exceed \$.75 per page, may be imposed.

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MEDICAL DOCTOR/PODIATRIST/PHYSICIAN ASSISTANT SEARCH NOW ON WEB SITE

In September, 2005, the West Virginia Board of Medicine launched a Medical Doctor/Podiatrist/Physician Assistant Search option on the Board's web site. This feature will allow anyone to search for a medical doctor, podiatrist, or physician assistant by name, license number, license type, specialty, or work location. The Search will display data such as: directory information and disciplinary information.

The web site also has information on medical corporations and professional limited liability corporations.



Check out the Medical Doctor/Podiatrist/
Physician Assistant Search feature on
the Board's web site at:
www.wvdhhr.org/wvbom.

Ext

Staff of the West Virginia Board of Medicine (304) 558-2921

227	Ronald D. Walton, M.A.	Interim Executive Director
214	Deborah Lewis Rodecker, J.D.	Counsel
215	Stephen D. Greer, II, J.D.	Prosecuting Attorney
212	M. Ellen Briggs	Administrative Assistant to the Executive Director
222	Leslie A. Higginbotham	Paralegal/Investigator
210	Charlotte A. Jewell	Receptionist/Physician Assistant Coordinator
216	Michael R. Lilly	Information Systems Coordinator
221	Crystal Lowe	Licensure Analyst
211	Janie Pote	Administrative Assistant to Legal Department
224	Pennie Price	Verification Coordinator
220	Deb Scott	Fiscal Officer
213	Sheree Smith	Complaints Coordinator

REMINDERS

DISCHARGE OF A PATIENT

If you are discharging a patient from your practice, the Board recommends giving at least thirty (30) days notice to the patient, in writing, with an explanation that if an emergency arises within the thirty (30) day period where first aid treatment is essential, you will respond to the best of your ability to care for the patient at that time. This is based on the opinion of the AMA on Neglect of Patients in its Council on Ethical and Judicial Affairs Code of Medical Ethics. The book may be obtained by calling the AMA toll free at 800.621.8335.

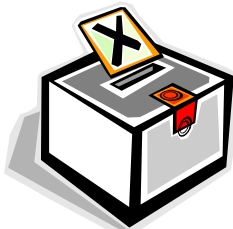
The AMA's Council on Ethical and Judicial Affairs Code of Medical Ethics also contains a number of helpful opinions on physician records, including one on Records of Physicians Upon Retirement or Departure from a Group and on the Sale of a Medical Practice. The Board recommends that patients be notified about what is happening to their records in each of the above situations, and given an opportunity to have the records forwarded to the physician of their choice. We recommend especially that you obtain your own copy of the Code of Medical Ethics so that you are able to review these opinions, and many others on a wide variety of topics, for yourself.

TOLL-FREE NUMBER FOR CONSUMER COMPLAINTS

The Board has a toll-free number for callers within West Virginia who have consumer complaints against an M.D., D.P.M., or P.A.-C. The toll-free number is 877.867.6411. For all matters other than consumer complaints, the Board's main number, 304.558.2921, must be used.

ADDRESS OF A LICENSEE IS PUBLIC INFORMATION

West Virginia Legislative Rule 11 CSR 1A 10.2(a) requires the West Virginia Board of Medicine to provide, upon written or verbal request, an address of a medical doctor, podiatrist, or physician assistant. Recently, all information pertaining to licensed medical doctors, podiatrists, and physician assistants became available to the public by access to the Board of Medicine's Internet Website. With the release of this information, it has highlighted the need for licensees to carefully consider the address provided to the Board as the preferred address of record. Please be aware that the address the licensee indicates as his or her preferred address of record will be the address disclosed to all individuals making inquiries and will be utilized to mail all licenses, renewal applications, and other official correspondence from the West Virginia Board of Medicine. Licensees have the option to choose their home address or their principal office address as their preferred address of record. It is the responsibility of the licensee to inform the Board of the licensee's correct address and of any change of address. For the licensee's convenience, this NEWSLETTER contains a change of address form located on page 8.



ELECTION OF LEONARD SIMMONS, D.P.M., AS FEDERATION PRESIDENT

Leonard Simmons, D.P.M., is serving his second term as President of the Federation of Podiatric Medical Boards for 2005—2006. Dr. Simmons has been a member of the West Virginia Board of Medicine over 23 years. He has also been President of the National Board of Podiatric Medical Examiners and the West Virginia State Podiatric Medical Association.

NOTICE

The Federation of State Medical Boards of the United States reports that **The Physician's Guide to Assessing and Counseling Older Drivers** is available for free in print or in electronic format from both the National Highway Traffic Safety Administration at www.nhtsa.dot.gov/people/injury/olddrive/OlderDriversBook/ or from the American Medical Association at www.ama-assn.org/ama/pub/category/10791.html. Though older drivers are referenced in the title, in fact it assists physicians treating medical conditions that may affect drivers of any age.

In West Virginia, if a physician believes that a person has a physical, medical or emotional condition which is jeopardizing the person's ability to operate a motor vehicle competently, contact may be made with Lora Witt, Customer Service Representative, at the Division of Motor Vehicles, Building 3, Room 124, Charleston, West Virginia 25317, telephone number 304.558.2058 or 2038, lwitt@dot.state.wv.us. The Division of Motor Vehicles may require the person to submit to relevant examinations, then, if appropriate, the license may be revoked, suspended or restricted.

West Virginia Board of Medicine Board Members

Angelo N. Georges, M.D., President
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J. David Lynch, Jr., M.D.
Morgantown

Carmen R. Rexrode, M.D., Vice President
Moorefield

Vettivelu Maheswaran, M.D.
Charles Town

Catherine Slep, M.D., M.P.H., Secretary
Charleston

Leonard Simmons, D.P.M.
Fairmont

R. Curtis Arnold, D.P.M.
South Charleston

Lee Elliott Smith, M.D.
Princeton

Rev. Richard Bowyer
Fairmont

John A. Wade, Jr., M.D.
Point Pleasant

Ms. Doris M. Griffin
Martinsburg

Badshah J. Wazir, M.D.
South Charleston

M. Khalid Hasan, M.D.
Beckley

BOARD ACTIONS
July 2005 — September 2005



AGAS, ULYSSES DIAZ, M.D. – Logan, WV (08/12/2005) WV License No. 13227
Board Conclusion: Renewing a license to practice medicine and surgery by fraudulent misrepresentation and making a false statement in connection with a licensure application.
Board Action: License SUSPENDED effective August 15, 2005. Said suspension was STAYED immediately, pending compliance with terms and conditions set forth in the Consent Order.

ASKARI, SHAHRAM, M.D. – Irvin, TX (07/27/2005) WV License No. 22019
Board Conclusion: Relating to having a license acted against in another state.
Board Action: Dr. Askari, having met the requirements for medical licensure in the State of West Virginia, was licensed to practice medicine and surgery in the State of West Virginia effective July 27, 2005, in a PROBATIONARY status until February 18, 2006.

BURDICK, HOYT JEFFERY, M.D. – Huntington, WV (08/03/2005) WV License No. 14255
Board Conclusion: Renewing a license to practice medicine and surgery by fraudulent misrepresentation and making a false statement in connection with a licensure application.
Board Action: License SUSPENDED effective August 15, 2005. Said suspension was STAYED immediately, pending compliance with terms and conditions set forth in the Consent Order.

BURNS, GEORGIANNA TSEKOURAS, M.D. – Monroe, LA (07/11/2005) WV License No. 13040
Board Conclusion: Relating to having a license acted against in another state, and unprofessional conduct.
Board Action: License SURRENDERED effective June 30, 2005, and if at any time in the future she wishes to have a West Virginia medical license, she must appear before the Board's Licensure Committee and satisfy the Committee that she is in all respects capable of practicing medicine safely for patients.

COOK, NICHOLAS A., M.D. – Meadville, PA (08/30/2005) WV License No. 22020
Board Conclusion: The inability to practice medicine and surgery with reasonable skill and safety due to . . . abuse of drugs.
Board Action: Dr. Cook, having met the requirements for medical licensure in the State of West Virginia, was licensed to practice medicine and surgery in the State of West Virginia effective September 1, 2005, subject to limitations, restrictions, and accommodations through April, 2007.

CURTIN, WILLIAM JAMES, M.D. – South Williamson, KY (09/14/2005) WV License No. 18918
Board Conclusion: Prescribing and dispensing a controlled substance for his own use; filing a deceptive report with the Board; failing to comply with a Consent Order of the Board; engaging in dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public.
Board Action: License revoked for a period of five (5) years. Such revocation is stayed, upon certain conditions of PROBATION.

DE LA PENA, CORDELL AMADO, M.D. – Clarksburg, WV (08/16/2005) WV License No. 09369
Board Conclusion: Renewing a license to practice medicine and surgery by fraudulent misrepresentation and making a false statement in connection with a licensure application.
Board Action: License SUSPENDED effective August 15, 2005. Said suspension was STAYED immediately, pending compliance with terms and conditions set forth in the Consent Order.



BOARD ACTIONS
July 2005 — September 2005
continued



DERAKHSHAN, IRAJ, M.D. – Charleston, WV (07/11/2005)

WV License No. 18591

Board Conclusion: Relating to failure to keep written records justifying the course of treatment and unprofessional conduct.

Board Action: Shall successfully complete a course in “Controlled Substance Management” and a course in record keeping, within ten (10) months of the date of entry of the Consent Order; agrees to cease advising patients to cut time-released medications in half with a pill cutter; shall continue to reduce the number of patients he examines or otherwise treats in a given day; and shall not examine more than twenty-five (25) patients in a twenty-four (24) hour period, excluding those patients Dr. Derakhshan visits or otherwise treats in any hospital.

DIAL, WALTER EVERETT, M.D. – Ranger, WV (08/04/2005)

WV License No. 19132

Board Conclusion: Relating to unprofessional and unethical conduct.

Board Action: PUBLICLY REPRIMANDED for unprofessional and unethical conduct relating to his 2004 guilty plea to the misdemeanor citation of possession of marijuana. For a two (2) year period beginning August 15, 2005, and ending August 15, 2007, Dr. Dial shall submit to random and unannounced testing of his bodily fluids at any time upon demand of the Board. Dr. Dial shall refrain completely from the use of any controlled substances except as may be prescribed to him by another duly licensed physician, and Dr. Dial may not ingest poppy seeds.

DUMITRACHE, ANGELA, M.D. – Frederick, MD (07/11/2005)

WV License No. 21360

Board Conclusion: Renewing a license to practice medicine and surgery by fraudulent misrepresentation and making a false statement in connection with a licensure application.

Board Action: License SUSPENDED effective July 12, 2005. Said suspension was STAYED immediately, pending compliance with terms and conditions set forth in the Consent Order.

HADDOX, JOSHUA ALEXANDER, M.D. – Huntington, WV (08/18/2005)

WV License No. 20676

Board Conclusion: Renewing a license to practice medicine and surgery by fraudulent misrepresentation and making a false statement in connection with a licensure application.

Board Action: Inactive license placed in an ACTIVE status and said license was SUSPENDED, all effective August 18, 2005. Said suspension was STAYED immediately, pending compliance with terms and conditions set forth in the Consent Order.

HARTZOG, JOSEPH MICHAEL, M.D. – Morgantown, WV (07/11/2005)

WV License No. 18018

Board Conclusion: Renewing a license to practice medicine and surgery by fraudulent misrepresentation and making a false statement in connection with a licensure application.

Board Action: License SUSPENDED effective July 12, 2005. Said suspension was STAYED immediately, pending compliance with terms and conditions set forth in the Consent Order.

JIN, CHUANFANG, M.D. – Morgantown, WV (07/11/2005)

WV License No. 20616

Board Conclusion: Renewing a license to practice medicine and surgery by fraudulent misrepresentation and making a false statement in connection with a licensure application.

Board Action: License SUSPENDED effective July 12, 2005. Said suspension was STAYED immediately, pending compliance with terms and conditions set forth in the Consent Order.

continued



BOARD ACTIONS
July 2005 — September 2005
continued



KITCHEN, ANTHONY W., M.D. – Marietta, OH (07/11/2005)

WV License No. 19471

Board Conclusion: Renewing a license to practice medicine and surgery by fraudulent misrepresentation and making a false statement in connection with a licensure application.

Board Action: License SUSPENDED effective July 12, 2005. Said suspension was STAYED immediately, pending compliance with terms and conditions set forth in the Consent Order.

MAZZA, JASON M., P.A.-C. – Terra Alta, WV (09/12/2005)

WV License No. 00975

Board Conclusion: Failure to comply with provisions of West Virginia Code §30-3-16 relating to physician assistants, and unprofessional conduct.

Board Action: PUBLICLY REPRIMANDED for using a computer at his work place to view sexually explicit materials, including pornography. Mr. Mazza's physician assistant license in the State of West Virginia was SUSPENDED effective September 12, 2005. Said suspension was STAYED, pursuant to specific conditions for a period of five (5) years.

PATEL, ANEEL NATHOOBHAI, M.D. – Hampstead, NC (08/03/2005)

WV License No. 18144

Board Conclusion: Renewing a license to practice medicine and surgery by fraudulent misrepresentation and making a false statement in connection with a licensure application.

Board Action: Inactive license placed in an ACTIVE status and said license was SUSPENDED, all effective August 15, 2005. Said suspension was STAYED immediately, pending compliance with terms and conditions set forth in the Consent Order.

RICHARDSON, BRADLEY JESS, M.D. – Huntington, WV (09/12/2005)

WV License No. 18236

Board Conclusion: Unprofessional conduct.

Board Action: Fined in an amount of \$1,000 so as to impress upon him the importance of maintaining a professional office and staff.

WEST VIRGINIA BOARD OF MEDICINE
2005 MEETINGS

November 14

ALL BOARD MEETINGS BEGIN AT 9:00 A.M.

CHANGE OF ADDRESS FORM

WV License No: _____ Date of Change: _____

Name of Licensee: _____

PLEASE CHECK ONLY ONE PREFERRED MAILING ADDRESS:
(The preferred mailing address is the licensee's address of record, which is public information.)
(Note that telephone numbers are not considered public information.)

() Principal Office or Work Location *ONLY CHECK ONE* () Home Address

Telephone: _____ Telephone: _____

Mail completed form(s) to:

West Virginia Board of Medicine
101 Dee Drive, Suite 103 • Charleston, WV 25311

Fax copies not accepted.

By law, you must keep this office apprised of any and all address changes.



WV Board of Medicine



101 Dee Drive, Suite 103
Charleston, WV 25311

Phone: 304-558-2921
Fax: 304-558-2084

www.wvdhhr.org/wvbom
Watch for updates and changes.

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