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West Virginia Board of Medicine Quarterly Newsletter

2007 RENEWAL PROCESS

Medical Doctors and Podiatrists

Only those medical doctors whose last names begin with the letters M through Z and all podiatrists are required to renew for the year 2007—2009. For the biennial year 2007—2009, the Board of Medicine will not be mailing a paper renewal application to all the medical doctors and podiatrists who are renewing their licenses. Beginning May 15, 2007, licensees who meet the criteria for online renewal may go to the Board's website at www.wvdhhr.org/wvbom and follow the online renewal directions. The criteria are as follows:

- 1. currently hold an ACTIVE medical/podiatric license;
- 2. have obtained the required continuing medical/podiatric education;
- 3. answer "no" to all questions (see "Renewal FAQ's" currently on the Board's website); and
- 4. desire to pay via credit/debit card.

If a licensee is unable to use the online renewal service, he or she will need to request a paper renewal application to complete and return to the Board offices. The online application or paper application must be completed **BEFORE** June 30, 2007, at 5:00 p.m.

Physician Assistants

This year, physician assistants will not have the option of renewing licenses online. In mid-February, 2007, licensure renewal applications will be mailed certified to all physician assistants. Renewal applications will be mailed to the address of record on file at the Board office. It is the responsibility of the licensee to keep this office apprised of any address change, in writing. For a physician assistant license to remain valid and in force, the fully completed renewal application and fee must be RECEIVED in the Board office BEFORE Friday, March 30, 2007, at 5:00 p.m. The physician assistant's license will be suspended if the required continuing medical education has not been obtained (see related article on Page 2). In order to avoid automatic suspension of a physician assistant license, a physician assistant must either complete the six-page renewal application to renew the license or the one-page certification included in the renewal packet to lapse/expire the license. This information must be completed and RECEIVED in the Board office BEFORE Friday, March 30, 2007, at 5:00 p.m. If a licensee does not receive a renewal application, it is his or her responsibility to inform the Board and to request a duplicate. Every application will be computer-generated to include personalized information previously reported by the physician assistant and approved by the Board. ever, each licensee will need to review this information to ensure that it is accurate.

Drug Dispensing

In mid-April, 2007, those medical doctors and podiatrists who are currently registered with the Board as dispensing physicians will be able to renew their drug dispensing certificates online. These dispensing physicians may go to the Board's website at www.wvdhhr.org/wvbom and follow the online renewal directions. If a drug dispensing physician is unable to use the online renewal service, he or she will need to request a paper renewal application to complete and return to the Board offices. The licensee may call the Board offices at 304.558.2921 x 224 to request a drug dispensing renewal application. The online application or paper application should be completed **BEFORE** June 30, 2007, at 5:00 p.m.

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CONTINUING EDUCATION FOR PHYSICIAN ASSISTANTS

Pursuant to 11 CSR 1B 15, in order to acquire continuing education satisfactory to the Board, a physician assistant shall provide written documentation of participation in and successful completion during the preceding two (2) year period of:

- ♦ A minimum of fifty (50) hours of continuing education designated as Category I by either the American Medical Association, American Academy of Physician Assistants or the Academy of Family Physicians, **AND**
- fifty (50) hours of continuing education designated as Category II by the association or either academy.
- ♦ The one-hundred (100) hours must include two (2) hours of continuing education coursework in the subject of end-of-life care including pain management, since 2001, as described in W. Va. Code § 30-1-7a.

The written documentation may consist of a current original NCCPA certificate, plus documentation of the two (2) hours of end-of-life care including pain management.

For those individuals who are not NCCPA certified, written documentation shall consist of original certificates from the entities named above, evidencing participation in and successful completion of the Category I fifty (50) hours and the Category II fifty (50) hours both as described above, which one-hundred (100) hours must include two (2) hours of continuing education coursework in the subject of end-of-life care including pain management, since 2001, as described in W. Va. Code § 30-1-7a.

There are no other types or categories of continuing education for physician assistants satisfactory to the Board.

MEDICAL PRACTICE ACT AND LEGISLATIVE RULES

The Board's current Medical Practice Act and Legislative Rules are available via the Board's website at www.wvdhhr.org/wvbom under "Law and Rules." A printer-friendly version is available.

You may also contact the Board's office at 304.558.2921 x211 to request a copy at a cost of \$25.00.

Ext#	Staff of the West Virginia Board of Medicine 304.558.2921	
227	Robert C. Knittle, M.S.	Executive Director
214	Deborah Lewis Rodecker, J.D.	Counsel
215	John K. McHugh, J.D.	Prosecutor
212	M. Ellen Briggs	Administrative Assistant to the Executive Director
222	Leslie A. Higginbotham	Paralegal/Investigator
210	Charlotte A. Jewell	Physician Assistant Coordinator
216	Michael R. Lilly	Information Systems Coordinator
221	Crystal D. Lowe	Licensure Analyst
211	Janie Pote	Administrative Assistant to Legal Department
224	Pennie Price	Receptionist/Certification and Verification Coordinator
220	Deb Scott	Fiscal Officer
213	Sheree J. Smith	Complaints Coordinator

REMINDER REGARDING VOLUNTARY AGREEMENTS FOR ALCOHOL OR CHEMICAL DEPENDENCY

In 1990, a law was enacted to encourage physicians with drug and alcohol problems to seek help. Specifically, pursuant to W. Va. Code § 30-3-9(h), the Board may enter into a voluntary agreement with a physician who reports to the Board his or her participation in a chemical dependency or alcohol treatment program or who reports to the Board an alcohol or chemical dependency impairment and requests such an agreement for the purpose of seeking treatment, provided the following conditions are met: (1) The Board has not received nor filed any written complaints regarding a physician relating to an alcohol or chemical dependency impairment affecting the care and treatment of patients; and (2) There are no reports filed with the Board relating to an alcohol or chemical dependency impairment of a physician from a hospital or professional society or an insurer or a court (conviction of a crime involving drugs or alcohol).

The "voluntary agreement" is not considered a disciplinary action and is not public information. It is confidential. The voluntary agreement will impose certain limits on the physician's practice for the protection of the public and the physician--such as: no alcohol or controlled substances except those prescribed by another duly licensed physician; random drug screening; required attendance at AA, NA, or Caduceus meetings; supervising physician with whom the physician meets regularly and who files reports with the Board; other conditions as appropriate to the individual problem.

These voluntary agreements, which the Board has entered into with physicians who have requested them, contain provisions similar to the conditions found in disciplinary orders--however, they differ in that the physician is not put on probation and the order is not disciplinary and thus not public.

The Board encourages physicians to seek help by contacting the Board's Executive Director, Robert C. Knittle, at 304.558.2921 x227.

West Virginia Board of Medicine Board Members

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

Lee Elliott Smith, M.D., Vice President
Princeton

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

> Rev. Richard Bowyer Fairmont

Michael L. Ferrebee, M.D. Morgantown

Angelo N. Georges, M.D. Wheeling

Ms. Doris M. Griffin Martinsburg

M. Khalid Hasan, M.D. Beckley Ms. Beth Hays Bluefield

J. David Lynch, Jr., M.D. Morgantown

Vettivelu Maheswaran, M.D. Charles Town

> Bill May, D.P.M. Huntington

Leonard Simmons, D.P.M. Fairmont

Badshah J. Wazir, M.D. South Charleston

Kenneth Dean Wright, P.A.-C. Huntington

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BOARD ACTIONS October 2006 — December 2006



BLANKENSHIP, KEVIN JAY, M.D. - Morgantown, WV (11/22/2006) WV License No. 19121

Board Conclusion: Delegating professional responsibilities to a person when the physician delegating such responsibilities knows or has reason to know that such person is not qualified by licensure to perform them.
Board Action: PUBLICLY REPRIMANDED for supervising a physician assistant while the physician assistant was unlicensed.

<u>COOPER, JOSEPH A., P.A.-C.</u> - Beckley, WV (10/02/2006)

WV License No. 01214

Board Conclusion: Unprofessional conduct for misrepresentation or concealment of any material fact in obtaining any license.

<u>Board Action:</u> License GRANTED effective October 1, 2006. PUBLICLY REPRIMANDED for providing a false answer on his licensure application to the Board.

<u>DEL TORO, ISABEL CRISTINA, M.D.</u> – Low Moor, VA (12/11/2006) WV License No. 20422 <u>Board Conclusion</u>: Relating to the inability to practice medicine and surgery with reasonable skill and safety

due to mental impairment.

<u>Board Action</u>: Dr. Del Toro, having met the requirements for medical licensure in the State of West Virginia, is again LICENSED to practice medicine and surgery in the State of West Virginia effective December 15, 2006, subject to specific restrictions, limitations, and accommodations through December 15, 2008.

FEATHERS, SCOTT J., D.P.M. – Parkersburg, WV (10/06/2006)

WV License No. 181

Board Conclusion: Violation of an order of the Board.

<u>Board Action</u>: By Consent Order entered on January 12, 2004, the license to practice podiatry of Dr. Feathers was suspended for a period of three (3) years, beginning January 1, 2004, and ending January 1, 2007, but said suspension was stayed, subject to Dr. Feathers' compliance with the terms of the Order. Dr. Feathers has failed to comply fully with the terms of the Order, particularly with regard to medical record keeping. The provisions of the Order, including the suspension of Dr. Feathers' license to practice podiatry, and the stay thereof, are hereby EXTENDED for an additional period of two (2) years, beginning on January 1, 2007, and ending on January 1, 2009. Dr. Feathers shall complete a Board-approved course regarding medical record keeping within six (6) months from the entry of the Consent Order.

GRUSPE, ARNOLD FELIPE, M.D. – Weston, WV (11/13/2006)

WV License No. 09670

<u>Board Conclusion</u>: Relating to failure to practice medicine at an acceptable level of care, skill, and safety, as addressed in previous Consent Order entered on August 7, 2006.

<u>Board Action</u>: Following entry of the original Consent Order on August 7, 2006, Dr. Gruspe advised the Board that he will retire from the practice of medicine and surgery and placed his license on an INACTIVE status, effective December 31, 2006. Prior to the return of his license to an active status, he will successfully complete twenty (20) hours of continuing medical education in post-operation management and electrolyte imbalance.



BOARD ACTIONS October 2006 — December 2006 continued



HALL, PHILLIP BRADLEY, M.D. – Flemington, WV

WV License No. 15899

(10/26/2006 and 12/04/2006)

<u>Board Conclusion</u>: Due to the inability to practice medicine and surgery. . .with reasonable skill and safety due to. . .abuse of drugs. . .; due to dispensing 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; and relating to unprofessional conduct.

<u>Board Action</u>: Dr. Hall received in-patient treatment at The Farley Center, in Williamsburg, Virginia. By Consent Order entered October 26, 2006, the Board determined that Dr. Hall's license should remain INACTIVE pending receipt by the Complaint Committee of the Board of a written plan of employment and/or professional activity, which plan was required before any further appearance by Dr. Hall before the Complaint Committee, regarding reactivation of his license. From the date of the Consent Order, Dr. Hall was to comply with specific additional requirements.

<u>Board Action</u>: By Amended Consent Order entered December 4, 2006, and after receipt and approval by the Complaint Committee of the Board of a written plan of employment and/or professional activity for Dr. Hall, Dr. Hall's license was returned to an ACTIVE status effective December 4, 2006. Dr. Hall may continue to practice medicine as long as he complies fully with the requirements of the Amended Consent Order and the Contract(s) that he signed in connection with his treatment at The Farley Center, all for a period of two (2) years following the reactivation of his medical license.

HIVELY, ROBERT LEE, M.D. – Dunbar, WV (11/13/2006)

WV License No. 09991

Board Conclusion: Violation of an order of the Board.

<u>Board Action</u>: License SUSPENDED effective November 13, 2006, pending successful completion by Dr. Hively of a Board-approved course regarding ethics and patient boundary issues, as previously agreed to by him, and required by the Order entered on January 9, 2006. Dr. Hively is also PUBLICLY REPRIMANDED for violation of the Order entered January 9, 2006, by failing to complete a Board-approved course regarding ethics and patient boundary issues, as previously agreed to by him, and as required by the Order.

HUNTER, EDWARD BOYD, JR., M.D. Bluefield, WV (12/04/2006)

WV License No. 19844

<u>Board Conclusion</u>: Relating to making false statements in connection with an application for license renewal. <u>Board Action</u>: PUBLICLY REPRIMANDED for providing false answers to two (2) questions in his licensure renewal application submitted to the Board in June, 2006, relating to prior disciplinary proceedings against him in the Commonwealth of Pennsylvania.

HOELDTKE, ROBERT D., M.D. – Morgantown, WV (12/11/2006)

WV License No. 16050

<u>Board Conclusion</u>: Relating to the inability to practice medicine and surgery with reasonable skill and safety due to mental impairment.

<u>Board Action</u>: Must fully comply with specific conditions, limitations, and accommodations for a period of three (3) years, beginning December 15, 2006.

KIDD, JASON SCOTT, P.A.-C. – Mount Clare, WV (11/22/2006)

WV License No. 1023

<u>Board Conclusion</u>: Performed other than at the direction and under the supervision of a supervising physician licensed by the Board; and unprofessional conduct for failure to comply with the provisions of the regulations relating to physician assistants.

<u>Board Action</u>: PUBLICLY REPRIMANDED for practicing as a physician assistant without having obtained any licensure to practice as a physician assistant in the State of West Virginia; and the licensure of Mr. Kidd shall not take effect until such time as Mr. Kidd's supervising physician files with the Board a signed Consent Order.

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BOARD ACTIONS October 2006 — December 2006 continued



MORGAN, BRETON LEE, M.D. – Point Pleasant, WV (12/11/2006)

WV License No. 15143

<u>Board Conclusion</u>: Relating to the inability to practice medicine and surgery with reasonable skill and safety due to abuse of drugs.

<u>Board Action</u>: Effective December 11, 2006, licensed in an INACTIVE status. Immediately upon issuance, Dr. Morgan's inactive license is revoked, and such revocation is immediately stayed, and Dr. Morgan's inactive license shall for a three (3) year period be placed on probation, terminating December 11, 2009.

PRIDDY, MYRA DENISE, M.D. – Scott Depot, WV (10/11/2006)

WV License No. 19575

Board Conclusion: Relating to making a false statement in connection with a licensure application.

<u>Board Action</u>: License SUSPENDED and STAYED, pending Dr. Priddy's compliance with all terms and conditions of the Consent Order; PUBLICLY REPRIMANDED for her false statement to the Board with respect to her completion of two (2) hours of continuing education coursework in the subject of end-of-life care, including pain management; and FINED \$200.

<u>REMOLONA, HELEN ROSE RUIZ, M.D.</u> – Charleston, WV (12/20/2006) WV License No. 19580 <u>Board Conclusion</u>: Violation of Board rule concerning completion of continuing medical education requirement.

<u>Board Action</u>: Dr. Remolona paid to the Board a FINE of \$100 per credit hour for her prior deficiency of two (2) hours of continuing medical education for the renewal period July 1, 2003, to June 30, 2005.

TRUMP, JEFFREY SCOTT, M.D. – Hurricane, WV (10/03/2006)

WV License No. 17501

<u>Board Conclusion:</u> Pertaining to dispensing 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, and relating to unprofessional conduct.

<u>Board Action:</u> PUBLICLY REPRIMANDED for unprofessional conduct relating to dispensing to Complainant's husband the prescription drug Cytomel (#10, 25 mcg), which Dr. Trump obtained from another patient, with knowledge that it would be used by a non-patient third-party, without a prescription.

WEBB, CHARLES MARSHALL, M.D. - Florence, NC (10/04/2006)

WV License No. 22540

<u>Board Conclusion:</u> Relating to having a license acted against in another state.

<u>Board Action:</u> Dr. Webb has met the requirements for the issuance of a license to practice medicine and surgery in the State of West Virginia and was GRANTED a license to practice medicine and surgery in the State of West Virginia effective October 4, 2006. Dr. Webb was PUBLICLY REPRIMANDED for engaging in a sexual relationship with a patient and his license was SUSPENDED for a period of one (1) year, with said SUSPENSION STAYED upon the condition that Dr. Webb shall comply with all the provisions of the South Carolina final Order dated August 22, 2003, including but not limited to, complying with all recommendations of the Behavioral Medicine Institute.

REVOCATION OF CORPORATION CERTIFICATES November 13, 2006

Berkeley Springs Internal Medicine, Inc.
Bluefield OB-GYN Associates, Inc.
Global Revascularization Concepts, Inc.
Good Samaritan Surgical Service, Inc.
M. Kuppusami, M.D., PC
Najjar Cardiology, PC
Carlos A. Naranjo, M.D., Inc.
K. S. Reddy & Associates, Inc.
Samuel K. Roberts, M.D., PC
Satish & Radha Internal Medicine Group, Ltd.

THE PHYSICIAN/PHYSICIAN ASSISTANT RELATIONSHIP INITIATING EMPLOYMENT

This brief article serves as a reminder as to when a Physician Assistant ("PA") may actually begin patient care. Section 30-3-16(g) of the Medical Practice Act states, "Before a physician assistant can be employed or otherwise use his or her skills, the supervising physician and the physician assistant must obtain approval of the job description from the board." This applies to podiatrists as well and is pertinent to first time physician assistant's as well as to physician assistant's who are taking a new position under a new supervising physician or podiatrist.

This requirement is noted on the initial application as well as renewal, reinstatement, prescriptive writing, change or addition of supervisor, and change or addition of job location applications, which are available to all physician assistants.

The Board understands the need for a physician to fill a physician assistant position in a timely manner and a physician assistant's personal and financial need to begin employment. Therefore, when a job description which is free of any issues and properly submitted is received by the Board of Medicine office, it has been an established practice based on W. Va. Code § 30-3-16 and a Rule of the Board, 11 CSR 1B, to grant a temporary license which will stay in place until the next Board meeting when the job description may be formally acted upon.

There have been instances where physician assistants have begun work prior to receiving even a temporary license. Failure to have a job description approved prior to full employment and entering into patient care is potential cause for disciplinary action of both the physician and physician assistant by the Board. It also places the physician and place of practice at needless risk should any unfortunate problem occur.

This is an issue that may easily be remedied by heeding the following suggestions:

- Physicians should simply not place physician assistants into practice until they have seen written approval of the job description by the Board.
- Physician assistants should not allow themselves to be pressed into practice until they have in their possession **written** approval of their job description by the Board.
- Physician assistants must take personal responsibility for the full completion and submission of their application. Do not delegate this responsibility to office staff or other individuals
- Physicians and physician assistants should make themselves familiar with Section 30-3-16 of the Medical Practice Act and the related Legislative Rule, 11 CSR 1B. There is no substitution for knowledge.

If you have particular questions regarding this process, you may contact Charlotte Jewell, our Physician Assistant Coordinator, at 304.558.2921 x210, or via email at charlottejewell@wvdhhr.org. Ms. Jewell is very knowledgeable and is adept in assisting physician assistants and physicians in such matters.

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EXECUTIVE DIRECTOR PROFILE

Robert C. Knittle recently completed his first year as Executive Director of the West Virginia Board of Medicine. He replaced Ronald D. Walton, who retired in 2005 after 25 years of service.

Mr. Knittle comes to the Board with a successful background in public and private non-profit administration in Pennsylvania and West Virginia. Prior to this appointment to his current position, Mr. Knittle served as State Executive Director of Pressley Ridge, a private non-profit organization serving troubled youth. He was named Executive Director of the West Virginia program in 1993, and later the organization's Pennsylvania program based in Pittsburgh. He earned a Masters of Science degree from Radford University, Virginia, and has a broad array of ongoing leadership education and experience, including one-year involvement in Leadership Pittsburgh in 2004 and 2005, during which time he helped put together a wellness organization. In 2002, he spent part of a sabbatical at the Harvard Business School. He brings to the Board more than 19 years of experience in public and private non-profit administration and management.

ADDITIONS TO THE REPORTABLE DISEASE RULE (64 CSR 7)

The legislative rule governing reportable diseases, events and conditions – 64 CSR 7 – is newly updated and currently in effect. This rule lists all diseases and conditions that must be reported by providers and laboratories. The rule is the legal basis for disease surveillance, prevention and control activities conducted by state and local health departments in West Virginia. A summary of key changes follows.

Agents of bioterrorism, measles, SARS and outbreaks must be reported immediately to the local health department in the county of residence of the patient. Other agents such as meningococcus, pertussis and enterohemorrhagic *E coli* are reportable within 24 hours to the local health department. Enteric agents (*Salmonella, Shigella, Campylobacter*, etc.) are now reportable within 72 hours to the local health department. The rule also enables electronic reporting of diseases and requires local health departments to report cases to the state in the same timeframe as providers are required to report.

Animal bites are now reportable to the local health department within 24 hours. Other changes to the animal bite section include:

- Ferrets were added to the list of animals that may be quarantined, in addition to dogs and cats.
- Language was added to allow humane destruction of animals other than a domestic dog, cat or ferret, 'especially a wild mammal or hybrid...'
- Rabies post-exposure prophylaxis is now reportable to the West Virginia Electronic Disease Surveillance System (WVEDSS).

Reporting requirements for immunizations were expanded to include persons 18 years of age and younger. Newly reportable vaccinations include smallpox and pandemic influenza. Language was added to enable voluntary reporting of adult immunizations.

New sections were also added to cover outbreak investigation, bioterrorism investigation, surveillance evaluation, and laboratory reporting requirements.

For questions regarding reporting of diseases, contact your local health department or the Infectious Disease Epidemiology Program at 304.558.5358 or 800.423.1271. For a complete copy of the Reportable Disease Rule, see:

http://www.wvdhhr.org/idep/PDFs/IDEP/communicable disease rule.pdf

CHANGE OF ADDRESS FORM

NAME:		LICENSE#:
(Last) (F By law, you must keep this office appris	irst) (Middle) sed of any and all address changes.	
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CHANGE OF ADDRESS INFORMATION



NOTE: There is an updated Change of Address Form located on Page 9 of this Newsletter. You may also visit the Board's website at www.wvdhhr.org/wvbom for a Change of Address Form. By law, a licensee of the Board of Medicine must keep this office apprised of any and all address changes. The preferred mailing address of a licensee is the licensee's address of record, which is public information, with the exception of the telephone number and e-mail address.

WEST VIRGINIA BOARD OF MEDICINE 2007 MEETINGS

January 8 March 12 May 14 July 9 September 10 November 5

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.

West Virginia Department of Health and Human Resources

Here

Place Mailing Address Label

PRESORTED STANDARD US POSTAGE PAID CHARLESTON, WV 25301 PERMIT NO. 271