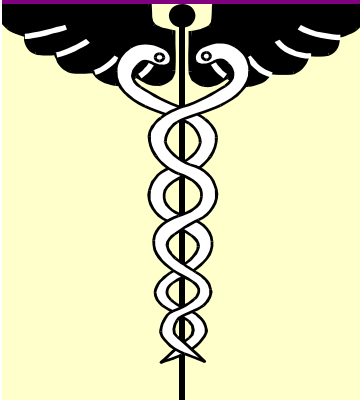


West Virginia Board of Medicine Quarterly Newsletter



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.

You may only renew online if you meet ALL of the above criteria.

You will need: your West Virginia medical/podiatric license number; your social security number; and your credit/debit card. There is a small credit/debit card convenience fee for renewing online.

If a licensee is unable to use the online renewal service, he or she must request a paper renewal application to complete and return to the Board offices. Paper renewal applications need to be requested by May 11, 2007, and will all be mailed on May 15, 2007. A request form for a paper renewal application is available on our website under the "FORMS" section and is also available in this Newsletter on page 5.

The online application or paper application must be completed **BEFORE** June 30, 2007, at 5:00 p.m., to avoid the automatic suspension of your West Virginia medical/podiatric license.

Drug Dispensing

Beginning on April 16, 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.

You will need: your West Virginia medical/podiatric drug dispensing number; your social security number; and your credit/debit card. There is a small credit/debit card convenience fee for renewing 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 complete a paper renewal application and return it to the Board offices. Paper renewal applications will be mailed to all licensees on April 16, 2007. The online application or paper application should be completed **BEFORE** June 30, 2007, at 5:00 p.m.

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CONTROLLED SUBSTANCES MONITORING PROGRAM



Sixty percent of the drugs being used illegally in West Virginia are prescription drugs, according to a drug diversion investigator for the West Virginia State Police. That means that quite a few of the drugs “on the street” are drugs which have been prescribed by physicians and then diverted. If you are prescribing controlled substances to patients and want to be sure they are being used appropriately by the patient, make a telephone call to Michele Hanchosky, an analyst at the West Virginia Board of Pharmacy 304.558.0558. She will send you a short application to complete to become a Controlled Substances Monitoring Program online user. Once you are registered, you will be able to check a patient and determine if the patient is obtaining controlled substances from other physicians and when this occurred.

Many physicians are using this system and have found it very beneficial for treatment purposes and to make informed decisions about the legitimate prescribing of controlled substances. This Monitoring Program is for your benefit and your use of it is highly recommended.

PHYSICIAN ASSISTANT RENEWAL - 2007

Congratulations to those physician assistants who were required to renew their licenses this year. There were no physician assistants suspended this year for failure to notify the Board of compliance with the continuing education requirements. The Board thanks those physician assistants, totaling over 500, for keeping the Board notified of their current address of record during the last two-year period.

Staff of the West Virginia Board of Medicine 304.558.2921

Ext #		
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	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

2007 LEGISLATIVE UPDATE

Senate Bill 573 will go into effect June 6, 2007. The bill authorizes the West Virginia Board of Medicine and the West Virginia Board of Osteopathy to designate physician health programs to monitor physicians, podiatrists and physician assistants while they pursue treatment and recovery from alcohol abuse, chemical dependency or major mental illness. The bill removes the Board's ability to enter into non-disciplinary, voluntary and confidential agreements relating to alcohol abuse and/or chemical dependency with licensees. Instead, the bill provides for voluntary, confidential agreements relating to alcohol abuse, chemical dependency or major mental illness to be entered into with a designated physician health program. No disciplinary action is taken by the Board as long as the practitioner complies with the restrictions and goals of the program. The bill applies to applicants for licensure as well as licensees.

Effective July 1, 2007, failure to timely submit to the Board of Medicine a certification of receipt of required continuing education will result in the automatic expiration of a license, not suspension. The effect is the same—inability to practice—but the word choice is gentler. A reinstatement fee is added.

Committee Substitute for Committee Substitute for Senate Bill 121 goes into effect June 8, 2007. It tolls the payment of license fees for a member of the National Guard or other reserve component of the armed services of the United States on active duty until sixty (60) days after the member returns from active duty. The service member will also have a period equal to the period of active duty to fulfill continuing education requirements.

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 Slemm, M.D., M.P.H., Secretary
Charleston

Rev. Richard Bowyer
Fairmont

Michael L. Ferrebee, M.D.
Morgantown

Angelo N. Georges, M.D.
Wheeling

Doris M. Griffin, M.B.A.
Martinsburg

M. Khalid Hasan, M.D.
Beckley

Beth Hays, M.A.
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



BOARD ACTIONS January 2007 — March 2007



BEANE, JAMES MICHAEL, M.D. – Point Pleasant, WV (02/01/2007)

WV License No. 11534

Board Conclusion: Relating to the inability to practice medicine and surgery due to abuse of drugs.

Board Action: Effective February 5, 2007, license returned to an ACTIVE status, and placed in a PROBATIONARY status for a five (5) year period, terminating February 5, 2012, under limitations, conditions, and accommodations.

BOFILL, RANO SOLIDUM, M.D. – Man, WV (02/21/2007)

WV License No. 09512

Board Conclusion: Dr. Bofill's license to practice medicine in Kentucky has been restricted, limited, or otherwise acted against, or subjected to other discipline.

Board Action: The license to practice medicine in the State of West Virginia of Dr. Bofill is RESTRICTED for having been disciplined by the Kentucky Board of Medical Licensure. Dr. Bofill may continue to practice medicine in the State of West Virginia, including the practice of general diagnostic radiology, and may further continue to interpret CT, MRI and PET scans, provided he complies fully with the terms and conditions of the Order and the Amended Order entered by the Kentucky Board.

BURDICK, HOYT JEFFERY, M.D. – Huntington, WV (03/28/2007)

WV License No. 14255

Board Conclusion: Amend prior Consent Order entered on August 3, 2005, relating to failure to complete required continuing medical education coursework in the subject of end-of-life care, including pain management.

Board Action: This Order supersedes a prior Consent Order entered on August 3, 2005. Pursuant to this Order, two (2) hours of CME in the subject of end-of-life care, including pain management, which Dr. Burdick completed in March 2005, were applied to meet the fifty (50) hours required for the renewal period July 1, 2002, to June 30, 2004, and may not be applied or transferred to any subsequent renewal period. Dr. Burdick paid to the Board a fine of \$100 per credit hour for his prior deficiency of two (2) hours of CME, for a total of \$200. Dr. Burdick is now in full compliance with the terms and conditions of this Order.

RICHARDSON, BRADLEY JESS, M.D. – Huntington, WV (03/12/2007)

WV License No. 18236

Court Action: By ORDER of the Circuit Court of Cabell County, West Virginia, the Court ordered that the Order of Discipline issued by the Board of Medicine in September 2005 against Dr. Richardson be vacated, and further ordered that the Board dismiss the complaint, which the Board has done by Order entered March 12, 2007, and remove any notices of filing it has made to any reporting agency.

REVOCATION OF MEDICAL CORPORATION CERTIFICATE January 8, 2007

Huntington Anesthesiology Group, Inc.

****REQUEST FOR PAPER RENEWAL APPLICATION****
2007 – 2009

I am requesting that a paper renewal application be mailed to the address printed below.

LICENSEE'S NAME _____

MAILING ADDRESS _____

City

State

Zip

Licensee's Original Signature _____

Licensee's WV Medical/Podiatric License No _____

Today's Date _____

Complete the above information and mail or fax to:

West Virginia Board of Medicine
101 Dee Drive, Suite 103
Charleston, WV 25311
Fax: 304.558.2084

CONTINUING EDUCATION
SATISFACTORY TO THE BOARD:
MEDICAL DOCTORS

Pursuant to 11 CSR 6 2.2, in order to acquire continuing medical education satisfactory to the Board, a physician may:

2.2.1. Take continuing medical education designated as Category I by the American Medical Association or the Academy of Family Physicians, or

2.2.2. Teach medical education courses or lecture to medical students, residents, or licensed physicians, or serve as a preceptor to medical students or residents: Provided, that a physician may not count more than twenty (20) hours in this category toward the required fifty (50) hours of continuing medical education.

2.2.3. Sit for and pass a certification or recertification examination of one of the American Board of Medical Specialties member boards, and receive certification or recertification from said board: Provided, that a physician may not count more than twenty-five (25) hours in this category toward the required fifty (50) hours of continuing medical education. Certification or recertification from any board other than one of the American Board of Medical Specialties member boards does not qualify the recipient for any credit hours of continuing medical education.

There are no other types or categories of continuing medical education satisfactory to the Board.

(For your information, every physician enrolled in an ACGME approved postgraduate training program automatically receives fifty (50) continuing medical education hours, AMA Category I, per year. Check with your program director.)

ALSO:

West Virginia Code § 30-1-7a states that each person issued a license to practice medicine and surgery by the West Virginia Board of Medicine shall complete two (2) hours of continuing education coursework in the subject of end-of-life care including pain management. The two (2) hours shall be part of the total hours of continuing education required and not two (2) additional hours. Effective as of the reporting period beginning the first day of July, two thousand five, the coursework requirement will become a one-time requirement, and all licensees who have not completed the coursework requirement shall complete the coursework requirement prior to his or her first license renewal.

In other words, if since 2001, prior to this renewal period, you have taken end-of-life care including pain management hours, you may not include these hours as part of your fifty (50) hours of continuing education for the current renewal period. If you have not taken end-of-life care including pain management hours prior to this renewal period, you must complete these hours as part of your fifty (50) hours of continuing education for the current renewal period.

CONTINUING EDUCATION
SATISFACTORY TO THE BOARD:
PODIATRISTS

Pursuant to 11 CSR 6 2.4, in order to acquire continuing podiatric education satisfactory to the Board, a podiatrist may:

2.4.1. Take continuing podiatric education approved by the council on podiatric medical education, or

2.4.2. Take continuing podiatric education given under the auspices of the podiatry colleges in the United States, or

2.4.3. Take continuing medical education designated as Category I by the American Medical Association or the Academy of Family Physicians.

2.4.4. Take continuing podiatric education given under the auspices of the West Virginia Podiatric Medical Association.

2.4.5. Teach podiatric education courses or lectures in podiatry taught to podiatric students, residents, or licensed podiatrists, or serve as a preceptor to podiatric students or residents: Provided, that a podiatrist may not count more than twenty (20) hours in this category toward the required fifty (50) hours of podiatric education.

There are no other types or categories of continuing podiatric education satisfactory to the Board.

ALSO:

West Virginia Code § 30-1-7a states that each person issued a license to practice podiatry by the West Virginia Board of Medicine shall complete two (2) hours of continuing education coursework in the subject of end-of-life care including pain management. The two (2) hours shall be part of the total hours of continuing education required and not two (2) additional hours. Effective as of the reporting period beginning the first day of July, two thousand five, the coursework requirement will become a one-time requirement, and all licensees who have not completed the coursework requirement shall complete the coursework requirement prior to his or her first license renewal.

In other words, if since 2001, prior to this renewal period, you have taken end-of-life care including pain management hours, you may not include these hours as part of your fifty (50) hours of continuing education for the current renewal period. If you have not taken end-of-life care including pain management hours prior to this renewal period, you must complete these hours as part of your fifty (50) hours of continuing education for the current renewal period.

WHEN A PATIENT DIES: Physician Death Certificate Responsibilities under W.Va. Law

By Jim Kaplan, M.D., Chief Medical Examiner

One of the most important responsibilities that face the physician in providing expert professional services to his or her patient, their families and community, is also one of the most neglected and poorly executed of those responsibilities: completing the death certificate.

Beyond its uses as an invaluable epidemiologic tool, the completed death certificate is also a required document for obtaining crucial social and financial benefits that accrue to family survivors, and facilitates closure for many family members following the death of a loved one.

Despite this fact, physicians who have strived to provide expert and constant care to patients and their families over the years, many times at the end of a patient's life abandon that patient's family by refusing to complete the death certificate. Often this refusal is based on fear of perceived legal liability; sometimes reluctance to complete the death certificate arises out of physicians' state of uncertainty regarding the actual cause of death, especially in the absence of autopsy.

State Law (West Virginia State Code §16-5-19) stipulates which professionals must complete the death certificate: in most cases, it is the physician "in charge of patient's care for the illness or condition that resulted in death" or in the absence of that physician, "an associate physician" or "the chief medical officer of the institution in which the patient died" who have a primary responsibility to complete the death certificate cause and manner of death statement, and sign the document as certifying physician.

In cases where there is reasonable suspicion of non-natural cause or injury which contributed to death, the death certificate may be completed by the Medical Examiner.

However, following an initial Medical Examiner investigation into death circumstances which subsequently determines death to be natural in manner, State Law §16-5-19 (d) (2) provides that the Medical Examiner may direct the decedent's attending or family physician, or physician who pronounces death, to complete the death certificate.

It is important to note that the physician who is directed by the Medical Examiner to complete the death certificate under authority provided by this law is not subject to any civil liability, unless he or she willfully and knowingly provides false information.

In order to protect the physician under these circumstances, the Medical Examiner will fax a specific order to the physician, which may be placed in the decedent's medical chart to document the transaction, and provide proof of civil immunity.

Additionally, State Code §16-5-31. extends protection to all persons helping to complete the death certificate under this law, including physicians: "any person....that in good faith provides information required by this article... shall not be subject to criminal prosecution or any action for damages".

As to the unease which surrounds professional uncertainty regarding the cause of death: the certifying physician is required to complete the cause and manner of death only to a level of assurance consistent with his knowledge of the patient, and in good faith (thus: a best professional "guess"), permitting the certifying physician a wide range of expression of certainty when completing the death certificate, to include intentionally vague cause of death statements such as "probable ischemic heart disease", or even "undetermined natural disease".

The take-home message of this article is that, in regards to death certificate completion, physicians only incur liability when they are required by this law to complete a death certificate, but refuse to do so.

Please contact the Office of the Chief Medical Examiner at 304-558-6920, ext. 4000, or by email address jkaplan@WVDHHR.ORG for general or specific questions regarding completion of the death certificate, or for any comments you wish to share regarding this issue.

CHANGE OF ADDRESS FORM

NAME: _____ LICENSE#: _____
(Last) (First) (Middle) (Suffix)

By law, you must keep this office apprised of any and all address changes. If not currently practicing, check here

PREFERRED MAILING ADDRESS (Required):

(This address is public information, except phone & email)

Address 1 _____

Address 2 _____

City, State, Zip, County _____

Phone _____

Email _____

HOME ADDRESS:

Check here if same as preferred mailing address

MAIN WORK ADDRESS:

Check here if same as preferred mailing address

Address 1

Address 2

City, State, Zip, County

Phone Fax

Email

Enter average weekly on call hours for ALL locations: _____

List **AVERAGE HOURS** worked per week (not on call) at this location:

Direct Patient Care: _____

Administration: _____

Formal Teaching: _____

Research: _____

Other Medical/Podiatric Activities: _____

SECOND WORK ADDRESS:

Address 1

Address 2

City, State, Zip, County

Phone

List **AVERAGE HOURS** worked per week (not on call) at this location:

Direct Patient Care: _____

Administration: _____

Formal Teaching: _____

Research: _____

Other Medical/Podiatric Activities: _____

THIRD WORK ADDRESS:

Address 1

Address 2

City, State, Zip, County

Phone

List **AVERAGE HOURS** worked per week (not on call) at this location:

Direct Patient Care: _____

Administration: _____

Formal Teaching: _____

Research: _____

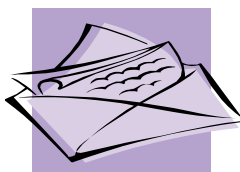
Other Medical/Podiatric Activities: _____

Enter your self-designated primary and secondary SPECIALTY here: (M.D.'s and D.P.M.'s ONLY)
Primary Specialty: _____ Secondary Specialty: _____

LICENSEE'S ORIGINAL SIGNATURE: _____ DATE: _____

RETURN FORM TO: West Virginia Board of Medicine, 101 Dee Drive, Suite 103, Charleston, WV 25311

CHANGE OF ADDRESS INFORMATION



NOTE: There is a 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

May 14
July 9
September 10
November 5

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

WV Board of Medicine



101 Dee Drive, Suite 103
Charleston, WV 25311

Phone: 304.558.2921
Fax: 304.558.2084

www.wvdhhr.org/wvbom
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