

West Virginia Board of Medicine

Quarterly Newsletter

TAKING THE PAIN OUT OF END-OF-LIFE INCLUDING PAIN MANAGEMENT REQUIREMENTS

Beginning on July 1, 2001, W. Va. Code §30-1-7a(b)(1) mandated that Medical Physicians and Medical Physician Assistants, Podiatrists, Osteopathic Physicians and Osteopathic Physician Assistants, Registered Professional Nurses, Advanced Nurse Practitioners, Licensed Practical Nurses and Pharmacists were to complete two hours of continuing education coursework in the subject of end-of-life care including pain management during each continuing education reporting period. Later, in 2005, this coursework became a one-time requirement.

Despite this requirement being on the books for six years, physicians, upon being audited, often are unable to verify that they have completed end-of-life including pain management continued medical education (CME). As a result, they face being disciplined by the Board. Discipline in this matter is based upon the finding that the physician in question attested to having completed end-of-life including pain management CME coursework on the license renewal application but is then unable to provide the supporting documentation. Doing so is perceived as making a false statement in connection with a licensure application and may be responded to by the Board with disciplinary action, which is reportable to the National Practitioner Data Bank and other public entities. The portion of the renewal application that deals with this requirement is the large block on page 3 entitled Continuing Medical Education Requirements: Certification of Compliance.

The Board urges you to consider the following suggestions in order to remain compliant with this mandate:

- Being in any certain specialty does not relieve you from this requirement. The requirement pertains to all physicians.
- Do not assume that this requirement is automatically covered in your residency program. In-state medical schools have improved on specifically providing and documenting this requirement. If end-of-life including pain management was provided but not specifically documented, a letter from the Director of the Residency Program attesting that you received the required two hours of CME will suffice.
- Do not assume that having CME's in end-of-life care and CME's in pain management cover this requirement. The basis for this law is to assure that physicians have some knowledge of pain management at the end stage of life. Compliance with this law dictates that you complete coursework in end-of-life including pain management training.
- If you have taken end-of-life including pain management training, please keep your documentation stating that you received two hours of credit for this training in safe-keeping. Without this document, you will be unable to verify having fulfilled this requirement. The Board conducts an annual random audit of physicians for CME compliance which requires those chosen physicians to submit verification of their continued medical education. This includes verification of end-of-life including pain management coursework. It may be next year or in five years, so make sure you maintain end-of-life including pain management documentation.
- If you have not taken end-of-life including pain management coursework or are unable to verify that you have completed it, do not certify that you have done so on your license renewal application until you have completed it. Take the coursework immediately, within the renewal time period. Several in-state institutions or online websites, such as Medscape, have end-of-life including pain management CME coursework available.

A little due diligence will allow you to avoid having disciplinary action noted on your permanent record.

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LICENSE RENEWAL - 2007

As of June 30th, the West Virginia Board of Medicine completed its annual license renewal for all podiatrists and physicians whose last name ended in M through Z. A total of 2,858 physicians and 126 podiatrists were eligible to renew their licenses this year. From this total, 2,305 physicians and 99 podiatrists renewed their licenses in ACTIVE status. An additional 288 physicians and 17 podiatrists renewed in INACTIVE status. Further, 134 physicians and 6 podiatrists chose to no longer hold a license in West Virginia.

Of those physicians and podiatrists who did renew their licenses, over 64% renewed online, which is a significant increase from 32% the previous year. The Board of Medicine will continue its efforts to improve the online renewal system with the goal of having this system the primary vehicle for the renewal process.

Unfortunately, 131 physicians and 4 podiatrists were notified that their licenses were suspended for failure to notify the Board that required continuing medical/podiatric education had been obtained. Far too many of the suspensions occurred because of a failure of the practitioner to notify the Board of a change of address.

In order for the Board to communicate to you such important notices and relevant information, it is essential that you notify the Board of any change of address. Please note that there is a change of address form on Page 9 of this Newsletter which must be used for a change of address.

West Virginia Board of Medicine Board Members

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THE BOARD REMEMBERS FORMER EMPLOYEE LONA B. SKILES

A long-time employee of the Board of Medicine, Lona B. Skiles, passed away on April 12, 2007. Lona began working for the Board of Medicine in November 1979 when the Board was known as the "Medical Licensing Board." She retired from the Board of Medicine in November 1999. Lona leaves behind a loving family and many friends whose lives she touched. She will be missed by all.

WEBSITE UPDATE

Licensure applications for medical doctors, podiatrists, and physician assistants are now available on our website at www.wvdhhr.org/wvbom. Just click on the word "APPLICATIONS" on the left side of the main page to access all of the applications that are available for downloading.

Staff of the West Virginia Board of Medicine		
Ext #	304.558.2921	
227	Robert C. Knittle, M.S.	Executive Director
214	Deborah Lewis Rodecker, J.D.	Counsel
215	John K. McHugh, J.D.	Disciplinary Counsel
212	M. Ellen Briggs	Administrative Assistant to the Executive Director
222	Leslie A. Higginbotham	Investigator, CMI
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



BOARD ACTIONS April 2007 — June 2007



BUTCHER, MICHAEL DANE, M.D. – Los Gatos, CA (04/16/2007)

WV License No. 09035

Board Conclusion: Dr. Butcher's license to practice medicine in the State of California has been acted against or subjected to other discipline.

Board Action: PUBLICLY REPRIMANDED for being subjected to disciplinary action by the licensing authority in another state.

CRAWFORD, DUDLEY DESHON, M.D. – Hurricane, WV (04/03/2007)

WV License No. 16630

Board Conclusion: Prescribing other than in good faith; unable to practice safely by reason of substance abuse; and unprofessional conduct.

Board Action: Effective April 3, 2007, Dr. Crawford's license to practice medicine and surgery in the State of West Virginia is SURRENDERED to the Board to enable him to enter an appropriate in-patient treatment program for substance abuse and/or dependency. Dr. Crawford's license shall remain surrendered until such time as he has successfully completed the Board-approved in-patient treatment program, he has appeared before the Licensure Committee of this Board, and the Board has determined that Dr. Crawford is able to practice medicine and surgery in the State of West Virginia without harm to himself or the public, and has reinstated his license to practice medicine and surgery, either in whole or in part.

FOX, STUART HENRY, M.D. – Knoxville, TN (05/14/2007)

WV License No. 15809

Board Conclusion: Dr. Fox's license to practice medicine in the State of Tennessee has been acted against or subjected to other discipline.

Board Action: PUBLICLY REPRIMANDED for being subjected to disciplinary action by the licensing authority in another state.

JOHNSON, DANNY LEE, D.P.M. - Chapmanville, WV (05/14/2007)

WV License No. 00153

Board Conclusion: The Board shall revoke the license of any podiatrist licensed or otherwise lawfully practicing within this State who, is found guilty by any court of competent jurisdiction of any felony involving prescribing, selling, administering, dispensing, mixing or otherwise preparing any prescription drug, including any controlled substance under state or federal law, for other than generally accepted therapeutic purposes.

Board Action: License REVOKED effective May 18, 2007



BOARD ACTIONS April 2007 — June 2007



MORGAN, BRETON LEE, M.D. – Point Pleasant, WV (05/14/2007)

WV License No. 15143

Board Conclusion: The Board shall revoke the license of any physician licensed or otherwise lawfully practicing within this State who, is found guilty by any court of competent jurisdiction of any felony involving prescribing, selling, administering, dispensing, mixing or otherwise preparing any prescription drug, including any controlled substance under state or federal law, for other than generally accepted therapeutic purposes.

Board Action: License REVOKED effective May 18, 2007.

SHIFFLER, JOEL DAVID, M.D. – Parkersburg, WV (05/22/2007)

WV License No. 20094

Board Conclusion: Unprofessional conduct, prescribing controlled substances for his own medical condition, and failing to conform to the principles of the American Medical Association, including opinion 8.19 regarding self-treatment.

Board Action: License SUSPENDED for a period of eighteen (18) months, unless earlier dissolved as described in more detail in the Board's Consent Order, and the suspension is STAYED immediately, and Dr. Shiffler can continue to practice medicine without restriction, pending his compliance with terms and conditions set forth in the Consent Order. Dr. Shiffler was also PUBLICLY REPRIMANDED for unprofessional conduct, prescribing controlled substances for his own medical condition, and failing to conform to the principles of the American Medical Association, including opinion 8.19 regarding self-treatment.

VELTMAN, JOHN COLLETT, M.D. – Martinsburg, WV (04/06/2007)

WV License No. 18089

Board Conclusion: Relating to engaging in dishonorable, unethical, and/or unprofessional conduct; committing an act contrary to honesty, justice or good morals; and being found guilty of or convicted of a crime which directly relates to the ability to practice medicine.

Board Action: PUBLICLY REPRIMANDED for engaging in unprofessional conduct, and committing an act contrary to honesty, justice or good morals in connection with his conviction for the misdemeanor offenses of driving under the influence of alcohol and battery on a police officer.

TEMPORARY LICENSING FOR PHYSICIAN ASSISTANTS

As a result of recent discussions by the Board regarding the topic of all temporary licenses, it was believed appropriate to call attention to the conditions under which temporary physician assistant licenses may be issued based upon long existing statute.

Physician assistant temporary licensure is only permitted to a new applicant who upon graduation from an approved program submits an application to the Board for a physician assistant license, accompanied by a job description, and is waiting to sit for and gain the results from the National Commission on Certification of Physician Assistants' certifying examination (NCCPA) next offered following graduation.

In this circumstance, the Board shall issue to that applicant a temporary license allowing that applicant to function as a physician assistant until the applicant sits for and successfully passes the National Commission on Certification of Physician Assistants' certifying examination. A physician assistant who has not been certified by the NCCPA will be restricted to work under the *direct* supervision of the supervising physician.

Within thirty (30) days of receipt of written notice from the NCCPA of results of the examination, the physician assistant with temporary licensure must notify the Board of the results. In the event of failure of that examination, the temporary license shall expire and terminate automatically, and the Board shall so notify the physician assistant.

All other new applicants must wait for the next scheduled meeting of the Board to gain licensure.

If there are questions regarding this matter, you may contact our Physician Assistant Coordinator Charlotte Jewell at 304.558.2921, extension 210.

RECIPIENT OF NATIONAL CERTIFICATION

Ms. Leslie A. Higginbotham recently received recognition for her investigative knowledge and skills by meeting the standards for national certification as a State Medical Board Investigator.

The rigorous criteria for certification is based upon an investigator's skills, knowledge, medical investigator training and experience as jointly developed by the Federation of State Medical Boards and Administrators in Medicine.

Ms. Higginbotham's years of experience in the field as a Board of Medicine Investigator is supplemented by her previous basic and advanced training through the Council on Licensure, Enforcement, and Regulation, as well as through the National Association of Drug Diversion Investigators.

Ms. Higginbotham is one of the first women in the nation to be certified as a medical investigator by this recently initiated program.

MESSAGE FROM THE WEST VIRGINIA MEDICAL IMAGING AND RADIATION THERAPY TECHNOLOGY BOARD OF EXAMINERS

The West Virginia Medical Imaging and Radiation Therapy Technology Board of Examiners (Imaging Board) has received several complaints that unlicensed individuals are operating Bone Densitometry units in physician's offices.

The only persons authorized to operate these units are licensed physicians and persons licensed by the Imaging Board. W. Va. Code § 30-23-1(2) states that “a person performing medical imaging or radiation therapy technology in this state shall be licensed.” W. Va. Code § 30-23-4(t) defines “Radiologic technology” as the “application of ionizing radiation or assisting in the application of medical imaging to human beings for diagnostic or therapeutic purposes...” Because Bone Densitometry machines use ionizing radiation, the operation of such machines falls under the jurisdiction of the Imaging Board under W. Va. Code § 30-23-1 *et seq.*

Under W. Va. Code § 30-23-12(4), medical doctors are exempted from Imaging Board licensure requirements. However, the exemption that medical doctors enjoy does not extend to their unlicensed or otherwise unexempted employees. The West Virginia Supreme Court has examined the issue of doctor's using unlicensed persons to perform work traditionally performed by a licensed radiologic technologist. In *W.Va. Radiologic Technology Board of Examiners v. Darby*, the WV Supreme Court rejected Dr. Darby's argument that his employees were exempted from being licensed by the Radiologic Technology Board due to his exemption from being licensed because he was a doctor of podiatric medicine. The WV Supreme Court stated the doctor “could not lawfully employ an unlicensed technician to perform radiological examinations on his patients.” *Darby*, 427 S.E.2d 486, 489. The WV Supreme Court further ruled that the Board “had authority to enjoin Dr. Darby...from using unlicensed members of his staff as radiological technologist.” *Id.*

The *Darby* court also concluded that doctors could not lawfully delegate their exemption from radiologic technology licensure to their employees because under W. Va. Code § 30-3-14(c)(16) of the West Virginia Medical Practice Act, it is unlawful for a physician or podiatrist to delegate “professional responsibilities to a person when the physician or podiatrist delegating such responsibilities knows or has reason to know that the person is not qualified by training, experience or *licensure* to perform them.” (emphases added.) Thus, if an individual does not possess the proper license, then the doctor must not allow that individual to perform work that requires a license issued by the Medical Imaging Board.

Please contact the Medical Imaging Board with any questions concerning the operation of these type of units. The office phone number is 877.609.9869 (toll free) or 304.787.4398.

*****REMINDER*****

All physicians holding West Virginia medical licenses are bound by the AMA Code of Medical Ethics. The AMA Code of Medical Ethics includes an Opinion on Gifts to Physicians from Industry, number E-8.061.

The Opinion states that subsidies from industry should not be accepted directly or indirectly to pay for the costs of travel, lodging or other personal expenses of physicians attending meetings. Subsidies for hospitality should not be accepted other than modest meals or social events held as part of a conference or meeting. The Opinion states that no gifts should be accepted if there are strings attached. The entire Opinion is available at www.ama-assn.org, as are all the AMA Code of Medical Ethics Opinions.

*****INFORMATION FOR DEA REGISTRANTS TO PASS ON TO PATIENTS********Federal Guidelines For Proper Disposal of Prescription Drugs******Office of the National Drug Control Policy***

www.WhiteHouseDrugPolicy.gov

- ◆ Take unused, unneeded, or expired prescription drugs out of their original containers and throw them in the trash.
- ◆ Mixing prescription drugs with an undesirable substance, such as used coffee grounds or kitty litter, and putting them in impermeable, non-descript containers, such as empty cans or sealable bags, will further ensure the drugs are not diverted.
- ◆ Flush prescription drugs down the toilet *only* if the label or accompanying patient information specifically instructs doing so.
- ◆ Take advantage of community pharmaceutical take-back programs that allow the public to bring unused drugs to a central location for proper disposal. Some communities have pharmaceutical take-back programs or community solid-waste programs that allow the public to bring unused drugs to a central location for proper disposal. Where these exist, they are a good way to dispose of unused pharmaceuticals.

The FDA advises that the following drugs be flushed down the toilet instead of thrown in the trash:

Actiq (fentanyl citrate)

Daytrana Transdermal Patch (methylphenidate)

Duragesic Transdermal System (fentanyl)

OxyContin Tablets (oxycodone)

Avinza Capsules (morphine sulfate)

Baraclude Tablets (entecavir)

Reyataz Capsules (atazanavir sulfate)

Tequin Tablets (gatifloxacin)

Zerit for Oral Solution (stavudine)

Meperidine HCl TabletsPercocet (Oxycodone and Acetaminophen)

Xyrem (Sodium Oxybate)

Fentora (fentanyl buccal tablet)

Note: Patients should always refer to printed material accompanying their medication for specific instructions.

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:

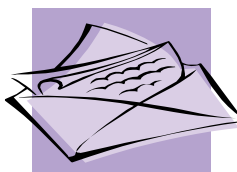
Direct Patient Care: _____
Administration: _____
Formal Teaching: _____
Research: _____
Other Medical/Podiatric Activities: _____

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

July 9
September 10
November 5

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

WV Board of Medicine



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

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