

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: KHEYROLAH ABEDI, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Kheyrolah Abedi, M.D. ("Dr. Abedi") freely and voluntarily enter into the following Order pursuant to West Virginia Code §30-3-14(n).

FINDINGS OF FACT

1. Dr. Abedi currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 15002, issued originally in 1987, and Dr. Abedi's address of record with the Board is in Hurricane, West Virginia.

2. In January, 1992, the Board discussed with Dr. Abedi the matter of his resignation from the emergency department of Bluefield Regional Medical Center in 1990, as well as material provided by Bluefield Regional Medical Center upon request of the Board, related to Dr. Abedi's resignation.

3. Continuing to practice medicine without the Board attaching conditions and limitations upon Dr. Abedi's license to practice medicine could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. The West Virginia Medical Practice Act declares that the practice of medicine is a privilege and that as a matter of public policy, the provisions in the act are necessary to protect the public interest (West Virginia Code §30-3-1).

2. Probable cause exists to file charges against Dr. Abedi pursuant to the provisions of West Virginia Code §30-3-14(c)(17), violating a rule of the Board, in that the Board is of the belief that Dr. Abedi may have demonstrated a lack of professional competence to practice medicine with a reasonable degree of skill and safety for patients (11 CSR 1A 12.1[i]).

3. The Board has determined that it is appropriate to waive the commencement of proceedings against Dr. Abedi and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided that Dr. Abedi agrees to sit for the SPEX examination in West Virginia, and obtain a passing grade thereon, and practice under the supervision of another Board approved physician until such time as Dr. Abedi's SPEX score is received, all in order that the Board may then determine what, if

any, additional requirements as to his practice of medicine may appropriately be imposed upon Dr. Abedi by the Board.

CONSENT

Kheyrolah Abedi, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and proceedings conducted in accordance with this Order to the following:

1. Dr. Abedi acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, et seq.;

2. Dr. Abedi acknowledges that he has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him;

3. Dr. Abedi waives all rights to such a hearing;

4. Dr. Abedi consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

5. Dr. Abedi understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law and on the basis of the consent of Dr. Abedi, the West Virginia Board of Medicine hereby ORDERS that:

1. On March 19, 1992, Dr. Abedi shall sit for and take the SPEX (Special Purpose Examination), which SPEX shall be administered in Charleston, West Virginia, at the Board offices, and Dr. Abedi shall obtain a passing grade on said SPEX.

2. Upon and after the effective date of this Order, Dr. Abedi's practice of medicine and surgery shall occur only under the supervision of another Board approved physician, at any site where Dr. Abedi is practicing medicine and surgery, which Board approved physician shall file written reports with the Board every sixty (60) days, beginning March 1, 1992, attesting to Dr. Abedi's safe care and treatment of patients, and said Board approved supervising physician shall notify the Board in writing if at any time Dr. Abedi's care and treatment of patients falls below a reasonable standard of skill and safety.

3. Within five (5) days of entry of this Order, any Board approved supervising physician for Dr. Abedi shall file with the Board a statement confirming that the Board approved supervising physician has read a copy of this Order and has a copy of this Order in his or her possession and understands the requirements of this Order.

4. Upon the receipt of the grade on the SPEX of Dr. Abedi, Dr. Abedi shall meet with the Complaint Committee of the Board at its next regularly scheduled meeting, to discuss with the Complaint Committee whether any further measures might be recommended and/or required with respect to his practice of medicine in the State of West Virginia, and the Board may require Dr. Abedi to enter into another Consent Order containing restrictions and limitations upon his license, as it may determine necessary and appropriate.

5. Within five (5) days of entry of this Order, Dr. Abedi shall provide a copy of this Order to any employer or health care or medical facility where Dr. Abedi is practicing medicine, and during the period that this Order is in effect, Dr. Abedi shall provide a copy of this Order to any prospective employer or health care or medical facility where he seeks to practice medicine.

The failure of Dr. Abedi to comply with the terms of this Consent Order, as determined by the Board, may constitute grounds for the revocation of his medical license in West Virginia.

Entered this 14th day of January, 1992.

WEST VIRGINIA BOARD OF MEDICINE

S. Eileen Catterson MD
S. Eileen Catterson, M. D.
President

William T. Wallace, Jr.
William T. Wallace, Jr., M.D., M.P.H.
Secretary

Kheyrolah Abedi MD-
Kheyrolah Abedi, M.D.
Date: 1/22/92

STATE OF West Virginia

COUNTY OF Putnam, to-wit:

I, Deborah L. Burnette, a Notary Public for said county and state do hereby certify that Kheyrolah Abedi, M.D., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 22nd day of January, 1992.

My Commission expires 9-18-95.

Deborah L. Burnette
NOTARY PUBLIC

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