

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: ROBERT WILLIAM PHARES, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Robert William Phares, M.D. ("Dr. Phares") freely and voluntarily enter into the following Order pursuant to West Virginia Code § 30-3-14, *et seq.*

FINDINGS OF FACT

1. Dr. Phares currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 21259, issued originally in 2003. Dr. Phares' address of record is in Hedgesville, West Virginia.
2. In July, 2009, the Board initiated a complaint against Dr. Phares, which complaint alleged certain unprofessional, unethical and illegal conduct by Dr. Phares including: acquiring or obtaining possession of a prescription medication by misrepresentation, fraud, forgery, deception or subterfuge; false and fraudulent billing and/or insurance fraud; dispensing a prescription drug other than in accordance with accepted medical standards and making deceptive, untrue and/or fraudulent representations in the practice of medicine.
3. Dr. Phares filed a response with the Board in August, 2009.
4. On or about October 30, 2009, Dr. Phares pled guilty to the misdemeanor charge of obtaining by false pretense (W.Va. Code §61-3-24) in the Magistrate Court of Berkeley County, West Virginia. The circumstances leading to the criminal charge and ultimate plea of

guilty are the same circumstances which led to the complaint described in paragraph number two (2), above.

5. Dr. Phares appeared for a full discussion of the matter before the Complaint Committee of the Board in November, 2009.

6. The underlying actions leading to Dr. Phares' criminal conviction and the complaint of the Board were the result of a series of extraordinarily poor decisions on the part of Dr. Phares in his personal life and were not the result of the treatment of his customary patient population. Dr. Phares has demonstrated to the Board candor and regret for his actions.

7. Dr. Phares desires to enter into this Consent Order with the Board in lieu of proceeding to hearing on charges the Board may file against him in relation to the complaint against him, described in paragraph two (2), above.

8. To ensure that Dr. Phares practices medicine in the State of West Virginia with a reasonable degree of skill and safety to his patients, the agreement to and fulfillment of the terms and conditions of this Consent Order are necessary.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W.Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges of disqualification of Dr. Phares from the practice of medicine due to violations of the provisions of: West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(e) and (j) , relating to dishonorable, unethical and/or unprofessional conduct; West Virginia Code § 30-3-14(c)(5) and (17) and 11 CSR 1A 12.1 (o),

(p), (x), and (bb), relating to failing to perform any statutory or legal obligation, filing a report the licensee knows to be false, failing to practice medicine acceptably, and otherwise violating the law; West Virginia Code § 30-3-14(c)(13), relating to prescribing a drug other than in good faith and in a therapeutic manner in accordance with accepted medical standards; and, West Virginia Code § 30-3-14(c)(9), and 11 CSR 1A 12.1 (s) relating to making a deceptive, untrue or fraudulent representation in the practice of medicine and surgery.

3. The Board has determined that it is appropriate and in the public interest to proceed without the filing of formal charges in a Complaint and Notice of Hearing at this time, provided Dr. Phares enters into this Consent Order.

CONSENT

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

1. Dr. Phares acknowledges that he is fully aware that, without his consent, here given, 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. Phares 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. Phares waives all rights to such a hearing;

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

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

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Phares, the Board hereby **ORDERS** as follows:

1. Dr. Phares is hereby **PUBLICLY REPRIMANDED** for his misdemeanor conviction and for his multiple poor judgments leading to the circumstances underlying the criminal charge and conviction;

2. Dr. Phares shall undergo regular, individual psychological counseling by a licensed mental health professional for a period of eighteen (18) months from the date of the entry of this Order. The licensed mental health professional must be approved by the Board. Dr. Phares shall arrange for the licensed mental health professional to provide written quarterly reports to the Board during the eighteen (18) month period, including executing appropriate medical records releases as necessary. Failure to comply with this provision shall expose Dr. Phares to further disciplinary action by the Board.

WEST VIRGINIA BOARD OF MEDICINE

DATE ENTERED: December 14, 2009

John A. Wade, Jr.

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

Catherine C. Slemp

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

Robert William Phares

Robert William Phares, M.D.
Date: 12/3/09

STATE OF W.V

COUNTY OF Berkeley

I, Helen Engle, a Notary Public in and for said county and state,
do hereby certify that Robert William Phares, M.D., whose name is signed above, has this day
acknowledged the same before me.

Given under my hand this 3rd day of December, 2009.

My commission expires 4-19-2015.

Helen Engle
Notary Public





State of West Virginia *Board of Medicine*

REV. O. RICHARD BOWYER
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
www.wvbom.wv.gov

MICHAEL L. FERREBEE, MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

June 16, 2011

Robert W. Phares, M.D.
3790 Hedgesville Road, Suite 6
Hedgesville, WV 25427

IN RE: Robert W. Phares, M.D.

Dear Dr. Phares:

This is to officially notify you that as of June 15, 2011, the provision placed on your West Virginia medical license by Consent Order entered December 14, 2009, has been removed due to your compliance.

In accordance with the statute, the Consent Order will remain a permanent part of your historical record maintained by the Board. A copy of this letter will be attached to the Consent Order and will remain a part of the Consent Order.

Thank you for your cooperation and patience throughout this process and continued best wishes for success.

Sincerely,

A handwritten signature in black ink that reads "Robert C. Knittle".

Robert C. Knittle

RCK/meb

pc: Janis P. White, M.D., J.D.
Steptoe & Johnson
P. O. Box 2190
Clarksburg, WV 26302-2190