

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KELLY PAUL CUMMINGS, P.A.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Kelly Paul Cummings, P.A. ("Mr. Cummings"), pursuant to the provisions of West Virginia Code §30-3-1, et seq., freely and voluntarily enter into the following:

FINDINGS OF FACT

1. Effective October 2, 1993, the physician assistant license of Mr. Cummings, No. 388, was surrendered to the Board by Mr. Cummings and suspended by the Board under the terms of a Consent Order entered into by and between Mr. Cummings and the Board. A true and accurate copy of said Consent Order is attached hereto.

2. Mr. Cummings has complied with the requirements of the Consent Order, attached, and he and his proposed supervising physician have appeared before the Physician Assistant Committee of the Board for a full discussion of his desire for reinstatement of his physician assistant license by the Board.

3. It is appropriate and in the public interest for Mr. Cummings to be again licensed to practice as a physician assistant, though for Mr. Cummings to practice as a physician assistant without complying with certain restrictions and conditions could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

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

2. Probable cause exists to deny a license as a physician assistant to Mr. Cummings pursuant to the provisions of 11 CSR 1B 2.9(h), relating to misconduct in his practice as a physician assistant.

3. It is appropriate and in the public interest to reinstate the license to practice as a physician assistant of Mr. Cummings, provided Mr. Cummings agrees to the provisions of this Consent Order.

CONSENT

Kelly Paul Cummings, P.A., consents and agrees solely and exclusively for the purpose of the entry of this Order to the following:

1. Mr. Cummings acknowledges that without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with 11 CSR 1B 2.9 and West Virginia Code §29A-5-1, et seq., and West Virginia Code §30-3-16;

2. Mr. Cummings further 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. Mr. Cummings waives all such due process rights;

4. Mr. Cummings consents to the entry of this Order relative to any licensure as a physician assistant in the State of West Virginia; and,

5. Mr. Cummings 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 of the Board, and the foregoing consent of Mr. Cummings, the Board hereby ORDERS as follows:

1. That the physician assistant license of Kelly Paul Cummings, No. 388, is REINSTATED, effective March 27, 1994;

2. Said license is issued subject to the condition and limitation that for a two (2) year period, until March 27, 1996, said license, No. 388, shall be in a probationary status, and during said two (2) year period Mr. Cummings shall:

(a) Comply with any demand of the Board for testing of bodily fluids of Mr. Cummings, which demand may be made at any time, in a random, unannounced fashion. The cost for any such random, unannounced testing of Mr. Cummings' bodily fluids shall be at the expense of Mr. Cummings;

(b) Attend a minimum of one group therapy session per week and five (5) meetings of Alcoholics Anonymous per week, and shall keep a log of his attendance at the group therapy sessions and the Alcoholics Anonymous meetings, which log shall be reviewed periodically by his supervising physician and may be reviewed at the pleasure of the Board;

(c) Seek and maintain a sponsor in Alcoholics Anonymous who will be permitted to review his log and who will discuss his progress on a monthly basis and who will consent and agree to be available to

review periodically Mr. Cummings' progress with his supervising physician. A reasonable time will be allowed for any change of sponsor if necessary.

(d) Refrain from the use of any controlled substances except for those specifically prescribed to him by another duly licensed physician, and refrain from the consumption of alcohol.

(e) Within five (5) days of entering into this Consent Order, provide a copy of this Consent Order to his supervising physician, to his Alcoholics Anonymous sponsor, and to any health care facility where he is employed, where he works, or enjoys privileges of any kind.

3. At the option of either Mr. Cummings or the Board, this Consent Order or a modified version thereof, may be again entered into by the parties at the end of the two (2) year probationary period.

The failure of Mr. Cummings to comply in a satisfactory fashion with the terms of this Order, as determined by the Board, may constitute grounds for the revocation of his physician assistant license, No. 388, in the State of West Virginia.

Entered this 24th day of March, 1994.

WEST VIRGINIA BOARD OF MEDICINE

S. Eileen Catterson, M.D.

S. Eileen Catterson, M. D.
President

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

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

Kelly Paul Cummings

Kelly Paul Cummings, P.A.

Date: 3/23/94

STATE OF West Virginia

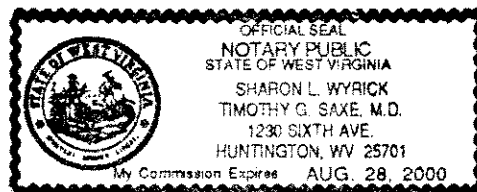
COUNTY OF Cabell, to-wit:

I, Sharon L. Wyrick, a Notary Public for said county and state do hereby certify that Kelly Paul Cummings, P.A., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 23 day of March, 1994.

My Commission expires August 28, 2000.

Sharon L. Wyrick
NOTARY PUBLIC



BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KELLY PAUL CUMMINGS, P.A.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Kelly Paul Cummings, P.A. ("Mr. Cummings"), pursuant to the provisions of West Virginia Code §30-3-1 et seq., and 11 CSR 1B 2.9, freely and voluntarily enter into the following:

FINDINGS OF FACT

1. In May, 1991, the Board issued Mr. Cummings certification as a physician assistant in West Virginia, Certificate No. 388, under a Consent Order wherein Mr. Cummings' certificate was placed in a probationary status for a two (2) year period ending May 27, 1993, and subject to certain specified conditions.

2. In September, 1993, Mr. Cummings appeared before the Physician Assistant Committee of the Board in order to discuss the Consent Order specified in paragraph 1, and whether either he or the Physician Assistant Committee wished to enter into any Consent Order, or a modified version of the Consent Order, for an additional period of time.

3. At the time of Mr. Cummings' appearance before the Physician Assistant Committee of the Board, Mr. Cummings acknowledged that he had not complied with all of the provisions of the Consent Order, and specifically, he had not complied with the requirement for attendance at a specific number of meetings of Alcoholics Anonymous or Narcotics Anonymous though all reports filed with the Board pursuant to the requirements of his Consent Order had specifically stated that Mr. Cummings was complying with such requirements.

4. Mr. Cummings has expressed the desire to enter into this Consent Order with the Board in lieu of proceeding to hearing on any charges the Board may file against him.

5. For Mr. Cummings to practice as a physician assistant without complying with certain restrictions and conditions could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. The West Virginia Board of Medicine has a mandate pursuant to West Virginia Code §30-30-1 to protect the public interest.

2. Probable cause exists to file charges against Mr. Cummings pursuant to the provisions of 11 CSR 1B 2.9(h), alleging misconduct in his practice as a physician assistant.

3. It is appropriate and in the public interest to waive the commencement of proceedings against Mr. Cummings as a physician assistant and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided Mr. Cummings agrees to the provisions of this Consent Order.

CONSENT

Mr. Cummings consents and agrees solely and exclusively for the purpose of the entry of this Order to the following:

1. Mr. Cummings acknowledges that without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with 11 CSR 1B 2.9 and West Virginia Code §29A-5-1, et seq., and West Virginia Code §30-3-16;

2. Mr. Cummings further 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. Mr. Cummings waives all such due process rights;

4. Mr. Cummings consents to the entry of this Order relative to any certification or licensure as a physician assistant in the State of West Virginia; and,

5. Mr. Cummings 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 of the Board, and the foregoing consent of Mr. Cummings, the Board hereby ORDERS as follows:

1. That the Physician Assistant Certificate, now license, of Kelly Paul Cummings, P.A., No. 388 is SURRENDERED to the Board and SUSPENDED, effective October 2, 1993; and,

2. Mr. Cummings shall undergo a complete psychiatric examination, at his own expense, by a psychiatrist to be approved by the Board; and,

3. Mr. Cummings is hereby PUBLICLY REPRIMANDED for his failure to comply with all of the terms of the Consent Order into which he entered with the Board in May, 1991, and is fined \$2000, the receipt of which fine is acknowledged by the signatures hereon of the President and Secretary of this Board; and,

4. Before the Board shall reinstate any license to and on behalf of Mr. Cummings to practice as a physician assistant, either in whole or in part, Mr. Cummings shall appear before the Physician Assistant Committee of the Board with the results of

his psychiatric examination and with the physician he wishes to have as his supervising physician under the provisions of West Virginia Code §30-3-16.

The failure of Mr. Cummings to comply with any of the terms of this Consent Order, as determined by the Board, shall constitute grounds for the revocation of his licensure as a physician assistant by this Board.

Dated this 20th day of September, 1993.

WEST VIRGINIA BOARD OF MEDICINE

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

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

Kelly Paul Cummings, P.A.
Kelly Paul Cummings, P.A.
Date: 9/24/93

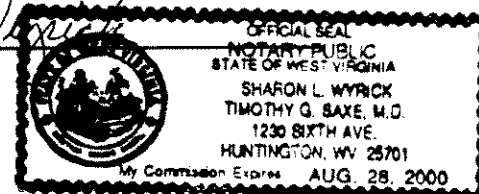
STATE OF West Virginia
COUNTY OF Cabell, to-wit:

I, Sharon L. Wyrick, a Notary Public for said county and state do hereby certify that Kelly Paul Cummings, P.A., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 24 day of September 1993.

My Commission expires August 28, 2000.

Sharon L. Wyrick
NOTARY PUBLIC





Curtis Arnold, D.P.M.
Charleston

Walter L. Berry, M.D.
Charleston

Darrel Darby, D.P.M.
Martinsburg

Imed D. Faheem, M.D.
Martinsburg

Dr. Stephen P. Goodwin
Charleston

Michael Grome, P.A.-C.
Martinsburg

Mr. George G. Guthrie
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Mrs. Mary Boyd Kearse
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Moorefield

Joseph Smith, M.D.
Dunbar

Lee Elliott Smith, M.D.
Princeton

State of West Virginia

WEST VIRGINIA BOARD OF MEDICINE

101 Dee Drive

Charleston, West Virginia 25311

Telephone (304) 558-2921

Fax (304) 558-2084

March 29, 1996

Kelly Paul Cummings, P.A.
309 Wooster Street
Marietta, Ohio 45750

Dear Mr. Cummings:

This is to officially notify you that the two-year probationary status of your West Virginia physician assistant license, No. 388, has, as of March 27, 1996, ended.

However, in accordance with the statute, the Consent Order remains 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,

Ronald D. Walton

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PRESIDENT

Paul Brooks, Jr., M.D.
Martinsburg

VICE PRESIDENT

Sarjit Singh, M.D.
Martinsburg

SECRETARY

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

COUNSEL

Deborah Lewis Rodecker
Charleston

EXECUTIVE DIRECTOR

Ronald D. Walton
Charleston