

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

DEBORAH BROWN, P.A.-C.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and DEBORAH BROWN, P.A.-C. ("Ms. Brown") pursuant to the West Virginia Code §30-3-1, *et seq.*, and 11 CSR 1B 10.1, freely and voluntarily enter into the following:

FINDINGS OF FACT

1. Ms. Brown held a license to practice as a physician assistant, License Number 01199, under the supervision of Adin Timbayan, M.D., until December 24, 2009.
2. In October, 2009, Ms. Brown notified the Board that she had been writing prescriptions under the supervision of Dr. Timbayan since January, 2009, at Montgomery General Hospital, believing that she had been granted prescriptive writing privileges by the Board, though in fact she had no such privileges and no application for such privileges had been received by the Board.
3. Ms. Brown immediately ceased writing prescriptions, and appeared before a meeting of the Physician Assistant Committee of the Board in January, 2010, explaining that she had prepared an application to be submitted to the Board for prescriptive writing privileges and believed it had been submitted to the Board by a hospital employee and that she had been approved for prescriptive writing privileges.

4. The Board recognizes under all the circumstances of this case that the failure of Ms. Brown to confirm both that her prescriptive writing privileges application had been submitted to the Board and that prescriptive writing privileges had been granted was an oversight and unintentional.

5. In order to resolve this matter and bring it to a conclusion, it is necessary that certain appropriate conditions and limitations be placed upon Ms. Brown's license to practice as a physician assistant.

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 substantiate charges against Ms. Brown pursuant to the provisions of 11 CSR 1B 10.1(h)(2), because Ms. Brown has failed to comply with the provisions of West Virginia Code § 30-3-16(r) and 11 CSR 1B 14.1, relating to physician assistants.

3. It is appropriate and in the public interest to waive the commencement of proceedings against Ms. Brown, subject to compliance by Ms. Brown with certain conditions and limitations upon her licensure as a physician assistant in the State of West Virginia.

CONSENT

Ms. Brown agrees solely and exclusively for the purpose of the entry of this Order to the following:

1. Ms. Brown acknowledges that without her consent, no permanent legal action may be taken against her except after a hearing held in accordance with 11 CSR 1B 10.1 and West Virginia Code §29A-5-1, *et seq.*, and West Virginia Code §30-3-16;

2. Ms. Brown further acknowledges that she 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 her own expense, the right to cross-examine witnesses against her, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to her;

3. Ms. Brown waives all such rights;

4. Ms. Brown consents to the entry of this Order relative to her practice as a physician assistant in the State of West Virginia; and,

5. Ms. Brown 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 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 the foregoing consent of Ms. Brown, the West Virginia Board of Medicine hereby **ORDERS**:

1. Ms. Brown is **PUBLICLY REPRIMANDED** for writing prescriptions with no authority to do so having been granted by the Board, as set forth in the Findings of Fact.


2. Ms. Brown agrees to read and comply with all laws and rules of the Board pertaining to physician assistants, West Virginia Code § 30-3-16 and 11 CSR 1B, so that she is fully aware of her responsibilities as a physician assistant.

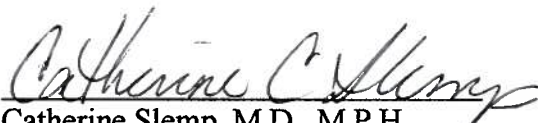
3. Within five (5) days of entry of this Consent Order, Ms. Brown shall provide a copy of this Order to any employer or health care or medical facility where Ms. Brown has been practicing as a physician assistant.


The failure of Ms. Brown to comply with any of the terms of this Consent Order, as determined by the Board, shall constitute grounds for further discipline of her licensure as a physician assistant in the State of West Virginia by this Board.

Dated this 25th day of January, 2010.

WEST VIRGINIA BOARD OF MEDICINE


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


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


Deborah Brown, P.A.-C.

Date: 1-13-2010

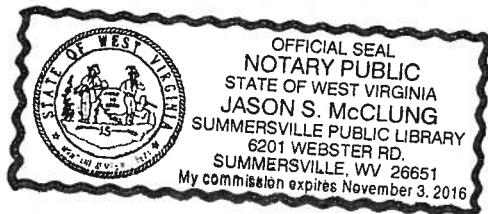
STATE OF West Virginia

COUNTY OF Nicholas, to-wit:

I, Jason S. McClung, a Notary Public for said county and state do hereby certify that DEBORAH BROWN, P.A.-C., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 13 day of January, 2010.

My Commission expires 11-3-16.



Jason S. McClung
NOTARY PUBLIC