



# State of West Virginia *Board of Medicine*

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SECRETARY

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**R. CURTIS ARNOLD, DPM**  
VICE PRESIDENT

**ROBERT C. KNITTLE**  
EXECUTIVE DIRECTOR

February 24, 2015

Sean Thomas O'Mara, M.D.  
5985 Lake Linden Court  
Excelsior, MN 55331

Re: West Virginia Board of Medicine  
Complaint No. 14-42-W

Dear Dr. O'Mara:

This letter will confirm that the Board of Medicine considers you to have fulfilled all obligations set forth in the Consent Order which you entered into with the West Virginia Board of Medicine on February 11, 2015. As of the date of this letter, the West Virginia Board of Medicine considers the above-referenced matter to be closed.

In accordance with the statute, the Consent Order, with a copy of this letter attached, remains a permanent part of your historical record maintained by the Board. A copy of the Consent Order is enclosed for your records.

Should you have any questions or concerns please feel free to contact me at 304-558-2921, ext. 70005.

Sincerely,

  
Robert C. Knittle

RCK/trg  
Enclosure

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE:**

**SEAN THOMAS O'MARA, M.D.**

**CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and Sean Thomas O'Mara, M.D. ("Dr. O'Mara") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code § 30-3-1, *et seq.*

**FINDINGS OF FACT**

The Board and Dr. O'Mara stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. O'Mara holds a West Virginia medical license, No. 24716, which license was first issued in 2012. Dr. O'Mara's address of record with the Board is in Excelsior, Minnesota.
2. Dr. O'Mara last submitted a renewal application for his medical license in June 2013, for the renewal period of July 1, 2013 through June 30, 2015. His license will expire on June 30, 2015, unless renewed on or before that date.
3. On his June 2013 renewal application, Dr. O'Mara certified to the Board that he had complied with all Continuing Medical Education [CME] requirements for the renewal of his license.

4. To accurately certify compliance with the CME requirements on his May 2013 renewal application, Dr. O'Mara was required to have either:

- a. completed fifty hours of CME credits, as described in W. Va. Code R. §11-6-3.2, between July 1, 2011 and June 30, 2013; or
- b. be ABMS board certified and possess documentation of successful involvement in maintenance of certification from the ABMS member board for the period of July 1, 2011 through June 30, 2013.

5. On or about January 10, 2014, the Board notified Dr. O'Mara that he had been randomly selected for the Board's annual CME audit.

6. Pursuant to W. Va. Code R. §11-6-5.2, "[a]ny licensee is required to provide supporting written documentation of the successful completion of the continuing education certified as received on the biennial renewal application form, if the Board requests such written documentation in writing. The licensee shall provide the Board with the written documentation so that it is received by the Board within thirty (30) days of the licensee's receipt of the written request."

7. Dr. O'Mara failed to produce any documentation of his documentation corroborating his certification that he successfully completed his CME requirements for the period of July 1, 2011 and June 30, 2013 within thirty days of his receipt of the Board's written request as required by W. Va. Code R. §11-6-5.2

8. On May 18, 2014, the Complaint Committee of the West Virginia Board of Medicine initiated a complaint against Dr. O'Mara based upon his apparent deficiency of CME credits, and his inaccurate certification that he had completed the same during the licensure

period of July 1, 2011, to June 30, 2013, all pursuant to W. Va. Code §30-3-14 (c)(1) and (17), W. Va. Code R. §§11-1A-12.1.a, 12.1.e and 12.1.j, and W. Va. Code R. §§11-6-5.2 and 5.4.

9. Subsequent to the initiation of the Committee's Complaint, but beyond the thirty day response time required by the Board's legislative rules, Dr. O'Mara produced records related to his completion of some CMEs. The documentation ultimately provided by Dr. O'Mara and received by the Board between May 18, 2014 and January 11, 2015, supports Dr. O'Mara's completion of thirty eight and one half hours of CME credits between July 1, 2011 and June 30, 2013.

10. Dr. O'Mara has failed to provide documentation satisfactory to the Board which corroborates his certification that he successfully completed his CME requirements for the CME cycle of July 1, 2011 through June 30, 2013.

11. The Board and Dr. O'Mara voluntarily enter into this Consent Order to resolve the complaint initiated against Dr. O'Mara and to protect the public interest.

### **CONCLUSIONS OF LAW**

The Board and Dr. O'Mara stipulate to the following conclusions of law:

1. Dr. O'Mara's license to practice medicine and surgery in the state of West Virginia is subject to regulation and discipline by the West Virginia Board of Medicine, the "regulatory and disciplinary body for the practice of medicine and surgery" for physicians, podiatrists and physician assistants in West Virginia. W.Va. Code §30-3-5 and §30-3-7(a).

2. The Board has a mandate to ensure "a professional environment that encourages the delivery of quality medical services" to protect the public interest. W.Va. Code §30-3-2.



3. The West Virginia Medical Practice Act sets forth conduct which may render an individual unqualified for licensure or subject to discipline or other restrictions upon licensure. W.Va. Code §30-3-14. Pursuant to W.Va. Code §30-1-8(c), the Board has promulgated legislative rules that "delineate conduct, practices or acts which, in the judgment of the board, constitute professional negligence, a willful departure from accepted standards of professional conduct and/or which may render an individual unqualified or unfit for licensure, registration or other authorization to practice." See W. Va. Code R. §11-1A-12.

4. Probable cause may exist to substantiate disciplinary charges against Dr. O'Mara pursuant to W. Va. Code §30-3-14 (c)(1) and (17), W. Va. Code R. §§11-1A-12.1.a, 12.1.e and 12.1.j, and W. Va. Code R. §§11-6-5.2 and 5.4., relating to unprofessional conduct, the failure to produce written documentation of the successful completion of the continuing medical education certified as received in the biennial renewal application form, and relating to the renewal of a license to practice medicine and surgery by making a false statement in connection with a licensure application.

5. It is appropriate and in the public interest to waive the commencement of proceedings against Dr. O'Mara and to proceed without further investigation, the filing of charges, or a formal Complaint and Notice of Hearing, subject to compliance by Dr. O'Mara with the provisions of this Consent Order.

6. This Consent Order sets forth reasonable and appropriate discipline upon Dr. O'Mara.

7. This Consent Order does not impose any discipline which relates to the delivery of healthcare services by Dr. O'Mara.

## CONSENT

By signing his name to this Consent Order, Sean Thomas O'Mara, M.D., acknowledges that he understands and agrees with the following:

1. Dr. O'Mara has read and understands this entire Consent Order;
2. Dr. O'Mara agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Consent Order;
3. Dr. O'Mara understands that he has the right to legal representation in this matter, at his own expense, and agrees that he has been afforded adequate time and opportunity to exercise his right to consult with counsel regarding the legal effect of this Consent Order;
4. Dr. O'Mara understands that this Consent Order is a legally binding Order of the West Virginia Board of Medicine that affects his rights and privileges;
5. Dr. O'Mara 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.*;
6. Dr. O'Mara is aware of his legal rights in this matter, in addition to his right to be represented by counsel at his own expense, including: the right to a formal hearing, after reasonable notice, before the West Virginia Board of Medicine on the disciplinary charges before the Board; the right to confront and cross-examine witnesses against him; the right to present evidence and testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

7. Dr. O'Mara knowingly and voluntarily waives all such additional rights, and agrees to the entry of this Consent Order relative to his practice of medicine in the state of West Virginia;

8. Dr. O'Mara acknowledges that if he violates any of the terms of this Consent Order, further action may be taken against his license by the Board, as permitted by law; and

9. Dr. O'Mara understands that this Order is a public document which will be available for public inspection, will be accessible through the Board's website, and will be a permanent part of his historical file with the Board. Matters contained herein may be reported to other jurisdictions, the Federation of State Medical Boards and as otherwise required by law.

## **ORDER**

WHEREFORE, on the basis of the foregoing stipulated Findings of Fact and Conclusions of Law, and with the consent of Dr. O'Mara, the West Virginia Board of Medicine hereby ORDERS as follows:

1. Dr. O'Mara shall complete, and provide certification of his completion to the Board, before Friday, February 20, 2015, eleven and one half hours of continuing medical education coursework designated as Category I by the American Medical Association or the American Academy of Family Physicians. The CME credits submitted by Dr. O'Mara pursuant to this provision shall be for the purpose of satisfying Dr. O'Mara's July 1, 2011 through June 30, 2013 reporting period CME deficiency, and shall not be applied to or transferred to any subsequent renewal period.



2. Dr. O'Mara is hereby assessed a **CIVIL FINE** in the amount of one thousand one hundred fifty dollars (\$1,150.00) for his CME deficiency, and an **ADMINISTRATIVE FEE** in the amount of one hundred dollars (\$100.00), for a total assessment of one thousand two hundred fifty dollars (\$1,250.00). Dr. O'Mara's payment of the fine and administrative fee must be received by the Board on or before Friday, February 20, 2015.

3. No later than twenty days after the entry of this Consent Order, Dr. O'Mara shall review the Board's Legislative Rule, *Continuing Education for Physicians and Podiatrists*, W. Va. Code R. §11-6-1 *et seq.*, to ensure that he is familiar with his CME obligations for the current reporting cycle. These requirements differ from the requirements which were in effect for the July 1, 2011 through June 30, 2013 CME cycle. Within thirty days of the entry of this Order, Dr. O'Mara shall provide written certification, with his original and dated signature, to the Board that he has read and fully understands his CME obligations for the July 1, 2013, through June 30, 2015, reporting period.

4. Dr. O'Mara agrees to comply fully with the requirements of the West Virginia Medical Practice Act and the legislative rules of the Board at all times while he is licensed to practice medicine in West Virginia, and further agrees to comply with the terms of this Consent Order. In the event that Dr. O'Mara fails to comply with the terms of this Order by the established deadline, the Board may elect to take any other action with regard to Dr. O'Mara's license which is authorized by law.

5. This Consent Order shall be deemed entered on the date that this Order, with all required signatures affixed hereupon, is received in the Board's 101 Dee Drive, Charleston, West Virginia, office. The Executive Director of the West Virginia Board of



Consent Order  
Sean Thomas O'Mara, M.D.

Medicine is hereby authorized to denote the date of entry on behalf of the Board in accordance with this paragraph.

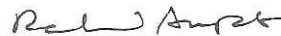
ENTERED ON: February 11, 2015

WEST VIRGINIA BOARD OF MEDICINE



Ahmed D. Faheem, M.D.  
President

Date: 2-4-15



Rahul Gupta, M.D., M.P.H.  
Secretary

Date: 2/9/15

ACCEPTANCE

I, SEAN THOMAS O'MARA, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT ORDER. I HAVE BEEN GIVEN SUFFICIENT TIME AND OPPORTUNITY TO CONSIDER THIS CONSENT ORDER, AND I UNDERSTAND THE EFFECT IT WILL HAVE UPON MY LICENSE TO PRACTICE MEDICINE AND SURGERY IN WEST VIRGINIA.

BY SIGNING THIS CONSENT ORDER, I HAVE WAIVED CERTAIN RIGHTS, BUT I DO SO KNOWINGLY AND VOLUNTARILY, AND I DO NOT WISH TO ASSERT THOSE RIGHTS IN THIS MATTER.

I UNDERSTAND THAT I HAVE THE RIGHT TO LEGAL COUNSEL, AND I HAVE BEEN PROVIDED WITH AMPLE TIME TO SEEK LEGAL ADVICE FROM MY ATTORNEY REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER.

Consent Order  
Sean Thomas O'Mara, M.D.

I AM SIGNING THIS CONSENT ORDER VOLUNTARILY, AND I UNDERSTAND  
THE POTENTIAL CONSEQUENCES OF VIOLATING THIS CONSENT ORDER.



Sean Thomas O'Mara, M.D.

Date: Feb 2, 2015

STATE OF MN

COUNTY OF HENNEPIN, to-wit:

I, PATRICIA A. THOMAS, a Notary Public for said county and

state do hereby certify that Sean Thomas O'Mara, M.D., whose name is signed herein above  
has this day acknowledged the same before me.

Given under my hand this 2 day of FEBRUARY, 2015.

My Commission expires 1-31-17

Patricia A. Thomas

Notary Public

