

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

KARL JOHNSON MYERS, JR., M.D.,

CONSENT ORDER

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

FINDINGS OF FACT

1. Dr. Myers currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 7419, and Dr. Myers' address of record with the Board is in Philippi, West Virginia.

2. In November, 1994, the Complaint Committee initiated a complaint against Dr. Myers based upon his prescribing practices to several patients.

3. In May, 1995, Dr. Myers appeared before the Complaint Committee of the Board for a discussion of the complaint filed.

4. Continuing to practice medicine without the Board attaching conditions and limitations upon Dr. Myers' 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. Myers pursuant to the provisions of West Virginia Code §30-3-14(c)(17), and 11 CSR 1A 12.1(e), (j) and (x), relating to a failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent physician engaged in the same or similar specialty as being acceptable under similar conditions and circumstances, and unprofessional conduct.

3. The Board has determined that it is appropriate to waive the commencement of proceedings against Dr. Myers and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided that Dr. Myers surrenders his license to practice medicine and surgery in the State of West Virginia, agrees to sit for the SPEX examination in West Virginia, in June, 1995, and obtains a passing grade thereon, in order that the Board may then determine what, if any, additional requirements as to his practice of medicine may appropriately and in the public interest be imposed upon Dr. Myers.

### CONSENT

Karl Johnson Myers, Jr., 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. Myers 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. Myers 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. Myers waives all rights to such a hearing;

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

5. Dr. Myers 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. Myers, the West Virginia Board of Medicine hereby ORDERS that Dr. Myers surrender his license to practice medicine and surgery in the State of West Virginia to the Board effective May 25, 1995, which license shall remain surrendered until Dr. Myers sits for and obtains a passing grade upon the June, 1995, SPEX (Special Purpose Examination), which SPEX shall be administered in Charleston, West Virginia, at the Board offices, and until Dr. Myers is licensed in whole or in part by the Board.

As and when Dr. Myers obtains a passing grade on the June, 1995, SPEX, Dr. Myers 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 restoration of his license to practice medicine and surgery in the State of West Virginia, in whole or in part, and Dr. Myers understands that he may be licensed subject to restrictions and limitations upon his license, as determined necessary and appropriate and in the public interest.

Within five (5) days of entry of this Order, Dr. Myers shall provide a copy of this Order to any employer or health care or medical facility where Dr. Myers is practicing medicine, and during the period that this Order is in effect, Dr. Myers 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. Myers to comply with the terms of this Consent Order, as determined by the Board, may constitute grounds for the revocation of his license to practice medicine and surgery in the State of West Virginia.

Entered this 23<sup>rd</sup> day of May, 1995.

WEST VIRGINIA BOARD OF MEDICINE

Jesus T. Ho  
Jesus T. Ho, M. D.  
President

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

Karl J. Myers, Jr., M.D.  
Karl Johnson Myers, Jr., M.D.  
Date: May 18, 1995

STATE OF W. Va.

COUNTY OF Bolton, to-wit:

I, Sharon J. Clark, a Notary Public for said county and state do hereby certify that Karl Johnson Myers, Jr., M.D., whose name is signed above has this day acknowledged the same before me.

Given under my hand this 22<sup>nd</sup> day of May, 1995.

My Commission expires December 23, 2002

Sharon J. Clark  
NOTARY PUBLIC

