

**BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE**

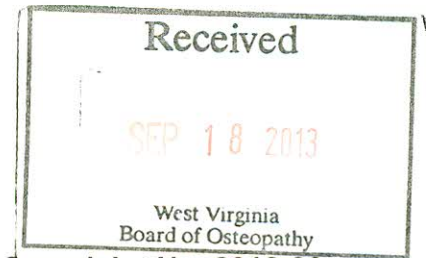
**WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE**

**Complainant,**

**v.**

**PATRICIA M. CLARK, D.O.,**

**Respondent.**



**Complaint No. 2012-30**

**CONSENT ORDER**

The West Virginia Board of Osteopathic Medicine (hereinafter referenced as the "Board") has initiated a complaint against the Respondent, Patricia M. Clark, D.O., after receiving information that the Respondent may have engaged in unprofessional conduct. After the Board has investigated the facts relating to this complaint and undertaken a discussion with the Respondent, the Board and the Respondent have reached an agreement as to an appropriate disposition of the complaint.

The West Virginia Board of Osteopathic Medicine and PATRICIA M. CLARK, D.O. therefore, agree to entry of the following Order:

**FINDINGS OF FACT**

The West Virginia Board of Osteopathic Medicine makes the following findings:

1. The Respondent, PATRICIA M. CLARK, D.O., is a licensee of the Board, holding Board-issued license #2407 to practice osteopathic medicine and surgery in the State of West Virginia.
2. The Respondent wrote multiple prescriptions for controlled substances for her mother between December 9, 2011 and July 30, 2012. The Respondent wrote multiple

prescriptions for a controlled substance for her husband between April 25, 2012 and July 12, 2012. The Respondent wrote several prescriptions for a controlled substance for her sons from April 18, 2012 through May 16, 2012 and February 7, 2012 through June 11, 2012, respectively.

3. The Respondent did not create and maintain any medical records to document her treatment of the above-referenced family members.

### **CONCLUSIONS OF LAW**

1. The West Virginia Board of Osteopathic Medicine is a board of examination and registration created for the purpose of regulating the practice of osteopathic medicine and surgery and the practice of osteopathic physician assistants in the State of West Virginia. *W. Va. Code* §§ 30-14-1 and 30-14A-1.

2. The West Virginia Board of Osteopathic Medicine has established rules outlining conduct, practices and acts which may render an individual unfit to practice or subject to disciplinary action by the Board. 24 CSR 1.

3. The West Virginia Board of Osteopathic Medicine is authorized to enter into consent decrees, to reprimand, to enter into probation orders, and to levy fines when a licensee of the Board is found to have engaged in conduct, practices, or acts that the board has defined as unprofessional in its rules. *W. Va. Code* §30-1-8(a).

4. By prescribing controlled substances to family members for a period longer than three days, as well as the failure to make and keep any documentation of the treatment of these individuals, the Respondent has violated the Board's rules, 24 CSR 1, §24-1-18.1.e., specifically §24-1-18.2.a.4 and §24-1-18.2.a.6.

5. A licensee of the Board may waive his or her rights to a formal statement of charges and a hearing before the Board if the licensee understands those rights and chooses to proceed without a hearing.

## RESPONDENT'S ACKNOWLEDGMENT OF RIGHTS

I, Patricia M. Clark, D.O., have read this document and, by signing my name to it, I understand and acknowledge the following:

1. This is a legally binding document that affects my rights and privileges.
2. I have the right to consult a lawyer concerning the terms of this agreement and the legal rights and remedies that may otherwise be available to me.
3. I understand that I have a right to a hearing regarding any charges against me or any action taken against my license. The West Virginia Board of Osteopathic Medicine may not suspend, revoke or take any other disciplinary action regarding my license unless one of three conditions occur: 1) I give my consent to entry of an order restricting, suspending or revoking my license, or 2) the West Virginia Board of Osteopathic Medicine conducts a hearing before imposing any restriction, suspension or revocation, or 3) the Board finds that my continuation in practice constitutes an immediate danger to the public.
4. I understand that, instead of accepting this agreement, I may demand that the Board of Osteopathic Medicine prove the charges against me by presenting evidence in a hearing conducted under law. If I chose to have a hearing, I would not have the burden of proof. I could, however, present evidence in my own behalf and I would have the right to cross-examine any witnesses who might testify against me. I also understand that I have the right to subpoena witnesses and records in order to compel their production at the hearing.
5. I acknowledge that this agreement is also a legally-binding order. If I accept this agreement, I admit to violation of standards of professional conduct. I also acknowledge and admit that, if I violate any terms and conditions of this order, my violations may constitute an immediate danger to the public and that, for such reasons, the Board may suspend or revoke my license without a prior hearing.

6. I understand that this is a public document and that the Board is legally obligated to allow any person to review this Consent Order.

#### **TERMS OF ORDER**

1. The Board hereby **REPRIMANDS** PATRICIA M. CLARK, D.O., for engaging in unprofessional conduct of a character likely to deceive, defraud or harm the public.

2. The Respondent shall pay a fine of \$1000.00 for this violation of the rules of the Board and the laws of this State.

3. The Board will place Respondent's license to practice as an osteopathic physician on probation for a period of twelve months. Within the twelve month probationary period, Respondent shall attend an educational course on prescribing controlled substances, as approved by the Board.

4. The term of probation shall commence immediately upon the filing of this Consent Agreement and Order.

5. The preceding terms and conditions apply, and shall remain in effect, throughout the duration of the period of probation, unless modified by order of the West Virginia Board of Osteopathic Medicine.

6. If the Respondent fails to comply with, or complete any of the terms stated herein, the West Virginia Board of Osteopathic Medicine may rescind or modify this order and take any other action, including revocation of the Respondent's license, which is authorized by law.

7. This probationary period does not expire automatically at the end of the period stated above. The Respondent must apply to the West Virginia Board of Osteopathic Medicine to lift the probationary restrictions and she must demonstrate to the Board that she has satisfactorily completed and complied with all of its terms.

8. If the Respondent engages in any act inconsistent with this Consent Order,

the Board may rescind, terminate, modify or dissolve this Consent Order or, in its discretion, seek revocation of the Licensee's license to practice osteopathic medicine.

**ACKNOWLEDGMENT OF LICENSEE:**

I have reviewed the provisions of this Consent Decree and Order. I agree to abide by the terms set out herein and to be bound by them.

Signed: Patricia M. Clark DO  
Patricia M. Clark, D.O.

Date: 9/16/13

**ORDERED BY THE BOARD OF OSTEOPATHIC MEDICINE:**

By agreement of the West Virginia Board of Osteopathic Medicine, it is so ORDERED and entered this 18 day of September 2013.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

by: Ernest Miller DO  
ERNEST MILLER, D.O.  
President  
West Virginia Board of Osteopathic Medicine