

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

**In re:**

**Application of**

**LESLIE ABIGAIL WINTERS, D.O.,**

**Petitioner,**

**ORDER DENYING APPLICATION FOR LICENSE**

On August 28, 2013, Leslie Abigail Winters, D.O., submitted an application to the West Virginia Board of Osteopathic Medicine (hereinafter referenced as the "Board") for renewal of her license to practice osteopathic medicine in the State of West Virginia. On April 8, 2013, the Board initiated a complaint against Dr. Winters alleging that she inappropriately prescribed methadone to a patient which ultimately led to his death from overdose.

On the 1<sup>st</sup> day of November, 2013, the West Virginia Board of Osteopathic Medicine reviewed the application and all materials submitted with it. After due consideration, it is the determination of the West Virginia Board of Osteopathic Medicine that Dr. Leslie Abigail Winters is not qualified to be granted a license to practice osteopathic medicine and surgery in the State of West Virginia.

Beginning at a time prior to February 2013, Dr. Winters provided medical services to Patient 1. Dr. Winters's treatment of Patient 1 included, but was not limited to, treatment for chronic back pain. In the course of treatment, the Dr. Winters prescribed various Controlled Substances to Patient 1.

At approximately 7:00 a.m. on February 25, 2013, Patient 1 sought treatment in the Emergency Department at Greenbrier Valley Medical Center for abdominal pain, nausea and vomiting. In the Emergency Department, an intravenous line was placed in Patient 1's arm. He was given nausea medication, and the pain medications, Toradol and Dilaudid. The Emergency Room physician diagnosed Patient 1 with acute pancreatitis. He contacted Dr. Winters by phone to discuss the patient's condition and his possible admission to the Intensive Care Unit. Dr. Winters agreed that this inpatient admission was necessary.

The Emergency Room physician then gave the phone to a nurse to arrange the orders. While the nurse was on the phone with Dr. Winters, Dr. Winters informed her that Patient 1 had just walked into her office. Dr. Winters's office is a short walking distance from the Emergency Department.

Dr. Winters was aware that Patient 1 had eloped from the hospital. She was also aware that an intravenous line had been inserted into Patient 1's arm while at the hospital and that he had received narcotic pain medication. Dr. Winters did not examine Patient 1 to determine if the line was still in place. Although Dr. Winters informed the nurse that she was instructing Patient 1 to immediately return to the hospital for admission, she provided Patient 1 with a prescription for the narcotic, Methadone, prior to his departure. Patient 1 had the prescription filled and consumed 10 to 12 pills through the intravenous line that remained in his arm. Shortly thereafter, Patient 1 died.

Pursuant to the Rules of the Board, 24 CSR 1, § 24-1-18.1.j, the Board may deny an application for license to an osteopathic physician if she has engaged in unprofessional conduct, including a departure from, and a failure to conform to, the standards of acceptable medical practice in the profession of osteopathic medicine and surgery. By prescribing

Methadone to Patient 1 under the circumstances described, Dr. Winters has departed from, and failed to conform to, acceptable and prevailing standards of medical practice.

For these reasons, the West Virginia Board of Osteopathic Medicine hereby DENIES the application of Leslie Abigail Winters, D.O., for a license to practice osteopathic medicine in the State of West Virginia. The Board will reconsider the application after Dr. Winters completes and provides documentation of the following: a mental health evaluation performed by an individual approved by the Board, a continuing medical education course on prescribing controlled substances as approved by the Board and a cognitive evaluation of clinical skills performed by an individual or entity approved by the Board.

Dr. Winters is hereby advised that, if she believes this denial to be in violation of West Virginia law, she is entitled to a hearing before the Board of Osteopathic Medicine regarding this decision and action. If she chooses to exercise her right to a hearing, she must make a written request for a hearing, within thirty days of receiving this Order, to the West Virginia Board of Osteopathic Medicine, at 405 Capitol Street, Suite 402, Charleston, WV 25301.

So ORDERED this 20 day of November, 2013.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

by: Ernest Miller D.O.  
ERNEST MILLER, D.O.  
President