

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

**IN RE:**

**FREDDIE PERSINGER, D.O.**

**Complaint No. 2018-11**

**CONSENT ORDER**

The West Virginia Board of Osteopathic Medicine ("Board") and Freddie Persinger, D.O. ("Dr. Persinger") agree to entry of the following order pursuant to West Virginia Code § 30-14-1, *et seq.*

**FINDINGS OF FACT**

The Board and Dr. Persinger stipulate to the truthfulness and accuracy of the following facts:

1. Dr. Persinger is a licensee of the Board, holding Board-issued license number 2949 to practice osteopathic medicine and surgery in the state of West Virginia.
2. On April 26, 2018, the Board received a complaint from Hunter McWhorter (hereinafter referenced as the "Complainant") alleging that Dr. Persinger was suffering from a substance use disorder during his treatment of the Complainant.
3. On January 12, 2018, Dr. Persinger self-enrolled in the West Virginia Medical Professionals Health Program and is currently compliant with all aspects of his Continuing Care Recovery agreement.
4. The West Virginia Board of Osteopathic Medicine finds that Dr. Persinger's continued practice of osteopathic medicine requires a program of recovery, treatment and monitoring under terms that may be revoked or modified at any time that there is probable cause to believe that such program should be modified.

## **CONCLUSIONS OF LAW**

The Board and Dr. Persinger stipulate to the following conclusions of law:

1. The West Virginia Board of Osteopathic Medicine ("Board") is a licensing authority created for the purpose of regulating the practice of osteopathic medicine and surgery in the state of West Virginia. W. Va. Code §§ 30-14-1 *et seq.*

2. The West Virginia Board of Osteopathic Medicine is authorized to deny, suspend or revoke the license of an osteopathic physician when such physician is habitually addicted to the use of habit-forming drugs or alcohol. W. Va. Code § 30-14-11(a)(8).

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(e).

4. A licensee of the Board may waive his 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.

5. It is appropriate and in the public interest to waive the commencement of proceedings against Dr. Persinger and to proceed without the filing of charges, subject to compliance by Dr. Persinger with the provisions of this Consent Order.

6. This Consent Order sets forth reasonable, appropriate and necessary terms and conditions upon the practice of osteopathic medicine and surgery by Dr. Persinger in West Virginia.

## **ACKNOWLEDGMENT OF RIGHTS**

I, Freddie Persinger, D.O., having 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, 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 on 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 would 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. I also understand that this action and order may be reported to other jurisdictions, to the National Practitioner Data Bank, and to the Federation of State Medical Boards.

## **TERMS OF ORDER**

1. The Board hereby **ORDERS** the following:
  - a. Dr. Persinger shall continue as a participant with the WVMPHP;
  - b. Dr. Persinger shall comply with all treatment recommendations and requirements established by his WVMPHP continuing recovery and care agreement and said agreement will be submitted to the Board;
  - c. Dr. Persinger's agreement with the WVMPHP shall include comprehensive monitoring, including random urine and/or blood screening for mood altering substances, with documentation of compliance.;
  - d. The WVMPHP will provide written documentation to the Board on a quarterly basis verifying Dr. Persinger's compliance with all aspects of his WVMPHP continuing recovery and care agreement during the period of treatment and monitoring, and will deliver a final report at least fourteen (14) days prior to the end of this period ;
  - e. Dr. Persinger is financially responsible for payment of all expenses for treatment, counseling, monitoring, lab tests and the other terms and conditions of this order;
  - f. Dr. Persinger will give his written authorization that all records relating to his care, treatment and monitoring, including medical records, may be disclosed to the Board of their review, consideration, and use in any subsequent proceedings before the Board;
  - g. Dr. Persinger will conduct himself in a professional manner in all aspects of his work and practice and will remain free of any charges of unprofessional conduct or disciplinary action before this Board, any corresponding board in any other jurisdiction, any other state or federal agency, or before any hospital, peer review committee, or medical corporation or partnership;

h. Dr. Persinger will be truthful and forthright in all communications with the Board; and

i. Dr. Persinger shall not violate, or be charged with, any criminal laws of the state of West Virginia, the United States, or of its states, possessions or territories.

2. The preceding terms and conditions apply, and shall remain in effect, unless modified by order of the West Virginia Board of Osteopathic Medicine.

3. If Dr. Persinger 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 Dr. Persinger's license, which is authorized by law.

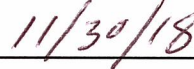
**ACKNOWLEDGMENT OF LICENSEE:**

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:

  
Freddie Persinger, D.O.

Date:

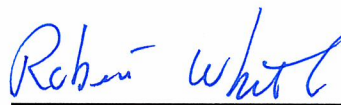
  
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**ORDERED BY THE BOARD OF OSTEOPATHIC MEDICINE:**

By agreement of the West Virginia Board of Osteopathic Medicine, it is so ORDERED and entered this 6<sup>th</sup> day of December, 2018.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

By:



ROBERT WHITLER

President

West Virginia Board of Osteopathic Medicine