

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

**IN RE:**

**CHAD POAGE, D.O.**

**Complaint No. 2018-03**

**CONSENT ORDER**

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

**FINDINGS OF FACT**

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

1. Dr. Poage is a licensee of the Board, holding Board-issued license number 3015 to practice osteopathic medicine and surgery in the state of West Virginia.
2. On March 13, 2018 the Board received information regarding two separate incidents, one on March 7, 2018, and one on March 12, 2018, in which Dr. Poage misused prescription controlled substances and admitted to suffering from a substance use disorder .
3. Based on the information received, the Board initiated the above referenced Complaint against Dr. Poage on July 12, 2018.
4. Dr. Poage self-enrolled in the West Virginia Medical Professionals Health Program ("WVMPHP") on March 14, 2018, entered an approved treatment program and is currently compliant with all aspects of his Continuing Care Recovery agreement.
5. The West Virginia Board of Osteopathic Medicine finds that Dr. Poage'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**

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 in the state of West Virginia. *W. Va. Code* §§ 30-14-1 and 30-14A-1.

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.

3. The West Virginia Board of Osteopathic Medicine is authorized to enter into consent decrees and probation orders where such instruments may afford reasonable supervision and oversight of any person, subject to the licensing requirements of the Board, for the benefit of the practice of osteopathic medicine and protection of the public interest. *W. Va. Code* § 30-1-8(e).

## **ACKNOWLEDGMENT OF RIGHTS**

I, Chad Poage, 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. Poage shall continue as a participant with the WVMPHP;
- b. Dr. Poage 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. Poage'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. Poage'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. Poage 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. Poage will give his written authorization that all records relating to his care, treatment and monitoring, including medical records, may be disclosed to the Board for their review, consideration and use in any subsequent proceedings before the Board;

g. Dr. Poage 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. Poage will be truthful and forthright in all communications with the Board; and

i. Dr. Poage 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. Poage 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. Poage'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: \_\_\_\_\_

Chad Poage, D.O.

Date: \_\_\_\_\_

12/3/18

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

By agreement of the West Virginia Board of Osteopathic Medicine, it is so ORDERED and entered this 12<sup>th</sup> day of December, 2018.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

By: \_\_\_\_\_

Robert Whitler

ROBERT WHITLER

President

West Virginia Board of Osteopathic Medicine