

BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

In RE:

CHAD POAGE, D.O.

Complaint No. 2018-03

SECOND AMENDED CONSENT ORDER

On October 13, 2023, the West Virginia Board of Osteopathic Medicine ("Board") received the *Petition of Chad Poage, D.O. to Modify Amended Consent Order and Lift Probationary Status* in the above-captioned matter. After review of the information before it, the Board finds that the *Petition* of Chad Poage, D.O. ("Dr. Poage") should be **GRANTED**. Wherefore, the Board and Dr. Poage agree to entry of the following Second Amended Consent Order pursuant to W. Va. Code § 30-14-1 *et seq.*

FINDINGS OF FACT

1. Dr. Poage is a licensee of the Board, possessing Board-issued license number 3015 to practice osteopathic medicine and surgery in the state of West Virginia.
2. Dr. Poage has been a participant in the West Virginia Medical Professionals Health Program ("WVMPHP") since enrolling in the Program in June 2018.
3. On December 12, 2018, the Board entered into a Consent Order with Dr. Poage, and subsequently, on July 22, 2021, the parties entered into an Amended Consent Order.
4. The Amended Consent Order reinstated Dr. Poage's active medical license in West Virginia and placed Dr. Poage's license on probation.
5. The Board placed Dr. Poage's license on probation until satisfactory completion of his participation in the WVMPHP and permitted Dr. Poage to seek the lifting or modification of the Amended Consent Order's restrictions by applying to the Board for such action.
6. The Amended Consent Order also required Dr. Poage to only practice orthopedic surgery under the supervision of a licensed physician for a six-month period, required Dr. Poage

to submit a written practice plan for Board approval, and required the workplace monitor to submit written reports quarterly to the Board. The required six-month period of supervision would commence on Dr. Poage's first day practicing pursuant to the practice plan.

7. Dr. Poage subsequently requested the Board to allow him to practice in a non-surgical sports medicine setting and submitted a proposed practice plan for the Board's review.

8. On December 5, 2022, the Board and Dr. Poage entered into a Supplemental Consent Order allowing Dr. Poage to practice in a non-surgical sports medicine setting, in the clinic only, pursuant to the terms of his proposed practice plan.

6. The Board has been advised that, since entry of the July 22, 2021, Amended Consent Order, Dr. Poage has remained in full compliance with all treatment and practice restrictions, recommendations, and requirements established by his WVMPHP agreement.

7. The Board has been further advised that Dr. Poage fulfilled and completed his mandatory compliance obligations with the WVMPHP on June 19, 2023, and he was discharged from his Continuing Recovery Care Agreement by the WVMPHP at that time.

8. Dr. Poage advised the Board that he has decided to enter into a further agreement with the WVMPHP on a voluntary basis for a period of one (1) year and said agreement will include periodic drug and alcohol screening and other obligations that will allow Dr. Poage to continue to document and demonstrate his overall well-being and his abstinence from mood altering substances, including alcohol.

9. Dr. Poage informed the Board that he is currently engaged in the private practice of clinical sports medicine in Greenbrier County, West Virginia, and that his practice is non-surgical and does not involve the prescribing of any controlled substances. This practice is pursuant to the practice plan submitted by Dr. Poage pursuant to the December 5, 2022, Supplemental Consent Order.

10. Dr. Poage continues to agree with the plan outlined in the Amended Consent Order with respect to any desire and opportunity he may later have to return to a surgical practice in orthopedic surgery.

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 *et seq.*

2. 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(g).

ACKNOWLEDGMENT OF RIGHTS

I, Chad Poage, D.O., having read this document and by signing my name to it, 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, and I have exercised that right in this matter.
3. I acknowledge that this agreement is a legally-binding order. I also acknowledge 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.

4. 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

The Board hereby **GRANTS** Dr. Poage's *Petition* and **ORDERS** that the probationary status previously imposed on Dr. Poage's medical license in the state of West Virginia is **LIFTED**. The Board further **ORDERS** that the restrictions, terms, and conditions set forth in the previous consent orders in this matter are terminated, except for the following terms:

1. If Dr. Poage wishes to practice orthopedic surgery, Dr. Poage shall only do so under the supervision of a licensed physician or physicians approved by the Board for that purpose for a six-month period.

2. Dr. Poage shall submit a written practice monitoring plan to the Board for approval.

3. The workplace monitor(s) shall provide written reports quarterly to the Board regarding Dr. Poage's performance under the practice monitoring plan.

4. Dr. Poage shall not begin actively practicing orthopedic surgery until his practice monitoring plan has been approved by the Board, and the six-month monitoring period shall commence on Dr. Poage's first day practicing pursuant to the practice monitoring plan.

5. The restrictions stated herein do not automatically expire. Dr. Poage must apply to the West Virginia Board of Osteopathic Medicine to lift the restrictions, and he must demonstrate to the Board that he has satisfactorily completed and complied with all of the terms of this Second Amended Consent Order.

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

7. 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 Second Amended Consent Order and take any other action which is authorized by law, including revocation of Dr. Poage's license.

ACKNOWLEDGMENT OF LICENSEE:

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

Signed:

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11/15/23 4:39 PM EST
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Chad Poage, D.O.

Date:

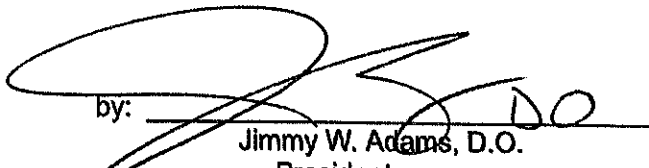
11/15/2023

ORDERED BY THE BOARD OF OSTEOPATHIC MEDICINE:

By agreement of the West Virginia Board of Osteopathic Medicine, it is so ORDERED and entered this 16th day of NOVEMBER 2023.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

by:


Jimmy W. Adams, D.O.
President
West Virginia Board of Osteopathic Medicine