

BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

In re:

**Application of
CARLOS VALLADARES, D.O.,**

Petitioner.

CONSENT ORDER GRANTING APPLICATION FOR LICENSE

On a former day, Carlos Valladares, D.O., submitted an application to the West Virginia Board of Osteopathic Medicine (hereinafter referenced as the ABoard®) for a license to practice as an osteopathic physician in the State of West Virginia.

In making his application, he disclosed that he is a participant in the Pennsylvania Physician Health Program. On July 14, 2016, Dr. Valladares attended a meeting of the Board and addressed the questions presented to him. After due consideration of his responses and of the documentation provided by the Petitioner, it is the determination of the West Virginia Board of Osteopathic Medicine that the application be granted through an agreement with the applicant for entry of an order. Therefore, by agreement with the Petitioner, Carlos Valladares, D.O., the West Virginia Board of Osteopathic Medicine makes the following findings and ruling:

FINDINGS OF FACT

1. The Petitioner, Carlos Valladares, D.O., has submitted an application to the Board to be licensed as an Osteopathic Physician.

2. On his application, the Petitioner disclosed that he is a participant in the Pennsylvania Physician Health Program (hereinafter referred to as "state PHP").

3. Further, the Petitioner has entered into a Reciprocal State Voluntary Continuing Recovery Contract Agreement with the West Virginia Medical Professionals Health Program (hereinafter referenced as "WVMPHP").

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 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 substances.

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).*

RESPONDENT'S ACKNOWLEDGMENT OF RIGHTS

I, Carlos Valladares, 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 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.

Having read and understood all of these rights, it is my decision to waive those rights and to forego a hearing before the Board. I, therefore, AGREE to entry of this Order.

TERMS OF ORDER

1. The West Virginia Board of Osteopathic Medicine hereby grants the license of the Petitioner, subject to the terms and conditions listed below:

a. The Petitioner agrees to enroll in the Pennsylvania Physician Health Program. He agrees to maintain full compliance with the terms of their aftercare and/or monitoring agreement. He agrees to provide the West Virginia Medical Professionals Health Program with verification of his enrollment, and a copy of his contract.

b. The Petitioner agrees to maintain on-going valid consent for two-way communication between the WVMPHP and the Pennsylvania PHP. He will sign the necessary consent/authorization forms. He will also instruct his state PHP to notify the WVMPHP immediately in the case of any non-compliance or relapse on his part.

c. He agrees to maintain full compliance with his treatment plan as defined by the Pennsylvania PHP. He will ask that the following minimum requirements, as set forth, be included in his state PHP agreement unless his contract is more stringent.

d. He agrees to completely abstain from alcohol, marijuana, cocaine, stimulants, narcotics, sedatives, tranquilizers and all other mind-altering drugs or

medications. He also agrees to abstain from over-the-counter medications containing alcohol or food items containing poppy seeds or alcohol and hemp products, which may produce positive test results for drugs or alcohol. In the event such medications may be needed as a legitimate part of medical care, he agrees to notify the Medical Director of the Pennsylvania PHP immediately and request that his treating physician consult with the Medical Director before giving him the otherwise prohibited medications.

e. The Petitioner agrees to attend approved recovery support meetings at least three times weekly.

f. The Petitioner agrees to arrange for comprehensive toxicology testing which includes a pharmacological panel and EtG test not less than twice monthly. He agrees to submit voluntarily and without question, to random urine/blood/sputum/breath/hair or other screening tests as requested and be responsible for the costs of such testing.

g. The Petitioner agrees not to write prescriptions for any mind-altering or potentially addicting drugs, including those listed above, for himself or members of his family and anyone with whom he does not have a physician-patient relationship.

h. The Petitioner agrees to remain under the care of a personal physician and to follow his/her medical recommendations. He agrees to inform his personal physician of his substance use disorder and request that he/she not prescribe any of the above medications for him, unless there is no reasonable medical alternative. If he or she does need to so prescribe, he will ask him/her to inform his state PHP and he will maintain consent for communication between his provider and state PHP.

i. The Petitioner agrees to inform appropriate individuals, with whom he has any practice association, of his history of substance use disorder and of the conditions of his state PHP agreement. He agrees to advise them to contact his state PHP if there is ever any concern about his using alcohol or drugs or concern about his behavior. He agrees to maintain consent for on-going two way communication between the identified individuals and his state PHP.

j. The Petitioner agrees to inform his spouse or significant other person of the conditions of this agreement, including permission to contact his state PHP if there is ever any concern about his using alcohol or drugs or concern about his behavior. He will maintain consent for on-going two way communication between this individual and the state PHP.

k. In the case that the Petitioner relapses, he agrees to follow the direction of his state PHP, including taking medical leave, if requested, and completing all recommended evaluations of treatment. He will notify the WVMPHP immediately of such relapse and advise WVMPHP regarding his course of treatment.

l. The Petitioner agrees to meet with the Medical Director, Program Coordinator, or other representative of the WVMPHP as requested to discuss his progress. He understands that in any instance in which he discontinues monitoring with his state PHP under adverse conditions in the opinion of the Medical Director, Program Coordinator or other WVMPHP representative, He will be reported to the WVMPHP health committee and, if determined that his continued medical practice may jeopardize patient care, to his appropriate licensing board.


m. The Petitioner further understands that he is responsible for

notifying the WVMPHP of any changes of address, changes in status, establishment of a new practice, application for licensure in any other state or plans to reactivate an existing license in another state.

n. The Petitioner agrees to notify the WVMPHP prior to practicing medicine in West Virginia.


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: 
Date: 8/1/16 Carlos Valladares, D.O.

ORDERED BY THE BOARD OF OSTEOPATHIC MEDICINE:

By agreement of the West Virginia Board of Osteopathic Medicine, it is so ORDERED and entered this 4 day of August, 2016.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE
by: 
ERNEST MILLER, D.O.
President
West Virginia Board of Osteopathic Medicine

