

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

SUSANNE CHOBY, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Susanne Choby, M.D. ("Dr. Choby") freely and voluntarily enter into the following Order pursuant to West Virginia Code §30-3-1, et seq.:

FINDINGS OF FACT

1. In September, 2004, Dr. Choby applied for a license to practice medicine and surgery in the State of West Virginia, and Dr. Choby appeared before the Licensure Committee of the Board in November, 2004, with documentation of her participation in the Glenbeigh Hospital and Outpatient Centers treatment program, Rock Creek, Ohio, and for a full discussion of her health and well being.

2. Dr. Choby has successfully participated in the West Virginia University Faculty and Staff Assistance Program (WVU FSAP) for twenty (20) months and has been compliant with all terms of her Agreement of Understanding with the WVU FSAP and West Virginia University Hospitals.

3. It was the decision of the Board that there was no reason to deny Dr. Choby a license to practice medicine and surgery in the State of West Virginia as she meets the requirements for licensure under the West Virginia Medical Practice Act. However, permitting her a license to practice medicine and surgery in the State of West Virginia without certain restrictions, limitations and accommodations placed upon her medical license could adversely affect the health and welfare of patients.

CONCLUSIONS OF LAW

1. As a matter of public policy, the provisions of the West Virginia Medical Practice Act have been enacted to protect the public interest, West Virginia Code §30-3-1.

2. Probable cause exists to deny Dr. Choby's application for licensure to practice medicine and surgery in West Virginia, due to the provisions of West Virginia Code §30-3-14(c)(21).

3. The Board has determined that it is appropriate and in the public interest to grant Dr. Choby a license to practice medicine and surgery in the State of West Virginia and that there is no reason to deny her such licensure, provided certain restrictions, limitations and accommodations are placed upon her license to practice medicine and surgery in the State of West Virginia.

CONSENT

Susanne Choby, M.D., by affixing her signature hereon, agrees solely and exclusively for the purpose of the entry of this Order to the following:

1. Dr. Choby acknowledges that without her consent, here given, no permanent legal action may be taken against her except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, *et seq.*;

2. Dr. Choby acknowledges that she has the following rights, among others: the right to a formal hearing before the West Virginia Board of Medicine, the right to reasonable notice of said hearing, the right to be represented by counsel at her own expense, and the right to cross-examine witnesses against her;

3. Dr. Choby waives all rights to such a hearing;

4. Dr. Choby consents to the entry of this Order relative to her practice of medicine in the State of West Virginia; and,

5. Dr. Choby understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. Choby, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Choby, having met the requirements for medical licensure in the State of West Virginia, is licensed to practice medicine and surgery in the State of West Virginia effective December 1, 2004.

2. Said License is issued subject to the following limitations, restrictions and accommodations for a period of two (2) years, effective upon entry of this Consent Order.

A. Dr. Choby shall obey all federal, state and local laws, and all rules governing the practice of medicine in West Virginia, and shall comply with all provisions of the Agreement of Understanding into which she entered with the West Virginia University FSAP and West Virginia University Hospitals in April, 2003, and with any and all revisions and or amendments hereinafter made thereto and said program shall provide written assurances that Dr. Choby is in compliance with the Agreement on a quarterly basis, beginning April 1, 2005. It is Dr. Choby's responsibility to ensure that all such reports are timely submitted.

B. Dr. Choby shall submit a declaration under penalty of Board disciplinary action, stating whether there has been compliance with all the limitations, restrictions and accommodations of this Consent Order. The declaration must be received in the Board's offices on or before April 1, 2005, and on or before April 1, 2006.

C. Dr. Choby shall appear in person before the Licensure Committee at its regular meetings in November, 2005, and November, 2006, for a full discussion of her health and well-being, or as otherwise directed by the Board.

D. Dr. Choby shall abstain completely from the use of alcohol and shall refrain from the use of any controlled substances except for those specifically prescribed to her by another duly licensed physician.

E. The Board retains the right to require, and Dr. Choby agrees to submit, blood or urine specimens for analysis at Dr. Choby's expense upon the Board's request and without prior notice. Notwithstanding the provisions of West Virginia Code §30-1-8(c), Dr. Choby's refusal to submit to a blood or urine specimen upon request of the Board may result in a minimum of one year of actual license suspension, without hearing.

F. Dr. Choby shall attend meetings of Alcoholics Anonymous, Narcotics Anonymous, or Caduceus on a regular basis and shall attend a minimum of one-hundred (100) meetings on an annual basis, and Dr. Choby shall keep a log of her attendance at such meetings for the two (2) years that this Consent Order is in effect, which log may be reviewed at the pleasure of the Board at any time.

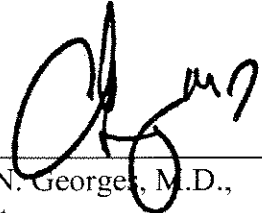
G. Dr. Choby shall seek and maintain a sponsor in Alcoholics Anonymous, Narcotics Anonymous, or Caduceus who will be permitted to review her log and who will meet with Dr. Choby regularly and at least once every thirty (30) days and said Alcoholics Anonymous, Narcotics Anonymous, or Caduceus sponsor shall file written reports with the Board every sixty (60) days, beginning February 1, 2005, confirming Dr. Choby's required attendance with the Alcoholics Anonymous, Narcotics Anonymous, or Caduceus sponsor.

H. Dr. Choby may not engage in "moonlighting".

I. A copy of this Consent Order shall be presented by Dr. Choby within five (5) days of entry of the Consent Order to any and all institutions where Dr. Choby is practicing medicine or desires to practice medicine.

J. At the option of either Dr. Choby or the Board, this Consent Order or a modified version thereof may be again entered into by the parties at the end of the two (2) year period of limitations, restrictions and accommodations.

The foregoing was entered this 23rd day of November, 2004.



Angelo N. Georget, M.D.,
President



Catherine Slemp, M.D., M.P.H.,
Secretary



Susanne Choby, M.D.

Date: 11/20/14

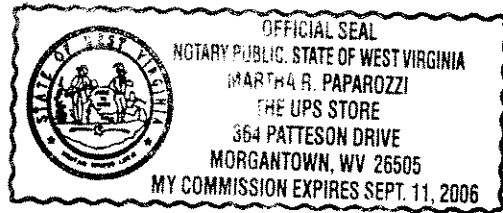
STATE OF West Virginia
COUNTY OF Mason, to wit:

I, Martha R. Paparozzi, a Notary Public for said county and state do hereby certify that Susanne Choby, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 30 day of Nov., 2004.

My commission expires 9-11-06.

Martha R. Paparozzi
Notary Public





Richard Bowyer
Morgantown

Michael L. Ferrebee, MD
Morgantown

Wesley N. Georges, MD
Martinsburg

Doris M. Griffin
Martinsburg

Khalid Hasan, MD
Martinsburg

Beth Hays
Martinsburg

J. David Lynch, Jr., MD
Morgantown

Vettivelu Maheswaran, MD
Charles Town

Bill May, DPM
Huntington

Leonard Simmons, DPM
Fairmont

Badshah J. Wazir, MD
South Charleston

Kenneth Dean Wright, PA-C
Huntington

State of West Virginia

West Virginia Board of Medicine

101 Dee Drive, Suite 103
Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084

November 22, 2006

Susanne Choby, M.D.
1238 A-1 Van Voorhis Road
Morgantown, WV 26505

Dear Dr. Choby:

This is to officially notify you that, as of November 23, 2006, you have complied with the two-year period of limitations, restrictions, and accommodations placed on your West Virginia medical license by Consent Order originally entered November 23, 2004.

In accordance with the statute, the Consent Order remains a permanent part of your historical record maintained by the Board. A copy of this letter will be attached to the Consent Order and will remain a part of the Consent Order.

Thank you for your cooperation and patience throughout this process and continued best wishes for success.

Sincerely,

Robert C. Knittle

eb

ASSISTANT SECRETARY
William A. Wade, Jr., MD
Martinsburg

VICE PRESIDENT
Lee Elliott Smith, MD
Princeton

SECRETARY
Catherine Slemple, MD, MPH
Charleston

COUNSEL
Deborah Lewis Rodecker
Charleston

EXECUTIVE DIRECTOR
Robert C. Knittle
Charleston