

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: JEANIE ANNIS WIEST, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Jeanie Annis Wiest, M.D. ("Dr. Wiest"), freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-14, *et seq.*:

FINDINGS OF FACT

1. Dr. Wiest currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 09933, issued originally in 1973. Dr. Wiest's address of record is in Buckhannon, West Virginia.

2. In January 2010, Dr. Wiest was the subject of a random audit by the Board to determine whether she had completed the required minimum number of fifty (50) hours of Continuing Medical Education ("CME") coursework, as described in 11 CSR 6 2.2, including two (2) hours in the subject of end-of-life care and pain management, as described in W. Va. Code § 30-1-7a, during the licensure period from July 1, 2007, to June 30, 2009.

3. In Dr. Wiest's licensure renewal application for the period from July 1, 2009, to June 30, 2011, submitted to the Board and dated May 14, 2009, Dr. Wiest represented that she had completed the required minimum number of fifty (50) hours of CME coursework, including two (2) hours of CME coursework in the subject of end-of-life care and pain management, during the preceding licensure period from July 1, 2007, to June 30, 2009.

4. The random audit revealed that Dr. Wiest failed to complete seven and one quarter (7.25) hours of the fifty (50) hours of approved CME coursework during the preceding licensure period from July 1, 2007, to June 30, 2009.

5. In May 2010, the Complaint Committee of the Board initiated a complaint against Dr. Wiest based upon her apparent deficiency of seven and one quarter (7.25) hours and her certification that she had completed the same during the preceding licensure period from July 1, 2007, to June 30, 2009.

6. On May 19, 2010, Dr. Wiest responded to the Complaint noting that she had "mis-counted" her CME hours in error and had not done so with any intentional dishonesty.

CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause may exist to substantiate charges against Dr. Wiest pursuant to W. Va. Code § 30-3-14 (c)(17) and 11 CSR 1A 12.1 (e) and (j), relating to unprofessional conduct, and W. Va. Code § 30-3-14 (c)(1) and (17), 11 CSR 1A 12.1 (a), and 11 CSR 6 4.2 and 4.4, relating to the renewal of a license to practice medicine and surgery by making an incorrect statement in connection with a licensure application.

3. The Board has determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Wiest and to proceed without the filing of formal charges in a Complaint and Notice of Hearing, provided Dr. Wiest complies with the terms and conditions set forth herein.

CONSENT

Jeanie Annis Wiest, M.D., by affixing her signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and the proceedings conducted in accordance with this Order, to the following:

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

2. Dr. Wiest further 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, the right to cross-examine witnesses against her, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to her;

3. Dr. Wiest waives all such rights;

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

5. Dr. Wiest understands that this Order is considered public information.

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. Wiest, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Wiest shall complete, and provide certification of her completion to the Board, within sixty (60) days of the entry of this Order, seven and one quarter (7.25) hours of

approved CME coursework. The CME credits submitted by Dr. Wiest pursuant to this provision shall not be applied or transferred to any subsequent renewal period.

2. Dr. Wiest shall also pay a **CIVIL FINE** in the amount of one hundred dollars (\$100.00) per credit hour for her prior deficiency of seven and one quarter (7.25) hours of CME for the licensure renewal period from July 1, 2007, to June 30, 2009, together with a one-time **ADMINISTRATIVE FEE** in the amount of one hundred dollars (\$100.00), for a total of **eight hundred and twenty-five dollars (\$825.00)**, which fine and administrative fee shall be received by the Board on or before September 15, 2010.

3. In the event that Dr. Wiest fails to comply with the requirements stated in the preceding paragraphs of this Order, her license to practice medicine in the State of West Virginia shall be **SUSPENDED**, effective immediately, without further process or hearing, pending her successful completion of these requirements, as agreed to by her, and as required by this Order.

4. Upon the Board's determination that Dr. Wiest is in full compliance with the terms and conditions of this Consent Order, the Complaint against her shall be dismissed immediately.

The foregoing Order was entered this 18th day of August, 2010.

WEST VIRGINIA BOARD OF MEDICINE


Reverend O. Richard Bowyer
President 

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

J. Wiest-M.D.
Jeanie Annis Wiest, M.D.

Date: Aug 11, 2010

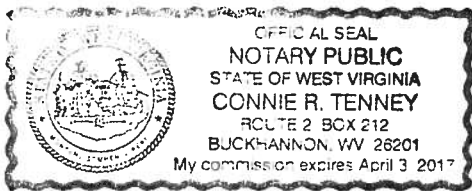
STATE OF WVA

COUNTY OF Upshur

I, Connie R. Tenney, a Notary Public in and for said county and state do hereby certify that Jeanie Annis Wiest, M.D., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 11th day of August, 2010.

My commission expires April 3, 2017.



Connie R. Tenney
Notary Public



State of West Virginia *Board of Medicine*

REV. O. RICHARD BOWYER
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

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MICHAEL L. FERREBEE, MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

August 31, 2010

Jeanie Annis Wiest, M.D.
20 Mount Vista Drive
Buckhannon, West Virginia 26201

IN RE: Jeanie Annis Wiest, M.D.

Dear Dr. Wiest:

We are in receipt of your check in the amount of \$825 and documentation of the remaining 7.25 hours of continuing medical education, both as referenced in the "Consent Order" you entered into with the Board in August 2010. Consequently, you are in compliance with the terms and conditions of this "Consent Order," and the Complaint against you has been dismissed.

Please note that the continuing medical education submitted shall not be applied or transferred to any subsequent renewal period.

In accordance with the statute, the "Consent Order" will remain 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

RCK/meb