

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE: CAROL ANGELA KLEIN, M.D.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Carol Angela Klein, M.D. ("Dr. Klein"), 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. Klein currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 16597, issued originally in 1991. Dr. Klein's address of record is in Huntington, West Virginia.
2. In February, 2009, Dr. Klein 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, 2006, to June 30, 2008.
3. In Dr. Klein's licensure renewal application for the period from July 1, 2008, to June 30, 2010, submitted to the Board and dated May 19, 2008, Dr. Klein represented that she had completed the required minimum number of fifty (50) hours of CME coursework during the preceding licensure period from July 1, 2006, to June 30, 2008.

4. The random audit revealed that Dr. Klein had not completed at least fifty (50) hours of approved CME coursework during the preceding licensure period from July 1, 2006, to June 30, 2008.

5. Dr. Klein, by letter to the Board dated March 24, 2009, provided an additional CME certificate for the Board's consideration, but noted that "[t]his still leaves me with 10.5 credits missing for the July 1, 2006 to June 30, 2008 licensing period."

6. In May, 2009, the Complaint Committee of the Board initiated a complaint against Dr. Klein based upon her apparent deficiency of ten and one half (10 ½) hours of CME coursework and her certification that she had completed the same during the preceding licensure period from July 1, 2006, to June 30, 2008.

7. On June 10, 2009, Dr. Klein responded to the Complaint by submitting a letter accepting responsibility for her deficiency and noting that she had not intentionally made any misleading or false statements.

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. Klein 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. Klein and to proceed without the filing

of formal charges in a Complaint and Notice of Hearing, provided Dr. Klein complies with the terms and conditions set forth herein.

CONSENT

Carol Angela Klein, 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. Klein 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. Klein 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, and the right to cross-examine witnesses against her.

3. Dr. Klein waives all rights to such a hearing.

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

5. Dr. Klein 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. Klein, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Dr. Klein shall complete ten and one half (10 ½) hours of Category I-AMA CME and document her completion within thirty (30) days of the entry date of this Order. These CME credits submitted by Dr. Klein, shall be applied to meet the fifty (50) hours required for the renewal period July 1, 2006, to June 30, 2008, and shall not be applied or transferred to any subsequent renewal period.

2. Dr. Klein shall also pay a **CIVIL FINE** in the amount of \$100.00 per credit hour for her deficiency of ten and one half (10 ½) hours of CME for the licensure renewal period from July 1, 2006, to June 30, 2008, together with a one-time **ADMINISTRATIVE FEE** in the amount of \$100.00, for a total of **\$1150.00**, which fine and administrative fee shall be received by the Board on or before September 10, 2009.

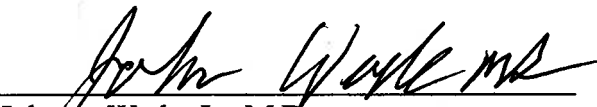
4. In the event that Dr. Klein fails to comply with the requirement stated in the preceding paragraphs of this Order, her license to practice medicine in the State of West Virginia shall be **SUSPENDED**, effective immediately, without further process or hearing, pending her successful completion of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

5. Dr. Klein is hereby **PUBLICLY REPRIMANDED** for her failure to complete the required Continuing Medical Education requirements for the licensure renewal period from July 1, 2006, to June 30, 2008, and for misrepresenting on her licensure renewal

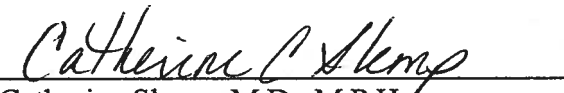
application that she had completed the required minimum number of fifty (50) hours of CME coursework during the preceding licensure period from July 1, 2006, to June 30, 2008.

The foregoing Order was entered this 14th day of September, 2009.


WEST VIRGINIA BOARD OF MEDICINE



John A. Wade, Jr., M.D.
President



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



Carol Angela Klein, M.D.

Date: 9-3-09.

STATE OF West Virginia

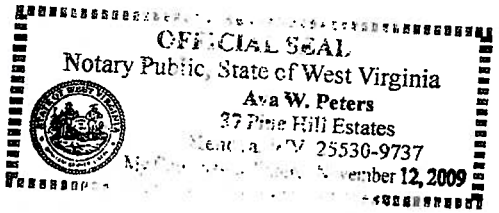
COUNTY OF Cabell

I, Ava W. Peters, a Notary Public in and for said county and state do hereby certify that Carol Angela Klein, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 3rd day of September, 2009.

My commission expires November 12, 2009.

Ava W. Peters
Notary Public





State of West Virginia *Board of Medicine*

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ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

October 14, 2009

Carol Angela Klein, M.D.
1415 Sixth Avenue
Huntington, West Virginia 25701

IN RE: Carol Angela Klein, M.D.

Dear Dr. Klein:

We are in receipt of your documentation of the ten and one half (10½) remaining hours of continuing medical education and previously received your check in the amount of \$1,150, both as referenced in the September, 2009, Consent Order you entered into with this Board. 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 you submitted was applied to meet the fifty (50) hours required for the renewal period July 1, 2006, to June 30, 2008, and shall not be applicable or transferable 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/eb