

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE:**

**VERNON RAY STANLEY, M.D.**

**CONSENT ORDER**

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

**FINDINGS OF FACT**

The Board and Dr. Stanley stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. Stanley holds a license (#10421) to practice medicine and surgery in the state of West Virginia.
2. On or about October 4, 2013, the West Virginia Board of Medicine received an investigative report prepared by the Office of Inspector General Division of Audits and Investigations for the Commonwealth of Kentucky, Cabinet for Health and Family Services.
3. According to the Investigative Report, the OIG Division of Audits and Investigations conducted an investigation based upon reports it received concerning possible inappropriate prescribing by Dr. Stanley. Based upon its investigation, the OIG

Division of Audits and Investigations identified areas of concern including: (a) prescribing primarily oxycodone 15mg/30mg combinations with very few prescriptions for less potent narcotic pain medications; (b) similarities in the last names of patient for whom controlled substances were prescribed; (c) the age of the patients for whom controlled substances were prescribed; (d) the combination of controlled substances prescribed and potential diversion; (e) the distance patients traveled to obtain treatment and/or prescriptions from Dr. Stanley; and (f) patients using one or more pharmacies to fill prescriptions written by Dr. Stanley.

4. On November 17, 2013, the Complaint Committee of the Board reviewed and considered the reported information and elected to initiate a complaint, No. 13-140-W, and conduct an investigation based upon this complaint.

5. At all times relevant to the Initiated Complaint, Dr. Stanley was employed by the Hope Clinic, PLLC.

6. As part of its investigation, the Committee issued a *subpoena duces tecum* to Dr. Stanley for the production of the medical records for twenty of Dr. Stanley's current and/or former Hope Clinic patients.

7. The Committee engaged the services of a medical consultant to conduct a review of the records produced by Dr. Stanley.

8. On March 8, 2015, the Complaint Committee initiated a second complaint against Dr. Stanley, Complaint No. 15-44-W. This complaint, which also alleged improper prescribing by Dr. Stanley was initiated in response to a report received by the Board from the West Virginia Controlled Substance Monitoring Program Database Review Committee, which concluded that reasonable cause existed to believe a breach of

professional standards had occurred by Dr. Stanley in association with his prescribing of controlled substances.

9. Dr. Stanley appeared before the Complaint Committee on September 13, 2015, for a discussion of the allegations of initiated complaint 13-140-W and his wellbeing.

10. Prior to his appearance, Dr. Stanley experienced some medical issues which he alleges initially affected his ability to fully review and respond to the allegations of the initiated complaints.

11. Per his request, and having experienced a positive resolution of prior personal medical issues, Dr. Stanley appeared before the Complaint Committee for a second interview on July 10, 2016.

12. While Dr. Stanley acknowledges some deficiencies in medical recordkeeping related to the medical records of his Hope Clinic patients, he denies the allegations of initiated complaints 13-140-W and 15-44-W.

13. The Board and Dr. Stanley voluntarily enter into this Consent Order to resolve complaint numbers 13-140-W and 15-44-W. The parties stipulate and agree that this Consent Order does not resolve any other complaint that has been or may be filed with the Board against Dr. Stanley.

### **CONCLUSIONS OF LAW**

The Board and Dr. Stanley stipulate to the following conclusions of law:

1. Dr. Stanley's license to practice medicine and surgery in the State of West Virginia is subject to regulation and discipline by the West Virginia Board of Medicine, the "regulatory and disciplinary body for the practice of medicine and surgery" for physicians, podiatrists and physician assistants in West Virginia. W.Va. Code §30-3-5 and §30-3-7(a).

2. The Board has a mandate to ensure "a professional environment that encourages the delivery of quality medical services" to protect the public interest. W.Va. Code §30-3-2.

3. The West Virginia Medical Practice Act sets forth conduct which may render an individual unqualified for licensure or subject to discipline or other restrictions upon licensure. W.Va. Code §30-3-14. Pursuant to W.Va. Code §30-1-8(c), the Board has promulgated legislative rules that "delineate conduct, practices or acts which, in the judgment of the board, constitute professional negligence, a willful departure from accepted standards of professional conduct and/or which may render an individual unqualified or unfit for licensure, registration or other authorization to practice." W. Va. Code R. §11-1A-12.

4. Probable cause exists to substantiate disciplinary charges against Dr. Stanley for medical recordkeeping deficiencies related to the medical records of his Hope Clinic patients.

5. It is in the public interest to waive the commencement of proceedings against Dr. Stanley and to proceed without the filing of charges, or a formal Complaint and Notice of Hearing, subject to compliance by Dr. Stanley with the provisions of this Consent Order.

6. This Consent Order imposes reasonable and appropriate discipline upon the medical license of Dr. Stanley.

7. Dr. Stanley remains qualified and fit for licensure, registration or other authorization to practice medicine or surgery, consistent with this Consent Order.

### CONSENT

By signing his name to this Consent Order, Vernon Ray Stanley, M.D., acknowledges that he understands and agrees with the following:

1. Dr. Stanley has read and understands this entire Consent Order;
2. Dr. Stanley agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Consent Order;
3. Dr. Stanley understands that he has the right to legal representation in this matter, at his own expense, and agrees that he has been afforded adequate time and opportunity to exercise his right to consult with counsel regarding the legal effect of this Consent Order;
4. Dr. Stanley understands that this Consent Order is a legally binding Order of the West Virginia Board of Medicine that affects his rights and privileges;
5. Dr. Stanley acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code § 30-3-14(h) and §29A-5-1, *et seq.*;

6. Dr. Stanley is aware of his legal rights in this matter, in addition to his right to be represented by counsel at his own expense, including: the right to a formal hearing, after reasonable notice, before the West Virginia Board of Medicine on the disciplinary charges before the Board; the right to confront and cross-examine witnesses against him; the right to present evidence and testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

7. With the exception of his right to counsel, which he has exercised, Dr. Stanley knowingly and voluntarily waives all such rights, and agrees to the entry of this Consent Order relative to his practice of medicine in the State of West Virginia; and

8. Dr. Stanley understands that this Order is a public document which will be available for public inspection, will be accessible through the Board's website, and will be a permanent part of his historical file with the Board. Matters contained herein will be reported to the National Practitioner Data Bank, and may be reported to other jurisdictions, the Federation of State Medical Boards and as otherwise required by law.

### **ORDER**

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

1. Dr. Stanley is hereby **PUBLICLY REPRIMANDED** in association with his medical recordkeeping while practicing medicine at the Hope Clinic.

2. Dr. Stanley is hereby assessed a **CIVIL FINE** in the amount of one thousand dollars (\$1,000.00). Such fine shall be paid to the Board, in full, by Dr. Stanley on or before September 1, 2016. Any failure of Dr. Stanley to submit full payment of this fine by September 1, 2016 shall subject Dr. Stanley to additional disciplinary action as permitted by law.

3. Dr. Stanley's practice of medicine is hereby subject to the following terms, conditions and restrictions:

- a. Dr. Stanley shall not treat patients for chronic pain; and
- b. Dr. Stanley shall not practice medicine at any practice location where patients are treated for chronic pain.

4. In the event that Dr. Stanley engages in the active practice of medicine to patients in West Virginia at any time after the date of entry of this Consent Order, he shall provide each employer, contractor and practice location where he engages in the practice of medicine with a copy of this Consent Order.

5. At six month intervals, the Board may query Dr. Stanley's controlled substance prescribing practices with the West Virginia Board of Pharmacy's Controlled Substance Monitoring Database and/or similar state or federal entities in surrounding states to monitor Dr. Stanley's compliance with the prescribing restrictions imposed by this Order.

6. Failure to comply with the restrictions set forth in paragraph three of this Order shall constitute a material breach of the terms of this Consent Order, and

shall result in additional disciplinary action as permitted by law, including but not limited to further sanctions up to, and potentially including, licensure revocation.

7. This Consent Order resolves Complaint Nos. 13-140-W and 15-44-W, both of which are hereby resolved by way of this Consent Order.

8. This Consent Order shall be deemed entered on the date that this Order, with all required signatures affixed hereupon, is received in the Board's 101 Dee Drive, Charleston, West Virginia, office. The Executive Director of the West Virginia Board of Medicine is hereby authorized to denote the date of entry on behalf of the Board in accordance with this paragraph.

ENTERED ON: July 11, 2016

WEST VIRGINIA BOARD OF MEDICINE



Ahmed D. Faheem, M.D.  
President

Date: 7.11.16



Rahul Gupta, M.D., M.P.H.  
Secretary

Date: 7/11/16

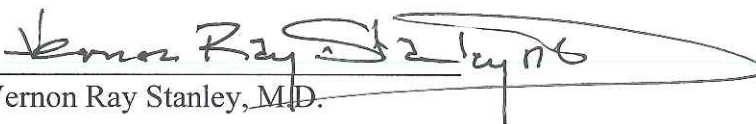
### ACCEPTANCE

I, VERNON RAY STANLEY, M.D., HAVE READ AND UNDERSTAND THE FOREGOING CONSENT ORDER. I HAVE BEEN GIVEN SUFFICIENT TIME AND OPPORTUNITY TO CONSIDER THIS CONSENT ORDER, AND I UNDERSTAND THE EFFECT IT WILL HAVE UPON MY LICENSE TO PRACTICE MEDICINE AND SURGERY IN WEST VIRGINIA.

BY SIGNING THIS CONSENT ORDER, I HAVE WAIVED CERTAIN RIGHTS, BUT I DO SO KNOWINGLY AND VOLUNTARILY, AND I DO NOT WISH TO ASSERT THOSE RIGHTS IN THIS MATTER.

I UNDERSTAND THAT I HAVE THE RIGHT TO LEGAL COUNSEL, AND I HAVE BEEN PROVIDED WITH AMPLE TIME TO CONSULT WITH MY ATTORNEY AND OBTAIN LEGAL ADVICE REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER.

I AM SIGNING THIS CONSENT ORDER VOLUNTARILY, AND I UNDERSTAND THE POTENTIAL CONSEQUENCES OF THIS CONSENT ORDER, AND ANY VIOLATIONS THEREOF.

  
Vernon Ray Stanley, M.D.

Date: 7/10/2016



STATE OF West Virginia

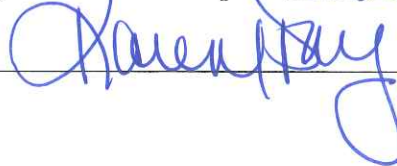
COUNTY OF Kanawha, to-wit:

I, Karen J. Day, a Notary Public for said

county and state do hereby certify that Vernon Ray Stanley, M.D., whose name is signed herein above has this day acknowledged the same before me.

Given under my hand this 10<sup>th</sup> KD day of July, 2016.

My Commission expires May 13, 2020



Notary Public





## State of West Virginia *Board of Medicine*

AHMED DAVER FAHEEM, MD  
PRESIDENT

RAHUL GUPTA, MD, MPH  
SECRETARY

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KISHORE K. CHALLA, MD, FACC  
VICE PRESIDENT

ROBERT C. KNITTLE  
EXECUTIVE DIRECTOR

August 16, 2016

Vernon Ray Stanley, M.D.  
36 Augustus Road  
Fayetteville, WV 25840

RE: Consent Order

Dear Dr. Stanley:

This letter will confirm that the Board of Medicine considers you to have fulfilled all obligations set forth in the Consent Order which you entered into with the West Virginia Board of Medicine on July 11, 2016. As of the date of this letter, the West Virginia Board of Medicine considers the above-referenced matter to be closed.

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

Should you have any questions or concerns please feel free to contact me at 304-558-2921, ext. 70005.

Sincerely,

Robert C. Knittle

RCK/kjd  
Enclosure  
cc: Thomas K. Fast, Esq.