

## **BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: DANA RUTH MORTON, M.D.**

### **CONSENT ORDER**

The West Virginia Board of Medicine (“Board”) and Dana Ruth Morton, M.D. (“Dr. Morton”) freely and voluntarily enter into the following Consent Order pursuant to W. Va. Code § 30-3-14, et seq.

### **FINDINGS OF FACT**

1. Dr. Morton applied for a license to practice medicine and surgery in West Virginia in August 2010.
2. Dr. Morton was dismissed from a family medicine residency program in 2003, has had difficulties with alcohol dependency, and entered a plea of “nolo contendere” to a DUI in 2009.
3. Dr. Morton has been continuously enrolled in the West Virginia Medical Professionals Health Program (“WVMPHP”) for more than two (2) years, has now successfully completed a two (2) month inpatient evaluation and substance abuse treatment program, and has been abstinent for more than one (1) year.
4. Dr. Morton appeared for a full discussion of these matters before the Licensure Committee on November 6, 2010, her treatment records have been reviewed by the Licensure Committee, and Dr. Morton has provided significant positive and reliable information supporting her return to the practice of medicine.
5. Dr. Morton meets the requirements for active licensure under the West Virginia Medical Practice Act, though to grant licensure without appropriate conditions, limitations, accommodations and restrictions thereon could adversely affect the health and welfare of patients.

## CONCLUSIONS OF LAW

1. Probable cause exists to deny Dr. Morton an active license to practice medicine and surgery in the State of West Virginia, due to the provisions of W. Va. Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(d), relating to alcoholism.

2. The Board determines, under all the circumstances, it is appropriate to grant Dr. Morton an active license to practice medicine and surgery in the State of West Virginia, provided she agrees to the conditions, limitations, accommodations, and restrictions herein.

## CONSENT

Dana Ruth Morton, 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 proceedings conducted in accordance with this Order, to the following:

1. Dr. Morton acknowledges that she is fully aware that, without her consent here given, no permanent legal action may be taken against her except after a public hearing held in accordance with W. Va. Code § 30-3-14(h) and § 29A-5-1, et seq.;
2. Dr. Morton further acknowledges that she has the following rights, among others: the right to a formal public hearing before the Board, 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. Morton waives all such rights;
4. Dr. Morton consents to the entry of this Order relative to her practice of medicine in the State of West Virginia; and

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


1. Dr. Morton is granted License No. 24302, effective upon entry of this Consent Order.
2. Said License No. 24302 is issued for a period of one (1) year, with the following express conditions, limitations, accommodations, and restrictions:
  - a. Said License No. 24302 is immediately REVOKED, and the REVOCATION is immediately STAYED;
  - b. Dr. Morton shall continue as an active participant with the WVMPHP and remain in compliance with all the requirements of the WVMPHP;
  - c. Dr. Morton shall practice medicine at the Valley HealthCare System in accordance with the four (4) page plan submitted to the Board by its Chief Executive Officer dated October 15, 2010;
  - d. Dr. Morton shall meet with the Licensure Committee of the Board at its regularly scheduled meeting in November 2011, for a full discussion of her progress, health and well being, and any future medical licensure; and
  - e. Dr. Morton shall provide a copy of this fully executed Consent Order to the WVMPHP and the Chief Executive Officer of Valley HealthCare System, within ten (10) days of the date of entry of this Consent Order.

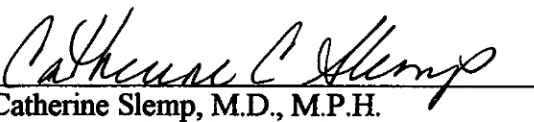
3. At the option of either Dr. Morton or the Board, this Consent Order or a modified version thereof may be entered into again by the parties at the end of the one (1) year period of licensure.

4. If Dr. Morton violates any of the requirements of this Consent Order, as determined by the Board, the Board may terminate and dissolve the STAY of REVOCATION herein imposed, upon written notice of the same to Dr. Morton, and Dr. Morton understands that, notwithstanding any provision of law to the contrary, such termination and dissolution of the STAY of REVOCATION may occur without any hearing provided by the Board, and by her signing of this Consent Order, Dr. Morton has consented to the same.

The foregoing Consent Order was entered this 29th day of November, 2010.

WEST VIRGINIA BOARD OF MEDICINE

  
Reverend O. Richard Bowyer  
President

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

  
Dana Ruth Morton, M.D.

Date: 11-12-10



STATE OF West Virginia

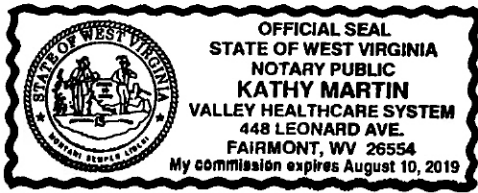
COUNTY OF MARION

I, Kathy Martin, a Notary Public for said county and state do hereby certify that Dana Ruth Morton, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 12<sup>th</sup> day of November, 2010.

My commission expires 8/10/2019

Kathy Martin  
Notary Public



## **BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: DANA RUTH MORTON, M.D.**

### **CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and Dana Ruth Morton, M.D. ("Dr. Morton") freely and voluntarily enter into the following Consent Order pursuant to W. Va. Code § 30-3-14, et seq.

### **FINDINGS OF FACT**

1. Dr. Morton applied for a license to practice medicine and surgery in West Virginia in August 2010.
2. Dr. Morton was dismissed from a family medicine residency program in 2003, has had difficulties with alcohol dependency, and entered a plea of "nolo contendere" to a DUI in 2009.
3. Dr. Morton has been continuously enrolled in the West Virginia Medical Professionals Health Program ("WVMPHP") for more than two (2) years, has now successfully completed a two (2) month inpatient evaluation and substance abuse treatment program, and has been abstinent for more than one (1) year.
4. Dr. Morton appeared for a full discussion of these matters before the Licensure Committee on November 6, 2010, her treatment records have been reviewed by the Licensure Committee, and Dr. Morton has provided significant positive and reliable information supporting her return to the practice of medicine.
5. Dr. Morton meets the requirements for active licensure under the West Virginia Medical Practice Act, though to grant licensure without appropriate conditions, limitations, accommodations and restrictions thereon could adversely affect the health and welfare of patients.

## CONCLUSIONS OF LAW

1. Probable cause exists to deny Dr. Morton an active license to practice medicine and surgery in the State of West Virginia, due to the provisions of W. Va. Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(d), relating to alcoholism.

2. The Board determines, under all the circumstances, it is appropriate to grant Dr. Morton an active license to practice medicine and surgery in the State of West Virginia, provided she agrees to the conditions, limitations, accommodations, and restrictions herein.

## CONSENT

Dana Ruth Morton, 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 proceedings conducted in accordance with this Order, to the following:

1. Dr. Morton acknowledges that she is fully aware that, without her consent here given, no permanent legal action may be taken against her except after a public hearing held in accordance with W. Va. Code § 30-3-14(h) and § 29A-5-1, et seq.;
2. Dr. Morton further acknowledges that she has the following rights, among others: the right to a formal public hearing before the Board, 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. Morton waives all such rights;
4. Dr. Morton consents to the entry of this Order relative to her practice of medicine in the State of West Virginia; and

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


1. Dr. Morton is granted License No. 24302, effective upon entry of this Consent Order.
2. Said License No. 24302 is issued for a period of one (1) year, with the following express conditions, limitations, accommodations, and restrictions:
  - a. Said License No. 24302 is immediately REVOKED, and the REVOCATION is immediately STAYED;
  - b. Dr. Morton shall continue as an active participant with the WVMPHP and remain in compliance with all the requirements of the WVMPHP;
  - c. Dr. Morton shall practice medicine at the Valley HealthCare System in accordance with the four (4) page plan submitted to the Board by its Chief Executive Officer dated October 15, 2010;
  - d. Dr. Morton shall meet with the Licensure Committee of the Board at its regularly scheduled meeting in November 2011, for a full discussion of her progress, health and well being, and any future medical licensure; and
  - e. Dr. Morton shall provide a copy of this fully executed Consent Order to the WVMPHP and the Chief Executive Officer of Valley HealthCare System, within ten (10) days of the date of entry of this Consent Order.


3. At the option of either Dr. Morton or the Board, this Consent Order or a modified version thereof may be entered into again by the parties at the end of the one (1) year period of licensure.

4. If Dr. Morton violates any of the requirements of this Consent Order, as determined by the Board, the Board may terminate and dissolve the STAY of REVOCATION herein imposed, upon written notice of the same to Dr. Morton, and Dr. Morton understands that, notwithstanding any provision of law to the contrary, such termination and dissolution of the STAY of REVOCATION may occur without any hearing provided by the Board, and by her signing of this Consent Order, Dr. Morton has consented to the same.

The foregoing Consent Order was entered this 29th day of November, 2010.

WEST VIRGINIA BOARD OF MEDICINE

  
Reverend O. Richard Bowyer  
President

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

  
Dana Ruth Morton, M.D.

Date: 11-12-10

STATE OF West Virginia

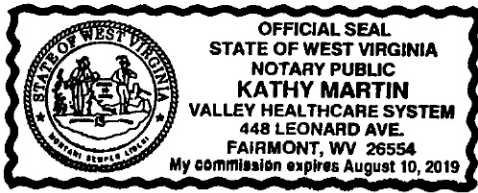
COUNTY OF MARION

I, Kathy Martin, a Notary Public for said county and state do hereby certify that Dana Ruth Morton, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 12<sup>th</sup> day of November, 2010.

My commission expires 8/10/2019

Kathy Martin  
Notary Public



**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: DANA RUTH MORTON, M.D.**

**CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and Dana Ruth Morton, M.D., ("Dr. Morton") freely and voluntarily enter into the following Consent Order pursuant to W. Va. Code § 30-3-14, et seq.

**FINDINGS OF FACT**

1. Dr. Morton applied for a license to practice medicine and surgery in West Virginia in August 2010 and was granted License No. 24302, effective November 29, 2010, for a period of one (1) year, with express conditions, limitations, accommodations, and restrictions.
2. Dr. Morton has been continuously enrolled in the West Virginia Medical Professionals Health Program ("WVMPHP") for more than three (3) years, has been abstinent for more than two (2) years, and she appeared before the Licensure Committee for a full discussion of her practice of medicine at the Valley HealthCare System during the past year.
3. Dr. Morton continues to meet the requirements for active licensure under the West Virginia Medical Practice Act, and the Valley HealthCare System wishes her to continue her practice there, though to grant continued licensure without appropriate conditions, limitations, accommodations and restrictions thereon could adversely affect the health and welfare of patients.

## CONCLUSIONS OF LAW

1. Probable cause exists to deny Dr. Morton an active license to practice medicine and surgery in the State of West Virginia, due to the provisions of W. Va. Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(d), relating to alcoholism.

2. The Board determined, under all the circumstances, it is appropriate to again grant Dr. Morton an active license to practice medicine and surgery in the State of West Virginia, provided she agrees to the conditions, limitations, accommodations, and restrictions herein.

## CONSENT

Dana Ruth Morton, 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 proceedings conducted in accordance with this Order, to the following:

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

2. Dr. Morton further acknowledges that she has the following rights, among others: the right to a formal public hearing before the Board, 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. Morton waives all such rights;



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

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

1. Dr. Morton is again granted License No. 24302, effective upon entry of this Consent Order.

2. Said License No. 24302 is again issued for a period of one (1) year, with the following express conditions, limitations, accommodations, and restrictions:

a. Said License No. 24302 is immediately REVOKED, and the REVOCATION is immediately STAYED.

b. Dr. Morton shall continue as an active participant with the WVMPHP and remain in compliance with all the requirements of the WVMPHP.

c. Dr. Morton shall practice medicine at the Valley HealthCare System in accordance with the two (2) page November 14, 2011, plan submitted and signed by Dr.'s Albert, Chandran, and Neal, and she shall limit her Suboxone© clinic patients to thirty (30) and total work hours to no more than forty (40) hours each week.

d. Dr.'s Albert, Chandran, and Neal shall each file a written report with the Board of Medicine on or before June 1, 2012, and on or before November 1, 2012, attesting to Dr. Morton's ability to practice medicine with reasonable skill and safety for patients.

e. Dr. Morton shall provide a copy of this fully executed Consent Order to the WVMPHP and the Chief Executive Officer of Valley HealthCare System, within ten (10) days of the date of entry of the Consent Order.

f. Dr. Morton shall meet with the Licensure Committee of the Board at its regularly scheduled meeting in November 2012 for a full discussion of her progress, health and well being.

3. At the option of either Dr. Morton or the Board, this Consent Order or a modified version thereof may be entered into again by the parties at the end of the one (1) year period of licensure.

4. If Dr. Morton violates any of the requirements of this Consent Order, as determined by the Board, the Board may terminate and dissolve the STAY of REVOCATION herein imposed, upon written notice of the same to Dr. Morton, and Dr. Morton understands that, notwithstanding any provision of law to the contrary, such termination and dissolution of the STAY of REVOCATION may occur without any hearing provided by the Board, and by her signing of this Consent Order, Dr. Morton has consented to the same.

The foregoing Consent Order was entered this 22nd day of November, 2011.

WEST VIRGINIA BOARD OF MEDICINE

  
Reverend O. Richard Bowyer  
President

*Marian Swinker*

Marian Swinker, M.D., M.P.H.  
Secretary

*Dana Ruth Morton*

Dana Ruth Morton, M.D.

Date: 11-18-11

STATE OF West Virginia

COUNTY OF MONONGALIA

I, Robert D. Musick, a Notary Public for said county and state

do hereby certify that Dana Ruth Morton, M.D., whose name is signed above, has this day acknowledged the same before me.

Given under my hand this 18 day of November, 2011.

My commission expires 8-8-18.

*Robert D. Musick*  
Notary Public





# State of West Virginia *Board of Medicine*

REV. O. RICHARD BOWYER  
PRESIDENT

MARIAN SWINKER, MD, MPH  
SECRETARY

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Charleston, WV 25311  
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MICHAEL L. FERREBEE, MD  
VICE PRESIDENT

ROBERT C. KNITTLE  
EXECUTIVE DIRECTOR

November 27, 2012

Dana Ruth Morton, M. D.  
Valley Health Care  
448 Leonard Avenue  
Fairmont, WV, 26554

Re: Board of Medicine Consent Order

Dear Dr. Morton:

This letter will confirm that the Board of Medicine currently considers you to be in full compliance with the Consent Order which you entered into with the West Virginia Board of Medicine on November 22, 2011.

Subsequent to your November 3, 2012, appearance before the Board of Medicine's Licensure Committee, the Committee determined that a new Consent Order was not necessary. The Board members approved the Committee's action on November 5, 2012.

You are now licensed to practice medicine and surgery in the State of West Virginia with no restrictions of conditions.

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

Sincerely,

  
Robert C. Knittle

RCK/trg



**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: DANA RUTH MORTON, M.D.**

**ORDER TERMINATING CONSENT ORDER AND GRANTING UNRESTRICTED  
LICENSE TO PRACTICE MEDICINE AND SURGERY**

On November 29, 2010, Dana Ruth Morton, M.D. ["Dr. Morton"] and the West Virginia Board of Medicine ["Board"] entered into a Consent Order based upon the parties' agreement that probable cause had existed to deny her an active license to practice medicine and surgery pursuant to West Virginia Code § 30-3-14(c)(17) and 11 CSR 1A 12.1(d) relating to satisfactory proof that the licensee has become a chronic or persistent alcoholic. The Consent Order granted Dr. Morton License No. 24302 for a period of one year, and placed certain restrictions and conditions upon her license.


On November 22, 2011, Dr. Morton and the Board entered into a second Consent Order, which granted her License No. 24302 for a period of one year with certain conditions and restrictions.

On November 3, 2012, Dr. Morton met with the Board's Licensure Committee. The Committee determined, with the approval of the Board on November 5, 2012, that another Consent Order is not necessary and that Dr. Morton would be granted an active, unrestricted license to practice medicine and surgery.

WHEREUPON, Dana Ruth Morton, M.D., is hereby granted an active license, License No. 24302, with no restrictions, to practice medicine and surgery in the State of West Virginia effective on November 23, 2012.

ENTERED on the 23<sup>rd</sup> day of November, 2012.

WEST VIRGINIA BOARD OF MEDICINE

  
Reverend O. Richard Bowyer  
President

  
Marian Swinker, M.D., M.P.H.  
Secretary