

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE:**

**CINDY CONSTANTINO DUGAN, M.D.**

**CONSENT ORDER**

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

**FINDINGS OF FACT**

1. Dr. Dugan currently holds a West Virginia medical license, No. 20322, which license was issued in November 2000, and Dr. Dugan's address of record with the Board is in Mineral Wells, West Virginia, and her work address with the Board is in Clarksburg, West Virginia.
2. As a result of an application to the Board in 2011 relating to supervision of a physician assistant, the Board's Physician Assistant Committee requested investigation by the Board's Supervisor of Investigation and Complaints and an October 4, 2011, Report of Investigation was filed which raised questions of the Physician Assistant Committee members about Dr. Dugan's supervision of a physician assistant in Beckley, West Virginia, at an opiate addiction center.
3. Dr. Dugan appeared for a full and free discussion with the Physician Assistant Committee in January 2012, about her supervision of the physician

assistant in Beckley, and now wishes to enter into this Consent Order to terminate and settle any dispute the Board may have with her.

### CONCLUSIONS OF LAW

1. The Board has a mandate pursuant to West Virginia Code §30-3-1, *et seq.*, to protect the public interest.
2. Probable cause exists to file charges against Dr. Dugan due to the provisions of West Virginia Code §30-3-14(c)(17), relating to violating any provision of the West Virginia Medical Practice Act or rule of the Board; and 11 CSR 1A 12.1(e), relating to engaging in unprofessional conduct; (o) relating to failing to perform a statutory or legal obligation; [West Virginia Code §30-3-16 (b), 11 CSR 1B 7.9, 13.9], and 12.2 (g), relating to failing to meet the standard of practice in connection with any supervisory agreement.
3. The Board has determined that it is appropriate to waive the commencement of proceedings against Dr. Dugan and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided that Dr. Dugan enters into and complies with this Consent Order

### CONSENT

Cindy Constantino Dugan, 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. Dugan acknowledges that she is fully aware that, without her consent, 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. Dugan 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. Dugan waives all such rights;

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

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

1. Dr. Dugan is **PUBLICLY REPRIMANDED** for her failure to comply with the West Virginia Medical Practice Act and Rules 11 CSR 1A and 1B with regard to her physician assistant supervision.


2. Dr. Dugan's license No. 20322 is placed in a PROBATIONARY STATUS for a period of one (1) year beginning January 20, 2012, and she may not supervise any physician assistant for the one (1) year period that her license is in a PROBATIONARY STATUS.


3. Within the first four (4) months of the PROBATIONARY status, and before May 20, 2012, Dr. Dugan shall read the West Virginia Medical Practice Act and Rule 11 CSR 1B, Licensure, Disciplinary and Complaint Procedures, Continuing Education, Physician Assistants, and she shall file with the Board, addressed to the attention of the Executive Director, a typewritten summary of applicable law relating to the duties of a supervising physician in West Virginia.

4. Dr. Dugan shall appear before the Physician Assistant Committee at its January 2013, meeting for a full discussion of her medical practice, whether or not she has plans for supervision of any physician assistant.

The foregoing was entered this 25<sup>th</sup> day of January, 2012.

WEST VIRGINIA BOARD OF MEDICINE

  
Reverend O. Richard Bowyer  
President

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



Cindy Constantino Dugan MD

Cindy Constantino Dugan, M.D.

Date: Jan 19, 2012

STATE OF West Virginia

COUNTY OF Wood, to-wit:

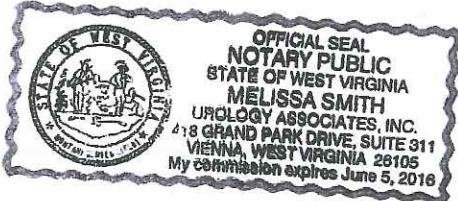
I, Melissa Smith, a Notary Public for said

county and state do hereby certify that Cindy Constantino Dugan, M.D., whose name is signed above has this day acknowledged the same before me.

Given under my hand this 19<sup>th</sup> day of JANUARY, 2012.

My Commission expires JUNE 5, 2016

Melissa Smith  
Notary Public





# State of West Virginia *Board of Medicine*

**REV. O. RICHARD BOWYER**  
PRESIDENT

**MARIAN SWINKER, MD, MPH**  
SECRETARY

101 Dee Drive, Suite 103  
Charleston, WV 25311  
Telephone 304.558.2921  
Fax 304.558.2084  
[www.wvbom.wv.gov](http://www.wvbom.wv.gov)

**MICHAEL L. FERREBEE, MD**  
VICE PRESIDENT

**ROBERT C. KNITTLE**  
EXECUTIVE DIRECTOR

January 29, 2013

Cindy Constantino Dugan, M.D.  
1124 Windsor Drive  
Mineral Wells, WV 26150

Re: Board of Medicine Consent Order

Dear Dr. Dugan:

This letter will confirm that as of January 20, 2013, the Consent Order which you entered into with the West Virginia Board of Medicine on January 25, 2012, has now ended. Your license to practice medicine is considered to be on an active, unrestrictive status.

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.

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

Sincerely,

  
Robert C. Knittle

RCK/acc