

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

Complaint No. 18-51-W

MATTHEW FREDERICK WAY, M.D.

CONSENT ORDER

The West Virginia Board of Medicine (“Board”) and Matthew Frederick Way, M.D. (“Dr. Way”) 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. Way stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. Way holds a license, License Number 26568, to practice medicine and surgery in the state of West Virginia. Dr. Way was initially licensed by the Board on July 13, 2015.
2. Dr. Way’s primary practice address of record with the Board is in Reston, Virginia. His self-identified area of specialty is psychiatry.
3. On June 11, 2017, Dr. Way submitted his application for medical licensure renewal to the Board for the licensure period of July 1, 2017, through June 30, 2019.
4. Certification of completion of all required Continuing Medical Education (“CME”) is required to renew a West Virginia medical license.

5. Renewal applicants who cannot certify that they have completed all required CME are ineligible for license renewal.

6. To accurately certify compliance with CME requirements and renew a medical license for the licensure period of July 1, 2017 through June 30, 2019, a renewal applicant must have, between July 1, 2015 and June 30, 2017, completed a minimum of three CME hours in a Board approved course on drug diversion training and best practice prescribing of controlled substances. Physicians who did not prescribe, administer or dispense any controlled substances whatsoever between July 1, 2015 and June 30, 2017 could request a waiver from the Board in lieu of completing the training.

7. In addition to the controlled substance CME, a renewal applicant must have, between July 1, 2015 and June 30, 2017:

- a. Completed a total of fifty (50) hours of CME credits, as described in W. Va. Code R. §11-6-3.2.1 (May 6, 2013); or
- b. Become ABMS board certified and/or possess documentation of successful involvement in maintenance of certification from the ABMS member board for the requisite period.

8. A licensee may claim up to twenty (20) hours of CME credit for teaching medical education courses to medical students, residents or licensed physicians, or by serving as a preceptor to medical students or residents as described in W. Va. Code R. §11-6-3.2.2 (May 6, 2013).

9. On his June 11, 2017 renewal application, Dr. Way certified to the Board that he had complied with all CME requirements for the renewal of his license, including the completion of a minimum of three hours of drug diversion training and best practice prescribing

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of controlled substances training through a Board approved course between July 1, 2015 and June 30, 2017.

10. In association with his license renewal application, Dr. Way made the following attestation:

I understand that as a licensee, I am required to personally complete this application, and I am solely responsible for the accuracy and completeness of the information provided, including all information regarding my practice in the last two years and my certification of successful completion of all required continuing medical education.

I have carefully read and understood all the questions included on each page of this renewal and have answered all the questions completely, without reservations of any kind. I declare that my answers and all statements made by me herein are true and correct.

I understand that any license issued based upon this renewal application is based on the truth of the statements contained herein. Should I furnish false or misleading information in this renewal application, I hereby agree and understand that any such act shall constitute good cause for disciplinary action and/or the subsequent revocation of my license.

I understand that regardless of the date of my electronic signature, all statements in the online renewal application related to the entire period of July 1, 2015 to June 30, 2017. If, after I provide my electronic signature and prior to June 30, 2017, any answer should change for any reason, I have a duty to notify the Board and amend my renewal application.

11. On or about December 29, 2017, the Board notified Dr. Way that he had been randomly selected for the Board's annual CME audit.

12. Dr. Way was unable to produce documentation corroborating his certification that he successfully completed all of his CME requirements for the period of July 1, 2015 through June 30, 2017.

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13. The documentation provided by Dr. Way supports his completion of all CME requirements during the requisite time frame except a minimum of three (3) hours in a Board approved course on drug diversion training and best practice prescribing of controlled substances.

14. Dr. Way advised the Board that, despite certifying his completion of the training on his June 2017 renewal application, he inadvertently overlooked the three hours in Board approved courses on drug diversion training and best practice prescribing of controlled substances renewal requirement.

15. Dr. Way contends that his inaccurate CME certification was inadvertent, and an honest mistake.

16. On January 16, 2018, Dr. Way completed a three (3) hour Board approved course on drug diversion training and best practice prescribing of controlled substances.

17. The Board and Dr. Way voluntarily enter into this Consent Order to resolve the complaint initiated against Dr. Way and to protect the public interest.

CONCLUSIONS OF LAW

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

1. Dr. Way'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.

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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.” See W. Va. Code R. § 11-1A-12.

4. Probable cause may exist to substantiate disciplinary charges against Dr. Way pursuant to W. Va. Code §30-3-14 (c)(1) and (17), W. Va. Code R. §§11-1A-12.1.e and 12.1.j, and W. Va. Code R. §§11-6-5.2 and 5.4 (May 6, 2013).

5. Given the explanation provided by Dr. Way, it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Way and to proceed without further investigation, the filing of charges, or a formal Complaint and Notice of Hearing, subject to compliance by Dr. Way with the provisions of this Consent Order.

6. This Consent Order sets forth reasonable and appropriate discipline upon Dr. Way in the form of an administrative fine.

7. This Consent Order does not impose any discipline which is connected to the delivery of healthcare services by Dr. Way.

CONSENT

By signing his name to this Consent Order, Matthew Frederick Way, M.D., acknowledges that he understands and agrees with the following:

1. Dr. Way has read and understands this entire Consent Order;
2. Dr. Way agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Consent Order;
3. Dr. Way understands that he has the right to legal representation in this matter, at his own expense, and agrees that he has exercised this right, and has been afforded adequate time and opportunity to consult with his counsel regarding the legal effect of this Consent Order;
4. Dr. Way 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. Way 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. Way 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;

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

8. Dr. Way acknowledges that if he violates any of the terms of this Consent Order, further action may be taken against his license by the Board, as permitted by law; and

9. Dr. Way 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 record with the Board. Matters contained herein 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. Way, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. To satisfy his CME deficiency for the reporting period of July 1, 2015 through June 30, 2017, Dr. Way completed a Board approved course on drug diversion training and best practice prescribing of controlled substances on January 16, 2018. The Board accepts this course in satisfaction of Dr. Way's CME requirements for the July 1, 2015 through June 30, 2017 reporting period.

2. Dr. Way may not utilize the January 16, 2018, CME course on drug diversion training and best practice prescribing of controlled substances to satisfy any of his CME obligations for the current reporting period of July 1, 2017 through June 30, 2019.

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3. Dr. Way is hereby assessed a **CIVIL FINE** in the amount of **five hundred dollars (\$500.00)** for his CME delinquency and deficiencies. Dr. Way's payment of the fine must be received by the Board on or before **Friday, September 7, 2018**.

4. Dr. Way agrees to comply fully with the requirements of the West Virginia Medical Practice Act and the legislative rules of the Board at all times while he is licensed to practice medicine in West Virginia, and further agrees to comply with the terms of this Consent Order. In the event that Dr. Way fails to comply with the terms of this Order by the established deadlines, the Board may elect to take any other action with regard to Dr. Way's license which is authorized by law.

5. 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.

Consent Order
Matthew Frederick Way, M.D.

ENTERED ON: August 30, 2018

WEST VIRGINIA BOARD OF MEDICINE



Kishore K. Challa, M.D., F.A.C.C.
President

Date: 8/15/2018



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

Date: 8/27/18

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ACCEPTANCE

I, MATTHEW FREDERICK WAY, 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, WHICH I HAVE EXERCISED, AND I HAVE BEEN PROVIDED WITH AMPLE TIME TO SEEK LEGAL ADVICE REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER FROM MY ATTORNEY.

I AM SIGNING THIS CONSENT ORDER VOLUNTARILY, AND I UNDERSTAND THE POTENTIAL CONSEQUENCES OF VIOLATING THIS CONSENT ORDER.



Matthew Frederick Way, M.D.

Date: August 9, 2018

STATE OF New Jersey

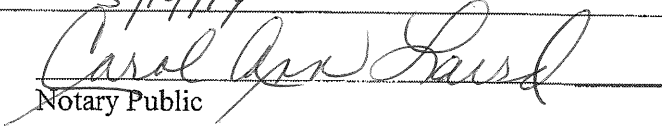
COUNTY OF Ocean, to-wit:

I, Carol Ann Laird, a Notary Public for said county and

state do hereby certify that Matthew Frederick Way, M.D., whose name is signed herein above has this day acknowledged the same before me.

Given under my hand this 9th day of August, 2018.

My Commission expires 3/19/19


Notary Public

CAROL ANN LAIRD
NOTARY PUBLIC OF NEW JERSEY
MY COMMISSION EXPIRES MARCH 19, 2019
ID# 2312606



State of West Virginia *Board of Medicine*

KISHORE K. CHALLA, MD, FACC
PRESIDENT

RAHUL GUPTA, MD, MPH, MBA, FACP
SECRETARY

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August 30, 2018

ASHISH P. SHETH, MD
VICE PRESIDENT

MARK A. SPANGLER, MA
EXECUTIVE DIRECTOR

VIA US MAIL

Matthew Frederick Way, M.D.
1768 Business Center Drive
Suite 100
Reston, VA 21090

RE: West Virginia Board of Medicine
Complaint No. 18-51-W

Dear Dr. Way:

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 August 30, 2018. 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,

Mark A. Spangler

MAS/sel

cc: Thomas P. Mannion, Esq.