

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE:**

**RUTHIE SHANNON COOPER, MD**

**CONSENT ORDER**

The West Virginia Board of Medicine (“Board”) and Ruthie Shannon Cooper, MD, (“Dr. Cooper”) 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. Cooper stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. Cooper was issued a license to practice medicine and surgery in West Virginia on July 9, 2018, license number 28413.
2. An initial medical doctor license is valid from the date of issuance through the expiration date for the appropriate cohort of renewal applicants. Medical doctors whose last names begin with the letters A through L renew in even years, and medical doctors whose last names begin with the letters M through Z renew in odd years. Thereafter, the license is renewable every two years.
3. Dr. Cooper’s license was issued for the term of July 9, 2018 through June 30, 2020.

4. Due to the COVID-19 State of Emergency and Executive Order 7-20, the Board extended the expiration date of all medical licenses scheduled to expire on June 30, 2020 until September 30, 2020, including Dr. Cooper's medical license.

5. Dr. Cooper's West Virginia license was an active status license from July 9, 2018 until October 1, 2020.

6. An active status license authorizes a physician to practice medicine and surgery in West Virginia.

7. On September 28, 2020, Dr. Cooper submitted her application for medical licensure renewal to the Board for the licensure period of October 1, 2020, through June 30, 2022.

8. Certification of completion of all required Continuing Medical Education ("CME") is required to renew a West Virginia medical license, regardless of whether the license status is active or inactive.

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

10. To accurately certify compliance with CME requirements and renew a medical license for the licensure period of October 1, 2020 through June 30, 2022, a renewal applicant must have, between July 1, 2018 and September 30, 2020, 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, 2018 and September 30, 2020 could request a waiver from the Board in lieu of completing the training.

11. In addition to the controlled substance CME, a renewal applicant must have, between July 1, 2018 and September 30, 2020:

- 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.

12. For that renewal cycle, a licensee could also 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).

13. On her September 28, 2020 renewal application, Dr. Cooper attested that she had completed all CME requirements for the licensure cycle of July 1, 2018 and September 30, 2020. She also attested to having not prescribed, administered, or dispensed any controlled substance pursuant to a West Virginia license and requested that the Board waive the CME requirement for the renewal period of July 1, 2018 and September 30, 2020.

14. On her renewal application, Dr. Cooper requested that her license be renewed in inactive status.

15. A physician holding an inactive status license may not practice medicine and surgery in West Virginia.

16. In association with her license renewal application, Dr. Cooper 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 relate to the entire period of July 1, 2018 to September 30, 2020. If, after I provide my electronic signature and prior to September 30, 2020, any answer should change for any reason, I have a duty to notify the Board and amend my renewal application.

17. Based upon the information contained in her renewal application, including her attestations, Dr. Cooper's license was renewed in inactive status, effective October 1, 2020.

18. To convert an inactive status license to an active status license, a physician must complete a Change of Status application and remit the appropriate fee.

19. The Change of Status application includes an attestation that the applicant has successfully completed all required continuing medical education for the preceding renewal cycle, and a mandatory audit of documentation which corroborates the applicant's attestation.

20. On August 5, 2021, Dr. Cooper submitted a Change of Status application to convert her West Virginia license back to active status.

21. In association with her Change of Status application, Dr. Cooper certified that between July 1, 2018 and September 30, 2020, she completed all required CME, including a minimum of three hours of drug diversion training and best practice prescribing of controlled substances through a Board approved course.

22. Dr. Cooper was unable to produce documentation corroborating her August 2021 certification that she successfully completed all CME requirements for the period of July 1, 2018 and September 30, 2020.

23. Dr. Cooper acknowledges that neither her August 2021 Change of Status attestation nor her September 28, 2020 Renewal Application certification of successful completion of a minimum of three hours of drug diversion training and best practice prescribing of controlled substances through a Board approved course are supported by appropriate documentation.

24. Dr. Cooper contends that she completed the required drug diversion training and best practice prescribing of controlled substances course between July 9, 2018 and September 28, 2020, but she has been unable to locate a certificate, and the provider has no record or other evidence to support her successful completion of the course.

25. Dr. Cooper did provide evidence that she completed the three hours of drug diversion training and best practice prescribing of controlled substances through a Board approved course on August 29, 2021 and has requested that this CME be accepted to satisfy her obligation for the July 1, 2018 and September 30, 2020 licensure cycle.

26. The documentation provided by Dr. Cooper supports her completion of all other required CME during the requisite time frame.

27. Dr. Cooper meets all other requirements for active licensure under the West Virginia Medical Practice Act, and it is appropriate to grant her a change of status from inactive to active status, subject to the terms and conditions imposed by this Consent Order.

### **CONCLUSIONS OF LAW**

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

1. Dr. Cooper'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. West Virginia Code § 30-3-1 *et seq.* provides the West Virginia Board of Medicine ("Board") with the authority to issue licenses to practice medicine and surgery and to act as the regulatory body for the practice of medicine and surgery in West Virginia. West Virginia Code § 30-3-5.

3. 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.

4. The burden of satisfying the Board of the applicant's qualifications for licensure is upon the applicant. W. Va. Code R. §11-1A-4.12.

5. The West Virginia Medical Practice Act and the Board's legislative rules set forth the eligibility requirements for licensure and conduct which may render an individual unqualified for licensure or subject to discipline or other restrictions upon licensure. See W.Va. Code §30-3-1. *et seq.*; W. Va. Code R. §11-1A-1 *et seq.* and §11-6-1 *et seq.*

6. 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.

7. Probable cause may exist to substantiate disciplinary charges against Dr. Cooper 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).

8. This Consent Order sets forth reasonable and appropriate discipline upon Dr. Cooper in the form of an administrative fine and does not impose any discipline which is connected to the delivery of healthcare services by Dr. Cooper.

9. It is appropriate and in the public interest to grant Dr. Cooper a change of status from inactive status to active status licensure in West Virginia, provided she agrees to the terms set forth herein, and subject to compliance by Dr. Cooper with the provisions of this Consent Order.

10. This Consent Order sets forth reasonable and appropriate terms upon which Dr. Cooper's West Virginia license will be converted to active status.

### CONSENT

By signing her name to this Consent Order, Ruthie Shannon Cooper, MD, acknowledges that she understands and agrees with the following:

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

4. Dr. Cooper understands that this Consent Order is a legally binding Order of the West Virginia Board of Medicine that affects her rights and privileges;

5. Dr. Cooper 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.*;

6. Dr. Cooper is aware of her legal rights in this matter in addition to the right to counsel, including the right to a formal hearing, after reasonable notice, before the West Virginia Board of Medicine; the right to confront and cross-examine witnesses against her; the right to present evidence and testify on her 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 her;

7. Dr. Cooper knowingly and voluntarily waives all such rights, and agrees to the entry of this Consent Order relative to her practice of medicine in the State of West Virginia;

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

9. Dr. Cooper 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 her historical file 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. Cooper, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. To satisfy her CME deficiency for the reporting period of July 1, 2018 and September 30, 2020, on August 29, 2021, Dr. Cooper completed a three-hour Board approved course in drug diversion training and best practice prescribing of controlled substances. The Board accepts this course in satisfaction of Dr. Cooper's CME delinquency for the July 1, 2018 and September 30, 2020 reporting period.

2. Dr. Cooper may not utilize the August 29, 2021 course to satisfy her CME obligations for the current reporting period of October 1, 2020 through June 30, 2022.

3. Dr. Cooper is hereby assessed a **CIVIL FINE** in the amount of **five hundred dollars (\$500.00)** for her CME delinquency and deficiencies.

4. Dr. Cooper 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 she 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. Cooper 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. Cooper's license which is authorized by law.

5. Once this Order is entered and the Board is in receipt of full and complete payment by Dr. Cooper of the civil fine specified in Paragraph Three hereinabove, Dr. Cooper's license status shall be converted to **ACTIVE STATUS**. Her license expiration date shall remain June 30, 2022, unless renewed prior to that date.

6. 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.

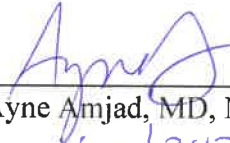
ENTERED ON: October 28, 2021

WEST VIRGINIA BOARD OF MEDICINE



Kishore K. Challa, MD, FACC  
President

Date: 10/26/21



Quartel-Ayne Amjad, MD, MPH  
Secretary

Date: 10/22/2021

ACCEPTANCE

I, RUTHIE SHANNON COOPER, MD, 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 SEEK LEGAL ADVICE REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER FROM AN ATTORNEY.

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

Ruthie Shannon Cooper  
Ruthie Shannon Cooper, MD

Date: 10/19/2021



KATLYN DAWN JOANNE WILSON  
Notary Public, State of Ohio  
My Commission Expires  
September 20, 2025

STATE OF Ohio

COUNTY OF Clermont, to-wit:

I, Katlyn Dawn Joanne Wilson a Notary Public for said county and

state do hereby certify that Ruthie Shannon Cooper, MD, whose name is signed herein above has this day acknowledged the same before me.

Given under my hand this 19<sup>th</sup> day of October, 2021.

My Commission expires 9/20/2025

Katlyn Dawn Joanne Wilson  
Notary Public