

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

V.

SHIVKUMAR L. IYER, M.D.

RESPONDENT.

**ORDER OF SUMMARY SUSPENSION OF LICENSE TO PRACTICE
MEDICINE AND SURGERY WITH NOTICE OF HEARING**

Shivkumar L. Iyer, M.D., ("Dr. Iyer") holds a license to practice medicine and surgery in the State of West Virginia, License No. 18736, issued September 9, 1996. Dr. Iyer's current address of record with the West Virginia Board of Medicine ("Board") is in South Charleston, West Virginia, and he is a psychiatrist. [Attached hereto as Board Exhibit 1].

Under provisions of the West Virginia Medical Practice Act (West Virginia Code §30-3-1 et seq.), the Petitioner Board is the duly constituted body responsible for licensure and professional discipline of physicians in the State of West Virginia.

1. On September 9, 2001, the Complaint Committee reviewed a complaint filed by Patient One, MW, and Patient Two, CW, (her son) against Shivkumar L. Iyer, M.D., stating that Dr. Iyer made inappropriate sexual remarks to both patients by asking Patient One the size of her husband's penis and telling her that she was an unfit mother because she would not give her son \$10,000.00 to go to New York. Patient Two alleged he was asked by Dr. Iyer to bring, and Patient Two brought, "porno" tapes to Dr. Iyer to watch. Patient Two alleged Dr. Iyer stated to Patient Two that the

medication Dr. Iyer had prescribed to him was "wonderful, wonderful, wonderful medicine, Welcome to la, la, land." Patient Two alleged Dr. Iyer stated to Patient Two that he had an eighteen year old patient who was seeing a sixty year old man and that the patient had told Dr. Iyer that she was seeing the man because he had an anaconda penis. Patient Two stated Dr. Iyer asked Patient Two if he had an anaconda and how big a penis needed to be before it would be called an anaconda. Dr. Iyer asked Patient Two if he had an anaconda penis and if Patient Two's penis was around eleven inches. Dr. Iyer's response to the complaint was reviewed by the Complaint Committee, as well as the complainants' response to Dr. Iyer's response, and an investigative report was filed by the Board Investigator and later reviewed by the Complaint Committee, with pertinent medical records, all of which are attached hereto as Board Exhibit 2.

2. On January 5, 2002, the Complaint Committee reviewed a complaint filed by Patient Three, CDM, against Shivkumar L. Iyer, M.D., stating that she started her care and treatment with Dr. Iyer in October 1998, and during her time of care and treatment with Dr. Iyer she began to develop a very close personal relationship with Dr. Iyer outside of her patient relationship. Patient Three alleged Dr. Iyer made comments to Patient Three, stating that she looked like a model and why did she have to pick him as a physician because they would be perfect for each other and they could have a beautiful relationship. Patient Three alleged Dr. Iyer called Patient Three, repeatedly at home and work outside the patient/physician relationship. Dr. Iyer gave the patient his home number, cell number and pager number for Patient Three, to keep in constant contact with him. Patient Three, stated that Dr. Iyer would call her at home and he would be drinking or he would be drunk. Patient Three, stated that Dr. Iyer told her that he told his patients if they get too stressed to have a glass of scotch. Patient Three alleged Dr. Iyer gave Patient Three, a list of his patients and instructed her to call each patient and tell them he was going to be relocating to a different facility

and he wanted to keep them as a patient. Though not an employee of the physician, Patient Three carried out his instructions. Patient Three, stated that she would meet Dr. Iyer at night and they would talk for hours. Patient Three, stated that Dr. Iyer was obsessed with women finding him attractive and that Dr. Iyer begged Patient Three, to tell him her sexual fantasy and she was uncomfortable telling Dr. Iyer, so she wrote out her sexual fantasy and gave it to Dr. Iyer. Dr. Iyer told Patient Three, that she had to take everything they did to her grave. Patient Three stated after Patient Three, left Dr. Iyer's care and treatment, she went through withdrawal due to her addiction to the controlled substance Xanax prescribed by Dr. Iyer. Dr. Iyer's response was reviewed by the Complaint Committee, as well as the complainant's response to Dr. Iyer's response, all of which are attached hereto as Board Exhibit 3.

3. On January 5, 2002, Dr. Iyer appeared before the Complaint Committee to discuss the above-referenced material referenced in paragraphs 1 and 2.

4. On January 5, 2002, the Complaint Committee instructed additional investigation to be conducted on Dr. Iyer, and on April 22, 2002, the Board Investigator filed a report of her investigation of Patient Three's Complaint, attached hereto as Board Exhibit 4.

5. During the month of April, 2002, the Board Investigator interviewed four additional witnesses (three of whom were former employees of Dr. Iyer, the fourth of whom is a psychologist who was located in the same office space with Dr. Iyer), which interviews are contained in an investigative report dated May 2, 2002, attached hereto as Board Exhibit 5, and include confirmations of the Complaints of Patients One, Two and Three, as well as assertions that Dr. Iyer recently modeled bras provided by a lingerie saleswoman for staff and patients, in his office, asked the lingerie saleswoman for a "pocket pussy", maintained a medical record of controlled substances

prescribed to a patient who later became his girlfriend, which medical record was not produced pursuant to subpoena. See Board Exhibit 6, attached.

At its regular meeting on May 13, 2002, with a quorum of the Board present and voting, the Board reviewed the materials contained in Board Exhibits One through Six, attached hereto. At this regular meeting, taking place on May 13, 2002, it was reported that the Complaint Committee had determined that probable cause exists to substantiate charges to disqualify Dr. Iyer from the practice of medicine in West Virginia. This probable cause for disqualification is due to the following apparent violations of West Virginia Code §30-3-14(c)(8), (11), (12), and (17) and 11 CSR 1A 12.1 (e), (j), (r), and (u), and 11 CSR 1A 12.2(d), all relating to multiple instances of unprofessional, unethical and dishonorable conduct, exercising influence within a patient-physician relationship for purposes of engaging a patient in sexual activity, and failing to keep medical records justifying the course of treatment of a patient Further, West Virginia Code §30-3-14(k) and 11 CSR 3 10.16 provide in pertinent part that:

...if the board determines the evidence in its possession indicates that a physician's... continuation in practice or unrestricted practice constitutes an immediate danger to the public, the board may take any of the actions provided for in subsection (j) of this section on a temporary basis and without a hearing, if institution of proceedings for a hearing before the board are initiated simultaneously with the temporary action and begin within fifteen days of such action.

And West Virginia Code §30-3-14(j) provides that one of the actions that may be taken by the Board is **SUSPENSION** of a license to practice medicine.

At its regular meeting on May 13, 2002, with a quorum of the Board present and voting, the Board found and determined, with no dissenting votes, that under all of the circumstances and given the cumulative effect of the four investigative reports, from all of the evidence now in its possession, for Dr. Iyer to continue to hold an active license to practice medicine in the State of West Virginia, entitling him to continue to practice medicine, constitutes an immediate danger to the health, welfare and safety of the public. The Board concluded, as a matter of law, that such a danger to the public demands extraordinary measures, and the Board, with a quorum of the Board present and voting, therefore found, determined and concluded, with no dissenting votes, that in accordance with its statutory mandate to protect the public interest, the license to practice medicine and surgery of Dr. Iyer, License No.18736, must be **SUSPENDED** summarily, in accordance with the provisions of West Virginia Code §30-3-14(k) and 11 CSR 1A 3 10.16.

In all of these matters, Angelo Georges, M.D., Lee Elliott Smith, M.D., John A. Wade, Jr., M.D., and Rev. Richard Bowyer, abstained from voting due to their presence on the Complaint Committee during the period that matters relating to Dr. Iyer were before the Complaint Committee and the findings of probable cause made. Leonard Simmons, D.P.M., was not present at the Board meeting.

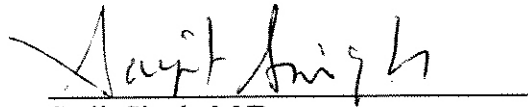
Under the provisions of West Virginia Code §30-3-14(k) and 11 CSR 3 10.16, if an action pursuant thereto is taken by the Board, institution of proceedings for a hearing before the Board must be initiated simultaneously with the temporary action and must begin within fifteen days of such action.

WHEREFORE, the Board hereby **ORDERS** that the license to practice medicine and surgery of Dr. Shivkumar Iyer, License No. 18736, is **SUSPENDED** effective May 15, 2002, at 12:

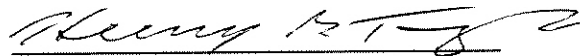
01 A.M. Moreover, Dr. Iyer is hereby notified that on the 29th day of May, 2002, at 10:00 a.m., the West Virginia Board of Medicine will convene in its offices located at 101 Dee Drive, Charleston, West Virginia, with Hearing Examiner, Jack C. McClung, for the purpose of hearing evidence regarding the contents of this Order. At this hearing, Dr. Iyer must be present in person and with his attorney, if he so desires, and with any witnesses or evidence which he desires to present in his behalf to show cause as to why his license to practice medicine and surgery in West Virginia should not remain **SUSPENDED**.

Dated this 13th day of May, 2002.

WEST VIRGINIA BOARD OF MEDICINE



Sarjit Singh, M.D.
President



Henry G. Taylor, M.D., M.P.H.
Secretary

CERTIFICATE OF SERVICE

I, SUSAN K. CONNER, Counsel for the **WEST VIRGINIA BOARD OF MEDICINE**, hereby certify that service of the foregoing **“Order of Summary Suspension of License to Practice Medicine and Surgery with Notice of Hearing”** has been made upon Respondent Iyer and his counsel of record herein by hand delivery of the same on this the 13th day of May, 2002, addressed as follows:

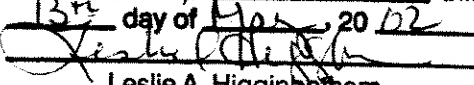
Shivkumar L. Iyer, M.D
400 Division Street, Suite 1
South Charleston, West Virginia 25309


and

Perry W. Oxley, Esq.
949 3rd Ave., Suite 300
Huntington, West Virginia 25728



SUSAN K. CONNER, Bar #4971
West Virginia Board of Medicine
101 Dee Drive
Charleston WV 25311
Phone (304) 558-2921 Fax (304) 558-2084

Original subpoena issued in the matter of Shivkumar L. Iyer, M.D. was hand delivered to Shannon Bryant Perry Oxley at 12:36pm 949 3rd Ave, Suite 300 this 13th day of May, 2002

Leslie A. Higginbotham
WEST VIRGINIA BOARD OF MEDICINE

Original subpoena issued in the matter of Shivkumar L. Iyer, M.D. was hand delivered to Shivkumar L. Iyer, M.D. at 1:43pm 400 Division St. Suite 1 this 13th day of May, 2002

Leslie A. Higginbotham
WEST VIRGINIA BOARD OF MEDICINE

West Virginia Board of Medicine Licensee Information Report

The following information is provided as a public service by the West Virginia Board of Medicine.

License Type Medical Doctor License Status: Active DOB 12/24/1962 Birth Place AHMEDABAD, INDIA
 Name IYER SHIVKUMAR LAKSHMINA () Gender Male

Permanent License #: 18736 Drug Dispensing Reg. #: Temporary License #:
 Issued: 9/9/1996 Issued: Issued:
 Last Renewed: 7/1/2000 Last Renewed: Expired:
 Expires: 6/30/2002 Expires: License Examination: USMLE

Areas of Practice:	Discipline Records:	Record Date	Medical School:
(1) <u>Logan, WV</u>	<u>None</u>	<u> </u>	<u>12/22/1991</u> <u>GOV MC, GUJARAT U. GUJARAT,</u>
(2) <u>Mingo, WV</u>			<u>Post-Graduate Training:</u>
(3) <u>None</u>	<u>None</u>	<u> </u>	<u>ST LUKE/ROOSEVELT HSP CTR,</u> From <u>7/1/1992</u> To <u>6/30/1993</u>
Self Designated Specialties:			<u>U OF TX HSC, HOUSTON, TX</u> From <u>7/1/1993</u> To <u>5/20/1996</u>
(1) <u>Psychiatry</u>	<u>None</u>	<u> </u>	<u>None</u>
(2) <u>None</u>	<u>None</u>	<u> </u>	<u>None</u> From <u> </u> To <u> </u>
Current Mailing Address			

400 DIVISION STREET, SUITE 1
SOUTH CHARLESTON, WV 25309-
 Previous Mailing Addresses:

Other States of Licensure (Past or Present) PA

Date of Address Change: 7/23/2001 Status:
PO BOX 492
STOLLINGS, WV 25646
 Date of Address Change: 4/20/1998 Status: Active
PO BOX 492
STOLLINGS, WV 25646

Date of Address Change: 7/1/1998 Status: Active
PO BOX 492
STOLLINGS, WV 25646
 Date of Address Change: 9/9/1996 Status: Active
8100 CAMBRIDGE ST. #2
HOUSTON, TX 77054

Exhibit 1

Exhibit 2

COMPLAINT COMMITTEE OF THE WEST VIRGINIA BOARD OF MEDICINE

101 Dee Drive
Charleston, West Virginia 25311
(304) 558-2921

Complaint Questionnaire

Please complete the following information concerning your complaint. Please attach any photocopies of documents, including medical records if available, that are pertinent to your complaint. State in detail all facts which you believe justify your complaint. If possible, state whether the information is within your personal knowledge, and if not, the source or sources of the information. (PLEASE PRINT OR TYPE)

1. Name of Complainant MARY WARD and Clinton Ward
Address 2418 McKinnley Av St Albans WV 25177
Phone 722 6611 leave message
2. Complaint Against (First and last name) Shiv Kumar Iyer
Address 400 Division St Suite 1
St Chas WV 25309 Phone 766 9509
3. Additional Information Required
 - a. What is the date that the practitioner cared for you? 1998-2001
 - b. Did any individual(s) treat you after the alleged incident? _____
If so, please specify name(s) and address(es) _____
 - c. Were you an inpatient or outpatient of any health care institution after or during the alleged incident? No
If so, please specify name(s) and address(es) _____
 - d. Have you contacted the practitioner about your complaint? Yes
What action was taken? He accused me of doing him wrong
 - e. Have you filed this complaint elsewhere? Not at this time
If so, please specify Suit is pending
What action was or is being taken? _____
 - f. If necessary, do you consent to the release of your medical records?
Yes

Please describe your complaint in detail (attach an extra sheet if necessary)

Dr. Lynn said in front of me and sexual things to my son Clinton & myself also referred to other clients and discussed how they wanted to have sexual encounters with my son. Referred to me as an unfit mother who was not fit to raise children & would not provide support for later. Ask me sexual questions about the size of my husband penis. Always ask my son about sexual activity with his girl friend. Ask him to bring him porno movies.

It is my opinion that Dr. Lynn has sexually harassed my son and myself and has cause damage to our relationship as a parent and son.

Dr. Lynn has also done this in front of witnesses.

PLEASE NOTE: In order to insure procedural due process, it will be necessary that we forward this complaint to the practitioner in question to be of assistance to you. **YOUR SIGNED COMPLAINT IS A MATTER OF PUBLIC RECORD.**

I certify that the above information is true to the best of my knowledge. I further state that I will voluntarily appear and testify to the facts in this complaint if called upon by the West Virginia Board of Medicine.

DATE 06/20/01

SIGNATURE OF COMPLAINANT

Mary Ward
Clinton Ward

Iyer and Associates
400 Division St.
Suite #1
South Charleston, WV 25309
(304)766-9509

July 19, 2001

West Virginia Board of Medicine
ATTN: Ahmed D. Faheem, MD
And Committee
101 Dee Dr.
Charleston, WV 25311

Dear Committee,

This letter is to respond to the complaint filed against me on 6-20-01 by Mary and Clinton Ward.

Please be aware that I have been treating Clinton Ward for diagnosis including Bipolar Disorder, Panic Attacks, Depression, Substance Abuse, and Personality Disorder for the past four years. This young man has presented with symptoms including obsessions with Satanism, sexual deviance and cross-dressing. He strives to "shock" his therapist, both male and female (as demonstrated in the attached medical records), with his sexually explicit behavior patterns.

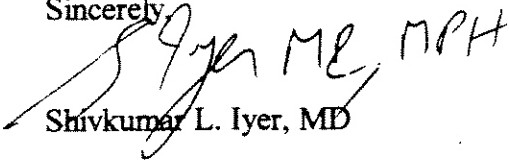
Therapy at times has been difficult at best with this patient, and he continues to exhibit, as documented. The patient's family often accompanies him to his appointments. At one such session, my recommendation to the patient was gainful employment. This seemed to agitate Mrs. Ward, after which time I began to receive harassing phone calls threatening a law suit if I did not pay them \$5,0000. I called the local Police Department around 5:00pm on May the 5th and reported the calls and threats to Officer Wagner. I was assured by Officer Wagner that the matter would be resolved, and gave it no further thought, until I received this complaint.

In response to the specific complaint by Mrs. Ward, let me assure you that I have at no time sexually harassed either Mary or Clinton Ward. These allegations have no basis, and I fail to understand why after following me to three different locations over the past four years, they would continue to see me if they did.

This complaint in my opinion is another ploy to try to extort money from me, or punishment for not paying the money they requested.

I have included documentation from two therapists that will substantiate the patients diagnosis and behavior patterns. I would also be available for any further questions or information you may have.

Sincerely,

 ME, MPH

Shivkumar L. Iyer, MD

REPORT OF INVESTIGATION

West Virginia Board of Medicine

Investigation Of: Shivkumar L. Iyer, M.D.
Psychiatry
400 Division Street, Suite 1
South Charleston, West Virginia 25309

Report By: Leslie A. Higginbotham *L.A.H.*
Paralegal and Investigator
West Virginia Board of Medicine
101 Dee Drive
Charleston, West Virginia 25311

Date: October 12, 2001

Complaint Number: 01-72-W

RE: Complainant Interview

- In June 2001, the Complaint Committee of the West Virginia Board of Medicine received a complaint from Mary and Clinton Ward against Shivkumar L. Iyer, M.D., with respect to unprofessional conduct. At the September 9, 2001, meeting of the Complaint Committee, the committee instructed that the Complainants provide a copy of their recorded medical appointment with Dr. Iyer.
- On September 25, 2001, the Board received a copy of Clinton and Mary Ward's taped medical appointment with Dr. Iyer. Upon reviewing the tape, the following conversations were discussed and recorded on the tape between Dr. Iyer and Mary and Clinton Ward.
- On the recorded tape, Dr. Iyer stated that Ms. Ward should give her son \$10,000.00 to move away from home if he wanted to and if she could not give him cash she should give him her credit card. Ms. Ward replied that she did not have \$1,000.00 let alone \$10,000.00 and she did not have a credit card. Dr. Iyer stated that any American that could not afford to give their child \$10,000.00 to move is a pitiful person and an unfit parent.
- Clinton stated that after two or three months of Dr. Iyer bothering him to bring him a porno tape, Clinton brought him a tape. On the recorded tape, Dr. Iyer stated that he watched the porno tape Clinton brought him and the porno tape was "Sick" "Gag" and that all the tape showed was "Mommy Boobs". Ms. Ward asked Dr. Iyer what kind of movie he was wanting and Dr. Iyer said "Something that shows it all".

picked up her mother's medication and she left it in her car and that is how Ms. Jesse's husband got the medication. Mrs. Cook stated that she along with Angie overheard the entire conversation as to how they were going to lie to the Board regarding this complaint.

Summary

- Mrs. Cook stated that when she looks back, she feels like such an idiot. Mrs. Cook's husband told Dr. Iyer, "We were his family, if you need us, we are here for you." Mrs. Cook stated that Angie thought enough of him that she had wanted him to be her child's Godfather. Mrs. Cook stated she told an employee to tell Dr. Iyer that her last words to him were, "Physician heal thyself".
- Mrs. Cook stated that she was pulled into Dr. Iyer's game from the beginning because he told her that Lincoln was his role model, he did not believe in adultery, fornication, lying or stealing. Dr. Iyer told Mrs. Cook that he believed in God and that he prays all the time. Dr. Iyer told Mrs. Cook that he wanted her to see about getting him baptized and teach him about God and the Bible. Mrs. Cook stated that when she looks back, she feels like such an idiot. Mrs. Cook stated that Dr. Iyer needs help and that he is an extreme danger to his patients and to the public.



- **Mr. Tom P. Kines, R.Ph.:** On April 11, 2002, I received a fax from Mr. Tom P. Kines, R.Ph., at Wal-Mart pharmacy in South Charleston with respect to his concerns regarding Dr. Iyer's prescribing habits of controlled prescriptions to his patients. On that same day, I contacted Mr. Kines and spoke with him about his concerns with Dr. Iyer. Mr. Kines stated that his pharmacy no longer honors Dr. Iyer's prescriptions due to the volume he was receiving. I asked Mr. Kines if he would fax me a printout of a list of any controlled substances written by Dr. Iyer to Crystal Acosta or Crystal Maynard. At this time, I have issued subpoenas to various pharmacies in Kanawha and Putnam counties to determine whether or not there is a problem with Dr. Iyer's prescribing habits. The numbers from the pharmacy printouts have not been compiled. (See Attachment).



- **Mr. William R. Hall, Psychologist:** On Monday, April 15, 2002, I received a phone call from Mr. Bill Hall, Psychologist, who rented office space from Dr. Iyer from January 2001 to April 12, 2002. Mr. Hall was located in the same suite as Dr. Iyer. Mr. Hall stated that his relationship with Dr. Iyer was on a sub-tenant basis and Mr. Hall would accept patients for psychological counseling from Dr. Iyer.
- On Tuesday, April 16, 2002, I interviewed Mr. Hall at the offices of the Board of Medicine. Mr. Hall stated that he no longer rents space from Dr. Iyer. Mr. Hall stated that over a period of time he began to notice some irregularities in ethical

practice, inappropriate behavior and prescribing habits that he became uncomfortable with regarding to Dr. Iyer.

- Mr. Hall stated that his first concern with Dr. Iyer was his vulgar tone, embarrassing, teasing remarks or jokes to his staff and patients. Mr. Hall stated that one day Dr. Iyer came out of his office with a female patient and Dr. Iyer was standing in the receptionist area with a miniature woman pen in a shape of a nude women and was laughing because the head of the woman would pull off and he made a vulgar, crude remark and this happened in front of his staff and patients. Mr. Hall stated that on one occasion he was in the chart room pulling a chart and Ms. Mrs. Cook was in the chart room filing and Dr. Iyer walked by and saw the two of them in the chart room and he asked what was going on in here and he turned off the light and closed the door and told us to have our privacy.
- Mr. Hall stated that in his opinion the second concern with Dr. Iyer was his inadequate assessment of patients. Mr. Hall stated that Dr. Iyer worked at a frantic pace. Mr. Hall stated that Dr. Iyer's medical check would frequently end inside of three (3) minutes per patient. Mr. Hall stated roughly nine (9) out of ten (10) adults seen appear to have the same diagnosis. Dr. Iyer's diagnosis was major depression and/or generalized anxiety disorder and the overwhelming majority of patients were treated with Xanax and Celexa.
- Mr. Hall stated that his third concern with Dr. Iyer was his habitual prescribing habits of controlled substances. Mr. Hall stated that he could count on one hand the patients that were referred to him were not on Xanax with any treatment plan to taper the patient off of Xanax. Mr. Hall stated in his estimation, Dr. Iyer would start patients on Xanax without an adequate assessment of current or past substance abuse including prescription drugs. Mr. Hall also saw no indication that the patients saw no risk that the patients were advised of the risk of becoming dependent of the medication. Mr. Hall stated that in his opinion, it became rather obvious that Dr. Iyer had been grossly over prescribing benzodiazepine. Mr. Hall stated that in his opinion, Dr. Iyer has his patients return for medical checks more frequently than seemed clinically necessary.
- Mr. Hall stated that the final straw with Dr. Iyer was when he came back from vacation and the office manager, Mrs. Cook and her daughter Angie Keyser were gone and another lady was there. Mr. Hall stated that the lady introduced herself as Crystal the new office manager. Mr. Hall asked Dr. Iyer who Crystal was and what happened to Mrs. Cook. Dr. Iyer stated to Mr. Hall that Crystal was his girlfriend and Mrs. Cook left because she could not accept him having another woman in his life. Mr. Hall asked Dr. Iyer if Crystal was ever a patient and did he have a current active patient file on Crystal. Dr. Iyer stated, "No, No, No, nothing like that, she is not a patient. You know how it is when you are friends with somebody, you may write them a prescription for this or that on occasion." Mr. Hall stated that he remembered Crystal had been a patient of Dr. Iyer because she would hang around in the reception area before and after her appointments. Mr. Hall stated that on one occasion, Crystal was the last appointment of the day and Dr. Iyer dismissed his staff and told them to go home as he took Crystal back into his office.
- Mr. Hall stated that a patient told him that Dr. Iyer was going to stop taking Medicaid patients. Mr. Hall asked Dr. Iyer if he was going to stop taking Medicaid patients and

Dr. Iyer replied, "Yes. I do not get paid in a timely manner and I am paying too much to the billing agency and I am to slow down like you and going for the "high rollers!"

- Mr. Hall stated that Dr. Iyer did talk to him about the complaint that was filed against him by Clinton and Mary Ward. Mr. Hall stated that Dr. Iyer stated that he did say those things to Clinton but that is the way you have to talk to Clinton.

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- **Ms. Lynette Holbert:** On April 24, 2002, I received a message from Ms. Holbert asking to speak with me to discuss concerns she has with Dr. Shivkumar L. Iyer while she was employed by Dr. Iyer. Ms. Holbert stated Dr. Iyer employed her as a receptionist/secretary from July 2001 through October 2001.
 - On April 29, 2002, I interviewed Ms. Holbert at her home in Milton, West Virginia. Ms. Holbert stated that Dr. Iyer hired her as a receptionist/secretary and about one-month into her employment, Dr. Iyer instructed her to do personal errands for him. Ms. Holbert stated that she had to go to the store, take his cat to the veterinarian, take his cat to have it shaved, feed his cat if he was out of town, and drive him around if his car was being fixed. Ms. Holbert stated that she felt that all of these private/personal errands were not in her job description but she was afraid not to do them. Ms. Holbert stated that Dr. Iyer was a type of person that was happy one minute and then in a split moment he could get very angry and a person never knew what to expect from him. On several occasions, Dr. Iyer would make her cry due to the way he treated her.
 - Ms. Holbert stated that Dr. Iyer asked her why she left her husband and Ms. Holbert explained why and Dr. Iyer made a comment to her that he knew hit men that could take care of her husband. Ms. Holbert stated that Dr. Iyer asked her why she had not divorced him yet and she stated that she would have to see an attorney during the day and she could not miss work. Dr. Iyer told Ms. Holbert to get an attorney and get rid of her husband. Ms. Holbert stated that she contacted an attorney in Huntington. Ms. Holbert had two appointments with her attorney and was twenty minutes late the first meeting and an hour and a half late the second time Dr. Iyer became very angry and forbid her to go back to her attorney. Ms. Holbert stated that she would not have gone to an attorney if Dr. Iyer had not suggested it to her.
 - Ms. Holbert stated that she would break out in hives due to the stress from Dr. Iyer and that on one occasion she told Dr. Iyer that she was going to take some Benadryl and Dr. Iyer told her not to take Benadryl that it would make her sleepy and he prescribed her Allegra. Ms. Holbert stated that Dr. Iyer was relaxed in his prescribing habits. Ms. Holbert stated that on one occasion, a patient returned to ask her a question about her prescription and Dr. Iyer had given her an extra blank prescription. Ms. Holbert stated that Dr. Iyer was always giving out samples of medicine and he did not keep track of the medication the patients were taking. Ms. Holbert stated he had a lack of respect for patient confidentiality because on one occasion, Dr. Iyer told a staff person to get some Viagra from the cabinet and give it to the patient, and Dr. Iyer told the patient's name in front of the staff. Ms. Holbert stated that pharmacists were always calling because they could not read his writing or they questioned his

prescriptions. Ms. Holbert stated that Dr. Iyer treated his patients like crap. Dr. Iyer told her to tell the patients to "Get the hell out if they cannot pay their co-pay." Ms. Holbert refused to tell the patients such a statement. Ms. Holbert stated that Dr. Iyer herds his patients in like cattle, the more the merrier and only spends an average of five minutes with each patient. Dr. Iyer would schedule patients at 10:00a.m. and not show up until 10:30a.m. and then he would leave for lunch at noon and not return until 2:00p.m. and call the office first to see how many patients were waiting on him and if there were not enough patients waiting he would tell Ms. Holbert to call him back when there were more patients waiting. Ms. Holbert stated that it was as though Dr. Iyer wanted an audience when he walked in the office. Ms. Holbert stated that Dr. Iyer became upset with her because he wanted more patients because he needed a jaguar and his mother needed a Rolex watch. Ms. Holbert stated that Dr. Iyer always gloated about his money in front of staff and patients.

- Ms. Holbert stated that on one occasion, Dr. Iyer told her that he had started lifting weights and that he had to use less water and more soap in the bath tub because of his muscles. Ms. Holbert stated that Dr. Iyer told her, "Come here, I want to show you how strong I am" at that point Dr. Iyer grabbed her wrist and twisted her arm and took her to the floor. Ms. Holbert stated that the pain was unbearable and it almost made her cry.
- Ms. Holbert stated that Dr. Iyer flirted with female patients and some of his female patients would bring him gifts. Ms. Holbert stated that Dr. Iyer made advances toward her but it was hard to figure out because she never knew if he was joking or being serious.
- Ms. Holbert stated that she knew about the Complaint filed with the Board regarding Ms. Jesse and her husband getting medicine from Ms. Kim Johnson. Ms. Holbert stated that Dr. Iyer was always prescribing medicine to Ms. Johnson. Ms. Holbert stated that Ms. Johnson would always come to the office after hours.
- Ms. Holbert stated that Dr. Iyer was like a child that did not know how to do anything. Ms. Holbert stated that she feels that Dr. Iyer is a danger to his patients and the public.

Attention: Leslie Higgenbotham

PREPARED BY	
DATE	

We have had concern over the prescribing habits of Dr. Shivkumar Iyer for some time now. We see a large number of controlled prescriptions for his patients. He seems to write for a lot of Xanax and Lor-tab.

Please feel free to call us if you have any questions.

Tom P. Kines RPh
Tom P. Kines
Wal-Mart #2036
2700 Mountaineer Blvd.
S. Charleston, WV 25309
(304) 746-1725

----- 01/01/2002 TO 04/10/2002
M E D I C A L E X P E N S E S Birthdate:12/11/1976

Patient: ACOSTA, CRYSTAL D. WAL-MART PHARMACY 10-2036
 R Party: 2700 MOUNTAINEER BLVD.
 RR 1 BOX 299-D S. CHARLESTON WV 25309
 WILLIAMSON WV 25661- RPh-TOM P KINES
 NABP:5009938 ID:BWS433026

Last Fill	Rx #	Drug Name	DAW	Physician Name	Price
Written	Tx #	NDC/DIN	DS	Ref#/Remain	Physician DEA
01/16/2002	4448623	AMBIEN 10MG	TA	15 3 Dr. IYER, SHIVKUMAR	
01/16/2002	1801768	00025-5421-31 15	0 0	BSS271313	39.98
01/16/2002	4448624	ALPRAZOLAM 2MG	TA	21 3 Dr. IYER, SHIVKUMAR	
01/16/2002	1801769	00378-4007-01 7	0 0	BSS271313	12.98
01/16/2002	4448625	HYDROCO/AFAP 7.5-750TA	15 3	Dr. IYER, SHIVKUMAR	
01/16/2002	1801771	00406-0360-01 2	0 0	BSS271313	10.84

Report Date: 04/10/2002

\$53.80

Attested To By: _____
 Registered Pharmacist

DEA AUDIT LOG

05/08/02

DRUG	UNIT	QUAN	DISP	RX	PATIENT NAME	ORIG	REFILL	REF	REF	PHAR	DR. NAME	DEA #	AUT:
DESCRIPTION				NUMBER		DATE	DATE	AUTH	NO.				BY
PATIENT ADDRESS					DOCTOR ADDRESS								
RALL XR 20 MG CAPSULE CA		30	30	2000270	MAYNARD, CRYSTAL	031202	031202	0	0	MAJ	IYER, S.	BS5271313	
RR1 BOX 299D					WILLIAMSON, WV25661	400	DIVISON STREET			SO	CHARLESTON	WV25309-1459	
RALL XR 30MG CAP CAP		30	30	2000271	MAYNARD, CRYSTAL	031202	031202	0	0	MAJ	IYER, S.	BS5271313	
RR1 BOX 299D					WILLIAMSON, WV25661	400	DIVISON STREET			SO	CHARLESTON	WV25309-1459	
OCODONE/APAP 5/500 TAB		30	30	4001872	MAYNARD, CRYSTAL	041202	041202	0	0	MAJ	IYER, S.	BS5271313	
RR1 BOX 299D					WILLIAMSON, WV25661	400	DIVISON STREET			SO	CHARLESTON	WV25309-1459	
*G R A N D T O T A L				TOTAL RXS	3	TOTAL QTY DISPENSED					90		

TOTALS DO NOT INCLUDE COMPOUND QUANTITIES

PHARMACY NAME BIG BEAR PHARMACY#1213 LICENSE #
ADDRESS 100 LIBERTY SQ. FEDERAL TAX ID 250716800
CITY, ST ZIP HURRICANE WV 25526 IRS # 250716800
PHONE (304) 757-0141

PHARMACIST NAME MAYNARD, CRYSTAL TELEPHONE () 235-7789
ADDRESS RR 1 BOX 299 FAMILY ACCOUNT # 003248
CITY, ST ZIP WILLIAMSON WV 256610000

PHARMACIST NAME MAYNARD, CRYSTAL BIRTHDAY 12/11/1976
PHARMACIST # 01 SEX F
PHARMACIST SECURITY # RELATION

#	RFL	NDC-#	DRUG-DESCRIPTION	DOCTOR-NAME	RFL-DATE	RPH/TCH	QUAN	DAY	3PTY#	CUST-\$
141		00591551305	CARISOPRODOL 350MG TABLET	IYER, SHIVKUMA	03292002	RBF	30	30		22.09
			1 TABLET AT BEDTIME							AUTH#
106		59762372101	ALPRAZOLAM 1MG TABLET	GRE IYER, SHIVKUMA	03292002	RBF	60	30		24.49
			1 TABLET TWICE DAILY							AUTH#
MEMBER 01 TOTALS										46.58

I HEREBY CERTIFY THAT THESE DRUGS AND MEDICINES WERE DISPENSED TO THE ABOVE NAMED
N(S) BY ORDER OF HIS (OR HER) PERSONAL PHYSICIAN.

PHARMACIST'S SIGNATURE *Erach Sullman RPh* DATE *5/6/02*

REPORT OF INVESTIGATION
West Virginia Board of Medicine

Investigation Of: Shivkumar L. Iyer, M.D.
Psychiatry
400 Division Street, Suite 1
South Charleston, West Virginia 25309

Report By: Leslie A. Higginbotham
Paralegal and Investigator
West Virginia Board of Medicine
101 Dee Drive
Charleston, West Virginia 25311

Exhibit 6

Date: May 9, 2002

Complaint Number:

RE: May 2, 2002, Board Subpoena to Dr. Iyer

- At approximately 1:20p.m., on May 8, 2002, I served three separate subpoenas on Dr. Iyer at his office in South Charleston, for the original and entire medical record on Ms. Kimberly E. Johnson, Mr. David Jesse and Ms. Crystal Maynard-Acosta.
- Dr. Iyer took me to his office and I handed him the subpoenas. Dr. Iyer looked at the subpoena's and said, "Oh not this again." I instructed Dr. Iyer not to speak with me until he contacted his attorney. Dr Iyer stated, "None of these are my patients. I don't have any records, none of these are my patients." I instructed Dr. Iyer to please contact his attorney and not to speak to me until he spoke with his attorney. Dr. Iyer asked me to please listen to him and he stated, "None of these are my patients." I once again instructed Dr. Iyer not to speak to me until he contacted his attorney. Dr. Iyer told me that he could not contact his attorney because his desk drawer was locked and he left his keys in Teays Valley. I asked Dr. Iyer what his locked desk drawer had to do with contacting his attorney and he stated that everything was in his desk drawer. At that time, I handed Dr. Iyer a letter from his attorney to me and told him that his attorney's phone number was on that document, please call him. Dr. Iyer told me he would and asked me to step out of his office. I waited in Dr. Iyer's office from 1:45p.m. until I was advised by Board attorney at 5:10p.m. that I could leave Dr. Iyer's office and that there would be no charts provided to the Board. I left Dr. Iyer's office at 5:10p.m. (Letter Attached)



R. Curtis Arnold, D.P.M.
South Charleston

Rev. Richard Bowyer
Fairmont

Ahmed D. Faheem, M.D.
Beckley

Angelo N. Georges, M.D.
Wheeling

Ms. Doris M. Griffin
Martinsburg

M. Khalid Hasan, M.D.
Beckley

J. David Lynch, Jr., M.D.
Morgantown

Carmen R. Rexrode, M.D.
Moorefield

Lee Elliott Smith, M.D.
Princeton

John A. Wade, Jr., M.D.
Point Pleasant

Kenneth Dean Wright, P.A.-C
Huntington

State of West Virginia

West Virginia Board of Medicine

101 Dee Drive

Charleston, WV 25311

Telephone (304) 558-2921

Fax (304) 558-2084

SUBPOENA DUCES TECUM

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN THE MATTER OF: Shivkumar L. Iyer, M.D.

TO: Shivkumar L. Iyer, M.D.
Psychiatry
400 Division Street, Suite 1
South Charleston, West Virginia 25309

Original subpoena issued in the matter of SHIVKUMAR L IYER M D was hand delivered to SHIVKUMAR L IYER M D at 1:20 PM on Thursday, May 2, 2002 at 400 Division St Suite 1 this 2nd day of May, 2002
Leslie A. Higginbotham
Leslie A. Higginbotham

WEST VIRGINIA BOARD OF MEDICINE

IN THE NAME OF THE WEST VIRGINIA BOARD OF MEDICINE: You are hereby commanded to provide the following described documents forthwith and without delay to the West Virginia Board of Medicine, its agents, and authorized representatives:

The original and entire medical record maintained by you or your facility or both, regarding the care and treatment rendered to Ms. Crystal Maynard, Crystal Maynard/Acosta or Crystal Acosta. Said records should include, but not be limited to, correspondence, prescription records, written and/or call-in prescriptions, reports of any nature, progress notes, nurses notes, laboratory results, radiological and operative reports, x-rays, notes, tape recordings, photographs, patient intake records, including histories, billing records, statements for services rendered, and any other type of billing statement or ledger card maintained, as well as any and all other information and/or documents maintained by you or your facility or both, regarding Ms. Crystal Maynard, Crystal Maynard/Acosta or Crystal Acosta.

For failure to comply with the commands of this Subpoena, you will be liable to the proceedings and penalties under the law.

DATE: MAY 2 2002

Sarjit Singh
Sarjit Singh, M.D.
President

BOARD SEAL

- | | | | | |
|--|---|--|---|--|
| PRESIDENT
Sarjit Singh, M.D.
Martinsburg | VICE PRESIDENT
Leonard Simmons, D.P.M.
Fairmont | SECRETARY
Henry G. Taylor, M.D., M.P.H.
Charleston | COUNSEL
Deborah Lewis Rodecker
Charleston | EXECUTIVE DIRECTOR
Ronald D. Walton
Charleston |
|--|---|--|---|--|

-
- On the recorded tape, Dr. Iyer began discussing Clinton's medication and stated that Adivan and Neurontin were "wonderful, wonderful, wonderful medicine. Welcome to la. la. land."
 - Dr. Iyer discussed on the tape that other women that have seen Clinton in the waiting room were asking questions about him. Dr. Iyer stated that, "some of the women liked Clinton's style and some of them want to just fuck."
 - On the recorded tape, Dr. Iyer stated that one of his eighteen year old female patient's was dating a sixty year old man. Dr. Iyer stated that he asked his patient why she was dating a sixty-year-old man and the patient said because he has an anaconda penis. Dr. Iyer asked Clinton if he had an anaconda and how big does "it" have to be before you call "it" an anaconda. Dr. Iyer asked Clinton how big his penis was and if it was around eleven inches. Clinton replied that he had never heard the expression of anaconda. After the anaconda discussion between Dr. Iyer and Clinton there was a discussion on tape about dreadlocks hair and the session ended.
 - On October 12, 2001, I interviewed Mary and Clinton Ward at the offices of the West Virginia Board of Medicine to discuss the nature of the tape and their complaint against Dr. Iyer. I told them that I had listened to the tape and drafted a report and I wanted to make sure that what was in my report was correct due to some parts of the tape being unclear. Mary and Clinton confirmed all the above reported was correct. Ms. Ward stated that Clinton started seeing Dr. Iyer when he was around seventeen (about two years ago). Ms. Ward stated that she always went with Clinton to his appointments but never went in until he came home from his March 3, 2001, appointment and told her that Dr. Iyer was asking about the size of his penis. Ms. Ward stated that because of Clinton's statement she spoke with an attorney and decided to tape record Clinton's session of March 30, 2001, which was his last session with Dr. Iyer. Ms. Ward and Clinton stated that they made an appointment for Clinton's next session but they never returned to Dr. Iyer after his March 30, 2001, appointment even though Dr. Iyer's medical records reflect an appointment on April 27, 2001.
 - Ms. Ward stated that Dr. Iyer used to work for Craig and Associate and was fired and then he went to ACE Counseling and left that business and opened his own private office. Clinton stated that it was only after Dr. Iyer opened his private office, the nature of his conversations changed with Dr. Iyer.
 - Clinton stated that Dr. Iyer told him not to tell anyone about our conversations because, "no one would understand our sense of humor."

Exhibit 3

October 31, 2001

West Virginia Board of Medicine
Attention: Complaint Committee
101 Dee Drive
Chareston, West Virginia 25311

Re: **Complaint**

To whom it may concern:

Enclosed please find my completed Complaint Questionnaire Form along with attached sheets. I ask that you process my complaint within your authority under the WV Code and under the procedures and guide lines established under the law.

I will be willing to meet with you and any of your agents to discuss this matter in order to provide any additional information, including names of my supporting witness's of the allegations contained in my complaint. In the event that you are in need of me signing a release in order for you to obtain my records please forward such to me so that I can sign and return such to you as soon as required.

Should you have any questions please feel free to contact me at the following phone numbers or by US Mail.

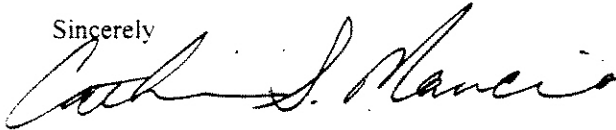
Home ph: 304-363-8648

Work ph: 304-598-2900

Address: 15 Spence Street

Fairmont WV 26554.

Sincerely



Catherine S. Mancino
15 Spence Street
Fairmont WV 26554.

COMPLAINT COMMITTEE OF THE
WEST VIRGINIA BOARD OF MEDICINE

101 Dee Drive
Charleston, West Virginia 25311
(304) 558-2921

Complaint Questionnaire

Please complete the following information concerning your complaint. Please attach any photocopies of documents, including medical records if available, that are pertinent to your complaint. State in detail all facts which you believe justify your complaint. If possible, state whether the information is within your personal knowledge, and if not, the source or sources of the information. (PLEASE PRINT OR TYPE)

1. Name of Complainant Catherine Sue Deal-Mancino
Address 15 Spence Street
Fairmont, WV 26554 Phone 304-363-8648
2. Complaint Against Dr. Shivkumar Iyer
Address Division Street
South Charleston, WV Phone _____
3. Additional Information Required
 - a. What is the date that the practitioner cared for you? Approx. Oct. 98 - Dec. 99
 - b. Did any individual(s) treat you after the alleged incident? Yes
If so, please specify name(s) and address(es) Mary Berry, MSW,
Chestnut Ridge Outpatient Services, 930 Chestnut Ridge Rd.
Morgantown, WV 26505
 - c. Were you an inpatient or outpatient of any health care institution after or during the alleged incident? Yes
If so, please specify name(s) and address(es) Allied Behavioral
Services, South Charleston, WV
 - d. Have you contacted the practitioner about your complaint? No
What action was taken? N/A
 - e. Have you filed this complaint elsewhere? No
If so, please specify N/A
What action was or is being taken? _____
 - f. If necessary, do you consent to the release of your medical records?
Yes

Please describe your complaint in detail (attach an extra sheet if necessary)

See Attachment A

PLEASE NOTE: In order to insure procedural due process, it will be necessary that we forward this complaint to the practitioner in question to be of assistance to you. **YOUR SIGNED COMPLAINT IS A MATTER OF PUBLIC RECORD.**

I certify that the above information is true to the best of my knowledge. I further state that I will voluntarily appear and testify to the facts in this complaint if called upon by the West Virginia Board of Medicine.

DATE 12-29-01 SIGNATURE OF COMPLAINANT

Catherine S. Deal-Morris

I, Cathy Mancino, upon information and belief, state as follows regarding the conduct of Shivkumar Iyer, M.D.:

1. Dr. Iyer is a physician licensed to practice medicine in the State of West Virginia. Dr. Iyer's specialty is psychiatry.
2. In approximately October, 1998, I began to see Dr. Iyer for depression and nervousness. My family physician, Dr. Paul Kuryla, had referred me to Dr. Iyer. (When I started my treatment with Dr. Iyer my name was Catherine Sue Deal; I was married to Richard Deal at the time.)
3. A few months into my treatment with Dr. Iyer my husband informed me that he wanted a divorce after 19 years of marriage. We separated in January, 1999 and my divorce became final a few weeks later. I was extremely depressed to the point of becoming suicidal through this period.
4. During the time that Dr. Iyer was treating me, Dr. Iyer and I developed a personal relationship in addition my patient relationship. Although it was not a sexual relationship, Dr. Iyer told me that Rosalin (his office manager) suspected an affair was going on. Although not a sexual relationship, it was a very close personal relationship. He would make very personal comments to me such as how I looked like a model and looked like Ms. Hollywood and that I could be a model because I was so beautiful. He said, "why did I have to pick him as Dr. Because we were perfect for each other and could have had a beautiful relationship." I developed a very strong attachment to Dr. Iyer, and told him so and he said that such feelings were not unusual for a patient and a psychiatrist. He told me I didn't need to see my psychologist Jack Todd, who I was in counseling with. Dr. Iyer told me that he could do my counseling and that I did not need Jack. Dr. Iyer told me that even though he did not do counseling, and only prescribed medicine, that he would counsel me. He made me feel very special, and as our personal relationship became closer I felt like I was under his complete control.
5. Dr. Iyer gave me his cell phone number, his home phone number and his car phone number. I had to go to North Carolina for surgery, and Dr. Iyer insisted that I call him as soon as I arrived in North Carolina and after my surgery to let him know how I was doing. I did call him from North Carolina. Our telephone calls became an every day thing and we talked about anything and everything, not anything to do with my mental state. He began calling me all day long and at least every 15 minutes to every ½ hour all afternoon long, after I would come home from work and he would insist on me to call him on my lunch break, so I would. He called so much at my job just to talk to me when I was employed at Healthscope that the office operator Jean got so aggravated at him calling me that she would say in a harsh tone, "It's that foreign man again." I was afraid to tell her that it was my psychiatrist. I was also afraid to tell Dr. Iyer that his calls were causing problems for me at work, and I was definitely afraid to tell him not to call.
6. Dr. Iyer was having a sexual relationship with a psychologist named Susan during this time, and he would talk with me about problems in their relationship. Susan wanted to go back to her old boyfriend who was a car salesman, and Dr. Iyer would say to me, "that he couldn't believe she would choose a car salesman over a Dr." because a car salesman was a peon to him and didn't make enough money and was uneducated or he would have a better job. Dr. Iyer started telling me all his problems and asking me for advice and yet I was the patient paying him for counsel. He would ask me what should he do concerning Susan and I would tell him. He called me so much at home that my two teen age daughters became irate because they said he was "screwing with my head" and he was suppose to be my Dr. but is in love with me. When he would call and they would answer the phone, they would yell loud so he would hear them, "Mom, it's HIM again, why doesn't he stop calling you so much?!" They would check the caller ID and see his home phone on it repeatedly and they would become irate and tell me to drop him as my Dr. but I was afraid not to answer his phone calls and return his calls when he would ask. I was afraid to tell him don't call or to just say plain NO. I don't know why I was afraid of him or afraid to say NO to him, but I was. He had called and was drinking scotch, which he drank when he was stressed out, and he called me crying and saying, "since Susan broke up with him, who was going to play the sesame street

characters and act them out, and who would play Bert, and Emie and that only Susan and himself could do that?" He began to scare me when he talked like that.

7. Dr. Iyer developed a fungus under his fingernails and he called me and asked me to call different dermatologist offices and set him up an appointment. I called around, but the dermatologists were booked up, so he saw a dermatologist in Logan.

8. Dr. Iyer had me to meet with him 2 - 3 times after dark at Ridenour Lake in Nitro to sit and talk. He stressed that it had to be after dark because someone might see us. He used to tell me not to talk on the cordless phone because someone might hear our conversation and he would ask me repeatedly if I was on the cordless phone.

9. Dr. Iyer asked me to take down a list of his patients' names and phone numbers and he wanted me to call everyone of them and tell him he was relocating offices and wanted them to still come to see him. He always told me that one day he wanted to hire me as his personal secretary because he liked the way I handled myself. So I had an ongoing list of patients to call (even though I could not afford to call long distance). I became afraid if I didn't call the patients he would get mad at me and he was going to call me back to make sure I called. So I called my friend Shondra that used to work at his office as a secretary and asked if she would take the ones that were long distance, and I would call the rest. She said she felt uncomfortable doing this because she did not work there any longer and she knew the patients. She acted fearful of Dr. Iyer as well and she eventually agreed to help make the calls. We called the patients, which I thought was strictly confidential when it is psychiatric related, and here I am his patient too and calling all the list of patients he insisted I was to call. One lady became irate and said, "This is not the Dr.'s office, this is a home residence and why is Dr. Iyer having you to call and who are you?" I explained that I was calling for Dr. Iyer at his request to call his patients and yes it was from my home phone.

10. After a many months of having a patient relationship and also a personal relationship with Dr. Iyer, I met and eventually married my husband Thomas Mancino in December, 1999. Dr. Iyer was still prescribing medication for me after this time, and my husband Tom was concerned about the amount of the medication. I took Tom with me to my appointment with Dr. Iyer and he (Dr. Iyer) was very surprised that I was married (I had not told Dr. Iyer about dating Tom prior to our marriage because I knew that he would be very critical of Tom and I did not want to hear it.) Dr. Iyer abandoned me as a patient, and I had much difficulty withdrawing from the medication he had prescribed for many months.

11. I am making this complaint to the West Virginia Board of Medicine because I now understand that the personal relationship that Dr. Iyer had with me was unethical and damaged me psychologically. I am only now, with treatment, beginning to understand why I was so afraid of Dr. Iyer, and how his treatment of me was an abuse of his power over me as my psychiatrist. The bottom line is, I went to Dr. Iyer for help, and he made me worse instead of better. When Dr. Iyer would call me, he would tell me that he was depressed, and then he began to make me feel depressed. I am filing this complaint in the hope that this complaint will cause the Board of Medicine to investigate Dr. Iyer's conduct and prevent his abusing other patients the way he used and abused me. I continue to suffer feelings of guilt, shame, embarrassment and much fear when I think about Dr. Iyer and our relationship. Dr. Iyer brought much confusion into my life at a time when I needed help, not hurt; and he played "mind games" with me at a time when I was most vulnerable – and he knew it. In addition, I fully understand now that Dr. Iyer violated the trust of his other patients by giving me their names and phone numbers to call for him. Dr. Iyer said and did many other things which were also wrong, which I have not included in this complaint but will testify about if requested.

Attachment A

S. Iyer, M.D. and Associates

Psychiatric/Psychological Services

November 6, 2001

West Virginia Board of Medicine
Angelo N. Georges, MD
Acting Chair, Complaint Committee
101 Dee Drive
Charleston, WV 25311

RE: Complaint No. 01-135-D, Catherine Sue Deal-Mancino

Dear Committee,

This letter is in response to the complaint filed by Mrs. Catherine Mancino, whom I treated while working in the practice known as Allied Behavioral Services, which has since closed.

Mrs. Mancino originally came to me for treatment because she claimed she has been sexually abused by a prominent surgeon in Charleston whose name I cannot recall at this time. She claimed she was trying to sue him, and was very angry because she could not get an attorney to accept the case. During this time, her husband requested a divorce, therefore adding to her anger and depression.

My relationship with this patient was that of a physician and patient, and nothing more. I treated her as I do all my patients, with respect and professionalism. However, this particular patient expressed the desire to have a more personal and even a sexual relationship with me. I explained to the patient that maybe it would be best for her to seek another psychiatrist for further treatment, but she chose to remain as a patient, and even sent me the enclosed card. As you can see from the card, she expresses appreciation for her treatment, and then switches gears to talk about her sexual desire for "men of other nationalities", certainly odd behavior for someone who was as afraid of me as she claims to have been.

The patient later married again, and continued treatment, even bringing her husband with her for several sessions.

There is no truth to any of her claims of secret meetings or borderline harassing phone calls. In fact, I had not seen this patient, or had any contact with her since my leaving

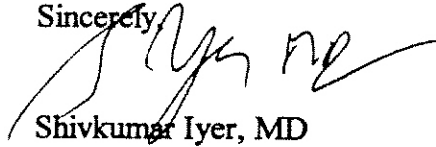
S. Iyer, M.D. and Associates

Allied Behavioral Services a ^{Psychiatric/Psychological Services} couple of years ago, until recently when I ran into her while doing my rounds at Thomas Memorial Hospital (apparently she is employed there). We simply exchanged pleasantries and I went about my work.

I am unsure as to why this patient would create these stories and file this complaint, but I certainly can assure you that there is no truth to any of her claims. It is my professional opinion that this patient is still in need of treatment and possibly still suffering from the same sexual disillusionments as she has in the past.

If I can be of further assistance in the matter, please let me know.

Sincerely,



Shivkumar Iyer, MD



The
Inspiration
of
AMANDA
BRADLEY

hallmark.com



U.S.A. 1.25
Canada 1.55
T 28-4
© HALLMARK CARDS, INC.
KANSAS CITY, MO 64141
TORONTO, CANADA M2J 1P6
MADE IN U.S.A.



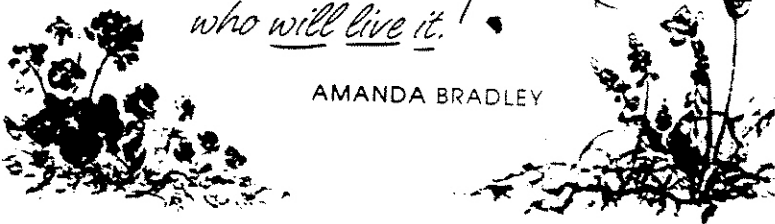
*It only takes one smile
to offer welcome... +
and blessed be the person "yourself"
who will share it!*

*It only takes one moment to be helpful...
and blessed be the person "yourself"
who will share it!*

*It only takes one joy to lift a spirit...
and blessed be the person "yourself"
who will give it!*

*It only takes one life
to make a difference...
and blessed be the person "yourself"
who will live it!*

AMANDA BRADLEY



to pray for Kevin Castro
(man in India), I told
I desired so much
have a very special
relationship with, more than

Blessed are those
who (give) " "
of themselves."

thing else. I don't know
it is about him but
lost all interest in
those drug representatives
told you about my heart
I hope you keep this
confidential - (but I
specially have gotten extremely
red and turned on to her
imagine how men of other
nationalities know how to make
women scream with sexual
act. I can't get
out of my head and it trucks
everytime I think on it.
makes it difficult to concentrate
I will get to experience that

in my
I know this card
may seem silly to give
because you probably see
the words I've underlined
on the card as part

Thank you

for all the wonderful
things you've done
for me!!!

of you for, but you
see it takes someone with
special heart and with a special
heart to do what you're for
requires, and people are
constantly demanding a lot
of your time and so I was
to take this time to say
"Thank you from the very
depths of my heart!!!"
Catherine Deal

December 10, 2001

US Mail and Fax

West Virginia Board of Medicine
Attention: Mr. Ronald D. Walton
101 Dee Drive
Charleston, WV 25311

Re: Complaint No: 01-135-D

Dear Complaint Committee:

I have had a chance to review the response of Dr. Shivkumar Lakshmina Iyer dated November 6, 2001 that was attached to your correspondence to me. I point out that date of your letter must have been a typo since it has the date of October 13, 2001.

I would like the opportunity to address several issues that Dr. Iyer has failed to be truthful and forthright about in his response dated November 6, 2001. It is clear from his response that he has made false and misleading statements. Where he states that he left Allied Behavioral Services. This may be so however, prior to that I had tried to call several times to discuss my medications that were changed by him prior and I was going into a desperate state and left frantic messages at the office. He never returned my calls and just ignored them. I ultimately contacted my family doctor that provided me with the correct medication. I feel as if he abandoned me as his patient. Nor did I ever receive notice of his leaving the practice of Allied Services or from him. No one even to date has check or called on me to see how I have been, this even after my frantic phone calls to his office about the state I was in.

Dr. Iyer also states that my current husband attended several of my visits with me this is not correct either. The fact is there may have been two visits prior to Dr. Iyer abandoning me after we were married. The records should reflect this, per we were married on December 11, 1999, and my husband attended all my visits after we were married. I must also point out if as Dr. Iyer states I was wanting a sexual relationship with him. I ask why then did he not refuse to see me and refer me to another doctor, no he does it when I have remarried. Was that because he seen a threat to his control over me and or was it the fear that I may have told my husband about the things Dr. Iyer had me doing. Along with his constant calling me at work and at home and meeting him away from his office. I was seeking his help for my mental health and I at no time sought to have a sexual relationship with him other than as a patient.

I can and will provide a list of witness's that can collaborate my charges contained in my complaint and rebut his responses. Upon due notice by you I will be able to meet and bring forth the names of witness's so that they may be interviewed and or called to testify before your committee.

Sincerely



Catherine Sue Deal-Mancino

REPORT OF INVESTIGATION
West Virginia Board of Medicine

Investigation Of: Shivkumar L. Iyer, M.D.
Psychiatry
400 Division Street, Suite 1
South Charleston, WV 25309

Report By: Leslie A. Higginbotham *LH*
Paralegal and Investigator
West Virginia Board of Medicine
101 Dee Drive
Charleston, WV 25311

Exhibit 4

Date: April 22, 2002

Complaint Number: 01-135-D

RE: Complainant Interview

- On January 30, 2002, I interviewed the Complainant, Mrs. Catherine S. Deal-Mancino regarding the allegations in her complaint against Shivkumar L. Iyer, M.D.
- Ms. Mancino was referred to Dr. Iyer by her family physician for nervousness and anxiety. Ms. Mancino stated that she was treated by Dr. Iyer when he was employed with Fred J. Kreig, Ph.D. Associates/Alliance Behavioral Services, Inc. Ms. Mancino stated that after her divorce from her husband and approximately one to two months into her treatment with Dr. Iyer, Dr. Iyer's phone calls began to the patient. Dr. Iyer would constantly call her at home and her place of employment. Dr. Iyer called the Complainant so much that her children and her employer knew his voice and became very annoyed and angry at his repeated phone calls. Ms. Mancino stated that most of the phone calls were about him as to whether or not women found him attractive, if the Complainant thought he was attractive, if she thought there was anything about him women would not want. Ms. Mancino stated that a lot of times when Dr. Iyer would call her he would be drinking or he was drunk.
- Ms. Mancino stated that her relationship with Dr. Iyer never became physical, however, she believes that their relationship was heading in that direction. Ms. Mancino stated that there became a point in their relationship when she started meeting Dr. Iyer late at night at a park. Dr. Iyer was very paranoid about their relationship. Dr. Iyer would always meet her at night and he would always tell her to talk low during her sessions because the staff will be listening and to never to talk on a cordless phone. Dr. Iyer told Ms. Mancino, "You have to take everything we do to your grave."
- The Complaint stated that when Dr. Iyer decided to leave Fred J. Kreig, Ph.D. Associates/Alliance Behavioral Services, Inc., Dr. Iyer asked Ms. Mancino to do him a favor and contact some of his patients. Ms. Mancino stated that Dr. Iyer gave her

the names and phone numbers of patients and asked her to call each one and tell them that he was going to be relocating to a different facility and that he wanted to keep them as a patient. Ms. Mancino stated that the list he gave her was almost all long distance phone calls so she asked a lady that worked in the office to help make the phone calls to the patients. Ms. Mancino stated that she knew that Dr. Iyer would get mad if she did not make the phone calls and she was afraid not to make the phone calls. After Ms. Mancino made the phone calls to the patients, she called Dr. Iyer and told him that the patient phone calls had been made but that she had someone help her and Dr. Iyer had no problem. Ms. Mancino stated that she would have had no way of getting patient names or phone numbers of Dr. Iyer's patients unless Dr. Iyer gave them to her.

- Ms. Mancino stated that the card she wrote to Dr. Iyer was written at the beginning of their patient/physician relationship and it was right after her divorce. She stated that the card was in reference to a missionary in Mexico and that it had no reference to Dr. Iyer. Ms. Mancino stated that Dr. Iyer begged her to tell him her sexual fantasy and the Complainant stated that she could not do that because she did not feel comfortable. Ms. Mancino stated that after much pressure from Dr. Iyer to tell him her sexual fantasy, she wrote it out and gave it to him.
- The Complainant stated that throughout her relationship with Dr. Iyer, he demonstrated bizarre behavior and conduct that was concerning. Ms. Mancino stated that Dr. Iyer would tell his patients, "If you get too stressed, have a glass of scotch." Ms. Mancino stated that he would put her on speaker phone when he would call her from his house and tell her to talk to him and a his cat. The Complainant was told by a former staff employee that on one occasion Dr. Iyer went out into his waiting room in front of his welfare patients and asked who was going to be seen first, so he could make his payment on his Porsche or whatever car he drove at the time. Ms. Mancino stated that one particular time Dr. Iyer called her and he was drunk and he started crying because a lady named Susan broke up with him and said, "What am I going to do? Susan and me are the only ones that can do Bert and Ernie. Who's going to do the characters?" Ms. Mancino stated that Dr. Iyer did not tell her what they did as Bert and Ernie and she did not ask. Ms. Mancino stated that the whole conversation made her uncomfortable. Ms. Mancino stated that Dr. Iyer had her taking Xanax 3mg as often as she needed it. When she realized she became addicted to the medication, she told Dr. Iyer she wanted to go off the medication. Dr. Iyer told her to just stop taking the Xanax that she did not need to be tapered off the medicine. Ms. Mancino has since learned from her present treating physician, you must be tapered off Xanax.
- Ms. Mancino stated that when she married her husband, he went to three sessions with her to Dr. Iyer and he refused to go back. Ms. Mancino told her husband what happened with Dr. Iyer and they talked with an attorney friend who advised Ms. Mancino to do something. The Complainant stated that at the time, she was still living in Charleston and could not face him because she was scared to death of Dr. Iyer. After the Complainant moved to Fairmont, she knew that she would not run into Dr. Iyer on a daily basis and she was tired of being afraid of him. The Complainant stated that she realized she needed to file a complaint because it was the right thing to do.

REPORT OF INVESTIGATION
West Virginia Board of Medicine

Exhibit 5

Investigation Of: Shivkumar L. Iyer, M.D.
Psychiatry
400 Division Street, Suite 1
South Charleston, West Virginia 25309

Report By: Leslie A. Higginbotham
Paralegal and Investigator
West Virginia Board of Medicine
101 Dee Drive
Charleston, WV 25311

Date: May 2, 2002

Complaint Number:

RE: Witness Interviews

- ***Mrs. Kathy Cook:*** On April 4, 2002, I received a message from Mrs. Cook asking to meet with me to discuss Dr. Shivkumar L. Iyer. On April 5, 2002, I met with Mrs. Cook and her daughter Mrs. Keyser in Chapmanville, West Virginia. Mrs. Cook was a former employee of Dr. Iyer. Dr. Iyer employed Mrs. Cook as the office manager from September 2001, through March 29, 2002. Mrs. Cook met Dr. Iyer at Logan Mingo after her by-pass surgery in May 1998. After she met Dr. Iyer, he began to talk and schedule her appointments closer together. After about a year Dr. Iyer said she didn't need to see him as a doctor, that there was nothing wrong with her other than her home life and depression over her heart surgery. Mrs. Cook stated that after Dr. Iyer discharged her he told her now that she was no longer his patient he wanted to be friends. Mrs. Cook stated that Dr. Iyer gave her his beeper number, home number and his cell number. Once he discharged her that was when the phone calls started. Mrs. Cook told Dr. Iyer she was an ordained minister and Dr. Iyer replied that she could help him and he could help her. Dr. Iyer started calling her and they would talk about moral issues and things. Dr. Iyer stated that he was lonely, and he needed a friend. He didn't have any family so he became a part of her family.
- Dr. Iyer asked Mrs. Cook's daughter, Angie Keyser to work for him in July 2001. Dr. Iyer asked Mrs. Cook to come into the office a couple of days a week because he needed a mature person to look after the office. Mrs. Cook stated that she worked for Dr. Iyer for no pay until Dr. Iyer met with the Complaint Committee and was told that it was illegal for people to have access to patient records that were not employed. At that time, Dr. Iyer made her Office Manager and she began to get paid.

- Mrs. Cook stated that Dr. Iyer started turning things around like she was attracted to him and she told him that when she told him that she loved him and cared about him it was as a brother and that she would never love him in that way and she would never ever be sexually attracted to him. Mrs. Cook stated that Dr. Iyer has a way of convincing you into thinking his way and he plays mind games with your head.
- Mrs. Cook stated that at one time Dr. Iyer wanted to buy her a home and he asked her to pretend that he put her in a hospital and they could run off together. At the time, Mrs. Cook stated that she thought he was joking, but now she realizes he was not joking.

Bizarre Unethical Behavior

- Mrs. Cook stated that on one occasion a lady came to the office selling lingerie and Dr. Iyer went out into the waiting area with a room full of patients and put on the bras and modeled them in front of the patients. Mrs. Cook stated that Dr. Iyer then took the Lingerie lady back into his office to look at her book and when the lady came out she told Mrs. Cook that Dr. Iyer wanted to know if she had a "pocket pussy". Mrs. Cook stated that she has never been so embarrassed and humiliated in her life.
- Mrs. Cook stated that when she was still working at Dr. Iyer's office and Crystal Acosta started working there and both her and Dr. Iyer would walk around in the office with sunglasses on. Mrs. Cook stated that she told Dr. Iyer that he looked ridiculous.

Patient Care and Prescribing Habits

- Mrs. Cook stated that she knew of two patients that never showed up for their appointments but Dr. Iyer would have an employee take their bills to them and have the patients sign them and give them their prescriptions without coming to Dr. Iyer's office for treatment.
- Mrs. Cook stated that she was aware of one six year old patient that Dr. Iyer was treating for ADHD and conduct disorder and Dr. Iyer had the child on Aderall, Ritalin, Lithium, Concerta and Luvox. Mrs. Cook stated that this patient was always checking into the hospital and his skin looked as though it was literally coming off. Mrs. Cook stated that another patient of Dr. Iyer's overdosed on Valium and ended up at CAMC and she heard that patient was brain dead.
- Mrs. Cook stated that his Medicaid patients were treated like crap. Mrs. Cook stated that Dr. Iyer would refuse to talk to patients that would call seeking help. Dr. Iyer would tell her, "Blow them off, no one is suppose to bother me. My patients admire me, they won't get mad at me." Mrs. Cook stated that the patients that paid the \$100.00 cash were seen first and the Medicaid patients were put in the back. Mrs. Cook stated that she has seen Dr. Iyer clear a room full of patients in fifteen minutes.
- Mrs. Cook stated that Dr. Iyer would keep pretty female patients back in the room for hours. Mrs. Cook stated she heard Dr. Iyer ask one young female patient that was dating an older man, "How could you go out with a man that old, his penis must be like a prune."

- Dr. Iyer hired one particular employee in October 2001, and medicine from the sample medicine cabinet started coming up missing. Mrs. Cook took all keys to the sample cabinet and started keeping inventory of the medicine. On one occasion, Angie saw that particular employee take medicine from the sample cabinet and asked her why she was taking the medication and that employee replied that Dr. Iyer told her she could have the medicine.

Patient/Physician Sexual Relationship

- In January 2001, Dr. Iyer began treating a patient by the name of Crystal Acosta. On Crystal's fourth appointment, Dr. Iyer made Crystal sit all day and he kept calling her back to his office. Mrs. Cook asked Dr. Iyer what he was doing and he said he was doing private counseling with Crystal. Mrs. Cook stated that she and Mr. William Hall noticed when Crystal came out of Dr. Iyer's office, her neck was red and her hair was messed up. Mr. Hall stated to Mrs. Cook that "What Dr. Iyer is doing, he should not be doing" and he warned Dr. Iyer. Mrs. Cook stated that around 6:00 p.m. on that same day, Dr. Iyer dismissed all the employees (like we were peasants) and Crystal was still in the office. Mrs. Cook looked at Dr. Iyer and told him, "Don't do what you are about to do". Dr. Iyer said, "What are you talking about". After Mrs. Cook went home, she realized Dr. Iyer needed help. Mrs. Cook called him and left the following message on the answering machine, "Shiv you really hurt my feelings. We have been friends for a long time. I cannot understand why you dismissed us in such a manner. Shiv, I am your friend, we have been friends for years. If you think I'm trying to hurt you, I'm not, I'm trying to help you. If I have hurt you, I am asking for your forgiveness but, don't do this with this patient."
- Dr. Iyer called Mrs. Cook back and stated, "The recording you left was clearly a sign of a woman who is sexually attracted to me." Mrs. Cook told him, "Yes. I do love you, but like a brother. You mean the world to me but not in that form. I have never and nor will I ever feel that way about you. I am trying to help you, don't do this with that patient, it's wrong."
- Mrs. Cook stated that at one point Crystal Acosta started introducing herself as Crystal Maynard, Dr. Iyer's girlfriend and stated that they were going to get married. Crystal started showing pictures of her and Dr. Iyer together. Mrs. Cook stated that Crystal convinced Dr. Iyer to stop taking insurance and take cash only. Mrs. Cook stated that Dr. Iyer told them to refuse any patient unless they could pay the \$100 per visit. Dr. Iyer called Medicaid patients "slime". Mrs. Cook stated that Dr. Iyer said, "Patients will pay the \$100 because they got to have it, if nothing else, just to see me. Seeing me is enough." Dr. Iyer also stated to Mrs. Cook, "I should not have to pay the women that work for me because it is a privilege just to be around me." Mrs. Cook stated that Dr. Iyer told the office-staff not to write any log sheets and/or receipts and he collected all the receipt books and billing.
- Mrs. Cook stated that Crystal convinced Dr. Iyer that he should not take any more new Medicaid and new Workers' Compensation patients. They only had private pay patients.
- Mrs. Cook stated that Dr. Iyer bought clothes for Crystal to match her clothes. Dr. Iyer knew where Mrs. Cook bought her clothes and makeup. Mrs. Cook stated that

Dr. Iyer would say to her that Crystal reminded him of her. Mrs. Cook stated that she told Dr. Iyer not to identify her with Crystal.

- Mrs. Cook stated that Dr. Iyer told her that he frequently takes Crystal to see her husband, Dr. Acosta, in jail. Mrs. Cook asked Dr. Iyer did he not have any shame and Dr. Iyer stated that Dr. Acosta had given them his blessing.
- Mrs. Cook stated that on one occasion Dr. Iyer was in her kitchen and started talking about his relationship with Crystal when she was a patient of his and other bad, immoral stuff. Mrs. Cook stated to Dr. Iyer, "Let me tell you something, that's wrong." Dr. Iyer replied, "Why can't you agree with me one time, why do you always have to say something back?" Mrs. Cook stated to Dr. Iyer, "Because I will never sell out my morals and character for anybody, for any amount of money. My soul, salvation, morals and character mean more to me than anything and you remember that and when you say something that is right, I will say that's right. But as long as you keep doing what you're doing with Crystal and saying what you're saying, I will not agree with you, ever."
- Mrs. Cook stated that on Tuesday, April 2, 2002, Crystal came into Dr. Iyer's office and told them all, "I'm taking over now. From now on, none of you are to go to Dr. Iyer about anything, I rule and I will make all the decisions for this place." Mrs. Cook stated that at that point, she and Angela handed in their keys and stated that they would have no part of this. Mrs. Cook told an employee to tell Dr. Iyer to stop calling her, that any friendship they ever had, was over and dissolved.

Dr. Iyer's Comments Regarding a Complaint Committee member and investigator

- Mrs. Cook stated that after I served the Board subpoena at Dr. Iyer's office, Dr. Iyer asked Mrs. Cook if I was smiling when I left and if she thought I was attracted to him. Mrs. Cook stated to Dr. Iyer, "No, I don't think so!" Dr. Iyer asked Mrs. Cook if she was sure and she told Dr. Iyer that I was a professional woman doing my job and that I appeared to be a lady that goes home to her husband and to church on Sunday like the rest of us.
- Mrs. Cook stated that Dr. Iyer told her that he was not worried about money, he had plenty of money. Dr. Iyer also told Mrs. Cook that he wasn't worried about the Board, it was his office and he would do what he wanted to do. Dr. Iyer stated to Mrs. Cook that "I have the Minister on the Complaint Committee snowed."
- Mrs. Cook stated that Dr. Iyer would call her at 3 or 4 o'clock in the morning worried about what the Complaint Committee was going to do to him. Dr. Iyer asked Mrs. Cook to pray for him. Mrs. Cook stated that she told Dr. Iyer, "If you haven't done anything you should not be worried." Mrs. Cook stated that she prayed for Dr. Iyer many nights. Mrs. Cook stated that she even took him a cross and put it around his neck and told him that if he was innocent, God would protect him and look after him." Mrs. Cook stated for Dr. Iyer to now say the filth he has said about me, is an insult and I refuse to take that.

Dr. Iyer's comments regarding the Complaints filed against him with the Board

- Mrs. Cook stated that she knew about the complaints filed against Dr. Iyer at the Board because he talked to her about them.
- 1. Clinton Ward and Mary Ward, Complaint Number 01-72-W: Mrs. Cook stated that Dr. Iyer stated to her that Mary Ward was the ugliest, hideous woman he had ever seen. Dr. Iyer told Mrs. Cook that he did tell Ms. Ward that she was an unfit mother because she would not give Clinton \$10,000.00 to go to New York. Dr. Iyer told Mrs. Cook that Clinton did bring him dirty movies and he did watch them because he wanted to see what they were like and he found them funny. Mrs. Cook stated that she asked Dr. Iyer why he had all this nasty filthy talk with Clinton and Dr. Iyer replied that you have to get down to their level and get into their mind because that is the only way they will relate to you. Mrs. Cook stated that Dr. Iyer did ask Ms. Ward how large her husband's penis was. Dr. Iyer stated to Mrs. Cook that he had to ask that question because that is the way you have to relate to these people.
- 2. Catherine S. Deal-Mancino, Complaint Number 01-135-D: Dr. Iyer stated to Mrs. Cook all kinds of horrible things about Ms. Deal. Mrs. Cook stated that Ms. Deal had a colostomy bag and Dr. Iyer commented to Mrs. Cook, "What in the world would I want with a woman with a colostomy bag?" When Dr. Iyer showed Mrs. Cook the complaint Ms. Deal filed against him, she began to piece it together and realized that it described Dr. Iyer through and through. Mrs. Cook stated that what Ms. Deal was saying was true. She stated, "I know it's the truth because I know him now, he is a evil man. Mrs. Cook stated that Dr. Iyer is conniving and sneaky, and is always making out like he is innocent. Mrs. Cook stated that when she read the complaint by Ms. Deal, it began to sink in with me and things he tried to get me to do. For instance, Dr. Iyer said to Mrs. Cook. "If you and your husband are not getting along, you can move in with me." Dr. Iyer offered to buy Mrs. Cook a house if she wanted him to. Mrs. Cook told Dr. Iyer that she had a house, why would she want his. Dr. Iyer replied that he just wanted Mrs. Cook to know that there was nothing that he wouldn't do for her. Mrs. Cook told Dr. Iyer that that was nice to know that she had a good friend like him that she could depend on.
- Mrs. Cook stated Dr. Iyer told her that he should hire a hit man. Dr. Iyer asked Angie about a hit man, Dr. Iyer told Angie that he heard that where she lived people would do it for a twelve pack of beer. Mrs. Cook told him, "You don't want to do that, you're just blowing off steam." Dr. Iyer replied, "No, I want to kill them, fucking kill them." Mrs. Cook stated that Dr. Iyer was referring to Clinton Ward, Mary Ward and Catherine Deal-Mancino.
- 3. Brenda Jesse, Complaint Number 02-04-J: Mrs. Cook stated that Dr. Iyer was confronted by Ms. Jesse with respect to the medication her husband received from Kim Johnson. Mrs. Cook stated that Dr. Iyer replied to Ms. Jesse that he could do that because he could give medication to any of his friends he wanted to and he wrote it down in a little black book. Mrs. Cook stated that after Ms. Jesse confronted Dr. Iyer, he and Kim Johnson began to come up with a lie that they were going to tell the Board when they found out. Mrs. Cook stated that Dr. Iyer instructed Angie to make up a chart under Kim Johnson's mother's name and he would say that the medication was for Kim's mother who lived in North Carolina but was visiting Kim and Kim

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

Petitioner,

v.

SHIVKUMAR L. IYER, M.D.,

Respondent.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Shivkumar L. Iyer, M.D., ("Dr. Iyer") freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code §30-3-14(o).

FINDINGS OF FACT

1. Shivkumar L. Iyer, M.D., heretofore was issued a license to practice medicine and surgery in the State of West Virginia, License No. 18736.

2. Dr. Iyer's license was **SUSPENDED** by "**Order of Summary Suspension of License to Practice Medicine and Surgery With Notice of Hearing**" Entered on May 13, 2002, and the "**Amended Order of Summary Suspension**" Entered on May 28, 2002.

3. On January 5, 2002, Dr. Iyer appeared before the Complaint Committee of the Board and had a full discussion with the Complaint Committee as to his health, well being, competence and practice.

4. Whereupon, in January, 2002, the Complaint Committee recommended and the Board approved further investigation of matters concerning Dr. Iyer.

5. Further investigation revealed evidence of “immediate danger to the public” warranting suspension of Dr. Iyer’s license by summary proceeding pursuant to W.Va. Code §30-3-14(k).

6. Dr. Iyer has cooperated with the Board regarding evaluation and remediation, if any, of Dr. Iyer’s capacity to practice medicine and surgery.

7. The Board has determined that, under the West Virginia Medical Practice Act, permitting Dr. Iyer to resume the practice of medicine and surgery in the State of West Virginia without limitation would adversely affect the health and welfare of a patient, and the Board’s duty to protect the public would not thereby be fulfilled.

8. Dr. Iyer demonstrates good faith by his willingness to undergo evaluation at the Colorado Personalized Education for Physicians (CPEP) at his own expense, and further agrees to comply with recommendations, if any, for remediation, if any, developed by the Board based on the results of his CPEP evaluation and the Board’s good judgment, and further enters into the Consent Agreement hereby Ordered.

9. Dr. Iyer expressed an interest in entering into this present Consent Order, and further Consent Orders, if any, in order to bring this matter to resolution.

CONCLUSIONS OF LAW

1. As a matter of public policy, the provisions of the West Virginia Medical Practice Act have been enacted to protect the public interest. W. Va. Code §30-3-1.

2. Pursuant to the W.Va. Code §§ 30-3-14(c)(8), (11), (12), and (17), and 30-3-14(j) and (k), and 11 CSR 1A 12.1(e), (j), (r), and (u), and 11 CSR 1A 12.2(d), and 11 CSR 3 10.16, all relating to unprofessional conduct, inappropriate influence upon a patient for improper purpose, and unsatisfactory medical records, and further relating to the Board's jurisdiction and powers, probable cause exists to take action against Dr. Iyer's license to practice medicine and surgery in the State of West Virginia and to **SUSPEND** said license by summary proceeding.

3. Dr. Iyer acknowledges a lapse in judgment relating to certain behaviors.

4. Dr. Iyer demonstrates good faith by his willingness to undergo evaluation at the Colorado Personalized Education for Physicians (CPEP) at his own expense, and further agrees to comply with recommendations, if any, for remediation, if any, developed by the Board based on the results of his CPEP evaluation and the Board's good judgment, and further enters into the Consent Agreement hereby Ordered; therefore, it is appropriate to waive the commencement of proceedings against Dr. Iyer in this matter and to proceed without hearing, provided that certain accommodations, restrictions, and limitations are placed upon Dr. Iyer's license to practice medicine and surgery in the State of West Virginia, License No. 18736. W.Va. Code §30-3-14(o).

CONSENT

1. **Shivkumar L. Iyer, M.D.**, by affixing his signature hereon, agrees to the following for purposes of this agreement, the entry of this Consent Order, and proceedings conducted in accordance with this Consent Order.

- a. Dr. Iyer acknowledges and is fully aware that, without his consent, here given, no permanent legal action may be taken against him except after a hearing held in accordance with W. Va. Code §30-3-14(h), §30-1-8(b), and §29A-5-1, *et seq.*
 - b. Dr. Iyer acknowledges that he 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 his own expense, and the right to cross-examine witnesses against him.
 - c. Dr. Iyer waives all rights to such a hearing.
 - d. Dr. Iyer consents to the entry of this Order relative to his practice of medicine in the State of West Virginia.
 - e. Dr. Iyer understands that this Order is considered public information, and that matters contained herein shall be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.
2. The Board waives no obligation to investigate present and future complaints as to subject matter not contained within the Summary Suspension Order including its Exhibits.
 3. Present and future complaints based on allegations set forth within the Summary Suspension Order including its Exhibits cannot be re-litigated.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and the foregoing Consent of Dr. Iyer, the West Virginia Board of Medicine hereby **ORDERS** as follows.

1. Dr. Iyer shall undergo evaluation at the Colorado Personalized Education for Physicians (CPEP) at his own expense.

2. Dr. Iyer shall be notified of any materials sent to CPEP by the Board, including Dr. Iyer's responses to Complaint Questionnaires that generated the present proceedings.

3. Any evaluation report resulting from said evaluation shall be provided directly by CPEP to the Board.

4. Dr. Iyer may obtain his own copy of the said CPEP report directly from CPEP.

5. Dr. Iyer shall comply with recommendations, if any, for remediation, if any, developed by the Board based on the results of his CPEP evaluation and the Board's good judgment.

6. This matter shall be placed on the agenda for the Board's duly scheduled September meeting, provided that Dr. Iyer's CPEP evaluation and report are completed and the Complaint Committee has reviewed said report at its next duly scheduled meeting; otherwise, this matter shall be placed on the agenda of the Complaint Committee's regularly scheduled meeting next following completion of the CPEP evaluation and report.

7. If the CPEP report makes recommendations for remediation, and if such recommendations are accepted or modified by the Complaint Committee and then

recommended to and accepted or modified by the Board, Dr. Iyer shall enter into a new Consent Order setting forth terms and conditions by which Dr. Iyer shall implement such recommendations for remediation.

8. Dr. Iyer's license to practice medicine and surgery shall remain **SUSPENDED** throughout the CPEP evaluation, presentation to the Complaint Committee and Board, and Entry of this present Consent Order and any subsequent Consent Order.

9. Dr. Iyer shall appear before the Complaint Committee of the West Virginia Board of Medicine at such times as designated by the Board regarding the status of his compliance with any remediation measures or any Consent Order.

10. Within five (5) days of entry of this Consent Order by the Board, a copy of this Consent Order shall be presented by Dr. Iyer to any employer or health care or medical facility in West Virginia where Dr. Iyer intends to practice medicine.

11. Before practicing medicine during the pendency of any Consent Order, Dr. Iyer shall provide a copy of the Consent Order then in effect to any employer or health care or medical facility in West Virginia where Dr. Iyer practices or intends to practice.

12. At the conclusion of the terms of any Consent Order, at the option of either party, the parties may enter into a subsequent Consent Order.

13. Dr. Iyer's failure to comply with any term of this Consent Order shall constitute grounds for the **REVOCATION** of his license to practice medicine in the State of West Virginia.

14. Upon the Board's determination that Dr. Iyer has failed to comply with all terms and conditions of this Consent Order, the Board may take further action

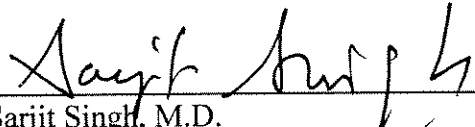
against his license with or without any hearing provided by the Board pursuant to applicable law.

15. If such further action is imposed due to non-compliance, Dr. Iyer shall not request reinstatement of his medical license for a period of five (5) years, and any such request shall be denied without a hearing.

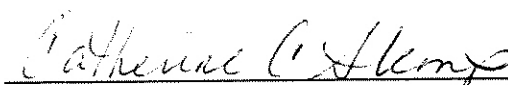
16. Upon the Board's determination that Dr. Iyer has satisfactorily complied with all terms and conditions of this and any subsequent Consent Order, the Consent Order then in effect shall **EXPIRE**.

Entered this 22nd day of July, 2002.

WEST VIRGINIA BOARD OF MEDICINE



Sarjit Singh, M.D.
President



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

Shivkumar L. Iyer, M.D.

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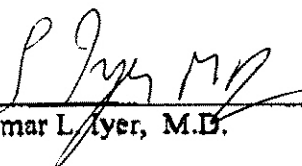
16. Upon the Board's determination that Dr. Iyer has satisfactorily complied with all terms and conditions of this and any subsequent Consent Order, the Consent Order then in effect shall **EXPIRE**.

Entered this _____ day of July, 2002.

WEST VIRGINIA BOARD OF MEDICINE

Sarjit Singh, M.D.
President

Board Designee



Shivkumar L. Iyer, M.D.

ACKNOWLEDGMENT

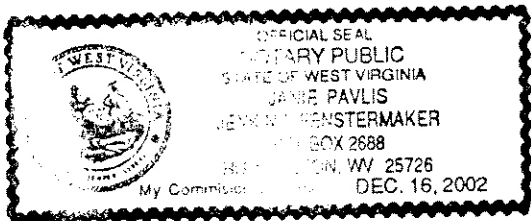
STATE OF West Virginia

COUNTY OF Cabell, to-wit:

I, Janie Pavlis, a Notary Public for said county and state do hereby certify that Shivkumar L. Iyer, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 3rd day of July, 2002.

My Commission expires December 16, 2002.



Janie Pavlis
NOTARY PUBLIC

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

WEST VIRGINIA BOARD OF MEDICINE,

PETITIONER,

v.

SHIVKUMAR L. IYER, M. D.,

RESPONDENT.

CONSENT ORDER

The West Virginia Board of Medicine ("Board") and Shivkumar L. Iyer, M.D., ("Dr. Iyer") freely and voluntarily enter into the following Order pursuant to West Virginia Code § 30-3-14, *et seq.*

FINDINGS OF FACT

1. Dr. Iyer held an active license to practice medicine and surgery in the state of West Virginia, License Number 18736, from 1996 until Dr. Iyer's license was suspended by Order of Summary Suspension on May 13, 2002.
2. Dr. Iyer has been evaluated by two physicians over a two year period both of whom submitted their evaluations to the Board.
3. After a full review of all the records and the evaluations submitted by Robert Wettstein, M.D., and Lawson Bernstein, M.D., the Board finds that Dr. Iyer meets the requirements for reinstatement of his license to practice medicine and surgery under the West Virginia Medical Practice Act, though permitting him such reinstatement without attaching certain accommodations and restrictions and

limitations upon his license to practice medicine and surgery could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. As a matter of public policy, the provisions of the West Virginia Medical Practice Act have been enacted to protect the public interest (West Virginia Code §30-3-1).

2. Probable cause exists to deny Dr. Iyer's request for reinstatement of his license to practice medicine and surgery in this state, due to the provisions of West Virginia Code §30-3-14(c)(21).

3. The Board has determined that it is appropriate to reinstate Dr. Iyer's license to practice medicine in the State of West Virginia, provided certain accommodations, restrictions and limitations are placed upon his license to practice medicine and surgery in the State of West Virginia.

CONSENT

1. Shivkumar Iyer, M.D., by affixing his 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:

2. Dr. Iyer acknowledges that he is fully aware that without his consent, here given, 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.;

3. Dr. Iyer acknowledges that he 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 his own expense, and the right to cross-examine witnesses against him;

4. Dr. Iyer waives all rights to such a hearing;

5. Dr. Iyer consents to the entry of this Order relative to his practice of medicine in the State of West Virginia; and,

6. Dr. Iyer 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 the foregoing consent of Dr. Iyer, the West Virginia Board of Medicine hereby **ORDERS** as follows:

The license to practice medicine and surgery in the state of West Virginia of Dr. Iyer, License Number 18736, is **REINSTATED**, effective upon entry of this Order. However, said License Number 18736 is issued subject to the following:

1. Immediately upon issuance, License Number 18736, is **REVOKED**, and such revocation is immediately **STAYED**, and License Number 18736 shall for a five (5) year period be placed on **PROBATION**, terminating at the end of the five (5) year period and during said five (5) year period, Dr. Iyer is prohibited from engaging in the solo practice of medicine, and the practice of medicine of Dr. Iyer shall occur only with the

supervision/monitoring of another duly licensed physician approved in advance by the Board, who shall submit reports to the Board attesting to Dr. Iyer's safe and appropriate practice of medicine, every two (2) months for the first year, every three (3) months for the second year, and every six (6) months for the remaining three (3) years, except should the performance of Dr. Iyer at any time fall below the level of reasonable skill and safety, the approved supervising physician shall immediately notify the Board. If Dr. Iyer changes such supervising/monitoring physician, such supervising/monitoring physician must be approved in advance by the Board.

2. Dr. Iyer must be under the care of a treating Psychiatrist approved in advance by the Board who shall submit reports to the Board every two (2) months for the first year, every three (3) months for the second year, and every six (6) months for the remaining three (3) years. If Dr. Iyer changes his treating psychiatrist, such psychiatrist must be approved in advance by the Board.

3. Dr. Iyer shall, at his own expense, submit to unlimited random and unannounced drug and alcohol testing, all carried out in a manner directed and approved by the Board and at any time upon request by the Board.

4. Dr. Iyer must take six (6) additional hours of continuing medical education "CME" annually during the five (5) year period of probation in medical ethics, specifically on the subjects of patient-physician relationships, sexual boundaries, and transference/counter-transference issues. These CME hours must be in addition to the required CME hours of licensure renewal required by the Board.

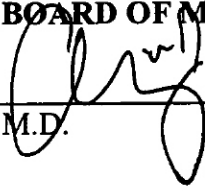
5. Within five (5) days of entry of this Consent Order, Dr. Iyer shall present a copy of this Consent Order to his approved supervising physician, his treating psychiatrist, any

employer or health care or medical facility where Dr. Iyer is practicing medicine and surgery in the State of West Virginia, and during the five (5) year period of probation, Dr. Iyer shall present a copy of this Consent Order to any employer, health care or medical facility where Dr. Iyer practices medicine and surgery or seeks to practice medicine and surgery in the State of West Virginia.

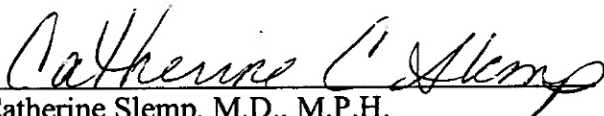
The failure of Dr. Iyer to comply with any of the terms of this Consent Order shall constitute grounds for the revocation of his license to practice medicine and surgery in the State of West Virginia, and further if Dr. Iyer violates probation in any respect, as determined by the Board, the Board may terminate and dissolve the stay of revocation herein imposed, upon written notice of the same to Dr. Iyer, and Dr. Iyer 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 his signing of the Consent Order, Dr. Iyer has consented to the same.

Entered this 12th day of July, 2004.

WEST VIRGINIA BOARD OF MEDICINE



Angelo N. Georges, M.D.
President



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



Shivkumar L. Iyer, M.D.

DATE: 7/5/04

STATE OF West Virginia

COUNTY OF Cocke, to wit:

I, Kelli J. Wentz, a Notary Public for said county and state do hereby certify that Shivkumar L. Iyer, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 5th day of July, 2004.

My commission expires August 4, 2013.

Kelli J. Wentz
Notary Public





State of West Virginia *Board of Medicine*

JOHN A. WADE, JR., MD
PRESIDENT

CATHERINE SLEMP, MD, MPH
SECRETARY

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Charleston, WV 25311
Telephone 304.558.2921
Fax 304.558.2084
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J. DAVID LYNCH, JR., MD
VICE PRESIDENT

ROBERT C. KNITTLE
EXECUTIVE DIRECTOR

July 13, 2009

Shivkumar Lakshminarayan Iyer, M.D.
FMRS Health Systems
101 S. Eisenhower Drive
Beckley, West Virginia 25801

Dear Dr. Iyer:

This is to officially notify you that, as of July 12, 2009, you are in compliance with the terms placed on your West Virginia medical license by Consent Order entered July 12, 2004, and consequently, the five (5) year period of probation has been terminated.

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.

Thank you for your cooperation and patience throughout this process and continued best wishes for success.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Knittle".

Robert C. Knittle

RCK/meb

pc: Robert M. Sellards, Esq.
Offutt Nord
P. O. Box 2868
Huntington, WV 25728