

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

JOHN PATRICK MACCALLUM, M.D.

CONSENT ORDER

The West Virginia Board of Medicine (“Board”) and John Patrick MacCallum, M.D., (“Dr. MacCallum”) freely and voluntarily enter into the following Order pursuant to West Virginia Code §30-3-1, *et seq.*:

FINDINGS OF FACT

1. Dr. MacCallum currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 10552, issued originally in 1975. Dr. MacCallum’s address of record with the Board is in Winfield, West Virginia.

2. Dr. MacCallum was approved by the Board as the supervisor for physician assistant Jane Christenson on July 13, 2009, and ceased his supervision of her on January 13, 2010. He did not notify the Board that he had ceased his supervision of her until April 27, 2010, in violation of Board Rule 11 CSR 1B.

3. Like every supervising physician, Dr. MacCallum had signed a Certification when he commenced his supervision of Ms. Christenson that he had reviewed and understood and would abide by a current copy of the Medical Practice Act and Rule governing the extent to which physician assistants may function in the State.

4. Continuing to practice medicine without the Board attaching conditions and limitations upon Dr. MacCallum's license to practice medicine and surgery could adversely affect the health and welfare of a patient.

CONCLUSIONS OF LAW

1. The West Virginia Medical Practice Act declares that the practice of medicine is a privilege and that as a matter of public policy, the provisions in the act are necessary to protect the public interest (West Virginia Code §30-3-1).

2. Probable cause exists to file charges against Dr. MacCallum pursuant to the provisions of West Virginia Code §30-3-14(c)(17) and 11 CSR 1B 9.2. and 13.21., all relating to failure to comply with rules requiring a supervising physician to notify the Board within ten (10) days of the ending of supervision.

3. The Board has determined that it is appropriate to waive the commencement of proceedings against Dr. MacCallum and to proceed without the filing of charges or a formal Complaint and Notice of Hearing, provided that Dr. MacCallum agrees to comply with all laws and rules of the Board.

CONSENT

John Patrick MacCallum, 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:

1. Dr. MacCallum acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code §30-3-14(h) and §29A-5-1, *et seq.*;

2. Dr. MacCallum 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, the right to cross-examine witnesses against him, and the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

3. Dr. MacCallum waives all such rights;

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

5. Dr. MacCallum understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

ORDER

WHEREFORE, on the basis of the foregoing Findings of Fact and Conclusions of Law of the Board, and on the basis of the consent of Dr. MacCallum, the West Virginia Board of Medicine hereby **ORDERS** that:

1. Should he determine in the future that he wishes to supervise a physician assistant again, Dr. MacCallum first agrees to read, and then if he is granted the privilege of such supervision, comply with all laws and rules of the Board pertaining to

physician assistants, West Virginia Code §30-3-16 and 11 CSR 1B, so that he is fully aware of his responsibilities and performs them properly as a supervising physician.

2. Dr. MacCallum is **PUBLICALLY REPRIMANDED** for failing to notify the Board as required within ten (10) days when he ceased supervision of Ms. Christenson.


3. Within five (5) days of entry of this Consent Order, Dr. MacCallum shall provide a copy of this Order to any employer or health care or medical facility where Dr. MacCallum is practicing medicine.

The failure of Dr. MacCallum to comply with the terms of this Consent Order, as determined by the Board, may constitute grounds for additional discipline with regard to his medical license in the State of West Virginia.

Entered this 31st day of July, 2010.

WEST VIRGINIA BOARD OF MEDICINE


Rev. O. Richard Bowyer
President


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


John Patrick MacCallum, M.D.

Date: 7/21/2010

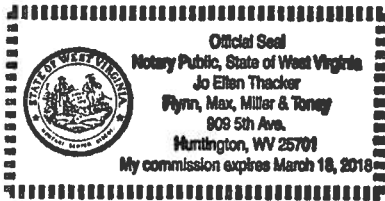
STATE OF West Virginia

COUNTY OF Putnam, to-wit:

I, Jo Ellen Thacker, a Notary Public for said county and state do hereby certify that John Patrick MacCallum, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 21st day of JULY, 2010.

My Commission expires March 18, 2018.



Jo Ellen Thacker
NOTARY PUBLIC