



## HOUSE OF DELEGATES WEST VIRGINIA LEGISLATURE

BUILDING 1, ROOM 206 - E  
1900 KANAWHA BLVD., EAST  
CHARLESTON, WV 25305-0470  
PHONE (304) 340-3156  
EMAIL: NANCY.GUTHRIE@WVHOUSE.GOV

NANCY PEOPLES GUTHRIE  
5300 KANAWHA AVENUE  
CHARLESTON, WV 25304  
(304) 925-8681 (H)  
(304) 925-4420 (B)

Committees:  
Insurance, Chair  
Finance  
Agriculture  
Natural Resources  
Constitutional Revision

December 19, 2013

Mr. Robert Knittle  
Executive Director  
WV Board of Medicine  
101 Dee Drive, Suite 103  
Charleston, WV 25311

In light of Dr. Byron Calhoun's alarming claims that he sees "botched abortions" on a weekly basis (as reported in the Charleston Gazette article dated September 3, 2013), and given that the West Virginia Board of Medicine has no record of any claims in reference to any hospital visits regarding alleged injuries stemming from abortions, it is my opinion that he is in breach of at least two codes of conduct.

First, Legislative Rule §11-1A-12.1(m) stipulates that a physician may be disciplined if they failed to report to the Board any person whom the licensee knows is in violation of this rule or of provisions of the West Virginia Medical Practice Act. This may include standard of care or competency issues if the licensee knows a violation has occurred.

Second, the American Medical Association Code of Medical Ethics specifies an ethical obligation of a physician to report impaired, incompetent, and/or unethical colleagues in accordance with the legal requirements in each state.

Dr. Calhoun made these allegations in a letter to West Virginia Attorney General Patrick Morrisey dated June 31, 2013 (as documented in RH Reality article dated December 13, 2013). These allegations were later made public.

As professor and Vice-Chair in the Department of Obstetrics and Gynaecology at West Virginia University at the Charleston Area Medical Center, Dr. Calhoun must be aware that reports of incompetence or substandard care should be made to the appropriate clinical authority to assess the potential impact on patient welfare.

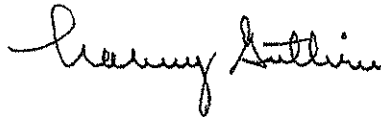
In the alternative, if Dr. Calhoun now says that he has known evidence to support his allegations, I request that the WV Board of Medicine conduct an investigation into whether he has breached subsections of the rule noted above which state that a physician may be subject to discipline if found in violation (see Legislative Rule

§11-1A-12.1 (e) and (j)).

If upon your review you find Dr. Calhoun made knowingly false statements I respectfully request the Board of Medicine to take swift action. Given Dr. Calhoun's position in teaching future physicians at West Virginia University, and the impact his statements have made on matters of significant public importance in our state, your review is critical.

Thank you for your thorough and thoughtful consideration of this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Nancy Guthrie".

Delegate Nancy Guthrie  
Kanawha County  
36<sup>th</sup> Delegate District