

BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE,

Complainant,

v.

Complaint No. 2020-33

BRIAN GULLETT, D.O.,

Respondent.

CONSENT ORDER

The West Virginia Board of Osteopathic Medicine ("Board") and Brian Gullett, D.O. ("Dr. Gullett"), agree to entry of the following Consent Order pursuant to W. Va. Code § 30-14-1 *et seq.*, W. Va. Code § 30-1-1 *et seq.*, and the rules of the Board.

FINDINGS OF FACT

The Board and Dr. Gullett stipulate to the truthfulness and accuracy of the following facts:

1. Dr. Gullett is a licensee of the Board, possessing Board-issued license number 2218 to practice osteopathic medicine and surgery in the state of West Virginia.
2. On February 15, 2018, an Indictment was filed in the United States District Court for the Southern District of West Virginia, Case Number 5:18-cr-00026, captioned *United States of America v. Blume, et al.*, against Dr. Gullett and several co-defendants related to their medical practice at Hitech Opioid Pharmacovigilance Expertise, PLLC ("HOPE Clinic").
3. The original Indictment charged Dr. Gullett with multiple felony counts of distributing controlled substances not for legitimate medical purposes and outside the scope of professional practice.
4. Several superseding indictments were subsequently filed against Dr. Gullett and his co-defendants.

5. On August 3, 2020, the Board initiated Complaint No. 2020-33 against Dr. Gullett based on the allegations set forth in the pending criminal matter.

6. On February 19, 2021, the Board and Dr. Gullett entered into an Agreement to Stay Proceedings during the pendency of the criminal matter.¹

7. On September 6, 2022, an Information was filed in the United States District Court for the Southern District of West Virginia, Case Number 2:22-cr-00167, captioned *United States of America v. Brian Gullett, D.O.*, charging Dr. Gullett with one (1) felony count of aiding and abetting obtaining a controlled substance by fraud related to his medical practice at HOPE Clinic.

7. On September 8, 2022, Dr. Gullett entered a guilty plea to one (1) felony count of aiding and abetting obtaining a controlled substance by fraud as set forth in the Information in Case Number 2:22-cr-00167.²

8. The Board and Dr. Gullett voluntarily enter into this Consent Order to resolve Complaint No. 2020-33.

CONCLUSIONS OF LAW

1. The West Virginia Board of Osteopathic Medicine is a board of examination and registration created for the purpose of regulating the practice of osteopathic medicine and surgery in the state of West Virginia. W. Va. Code § 30-14-1 *et seq.*

2. W. Va. Code § 30-14-11(a)(1) imposes a non-discretionary duty upon the Board to revoke a license if a licensee has been convicted of a felony offense that involves the transfer, delivery, or illicit possession of a prescription drug.

¹ Although Dr. Gullett has continued to hold an active medical license during the pendency of the criminal matter, he has not practiced medicine in the state of West Virginia since being indicted.

² Pursuant to the Plea Agreement, the United States of America agreed to move the Court to dismiss the charges against Dr. Gullett in Case Number 5:18-cr-00026.

3. Dr. Gullett's guilty plea to one (1) felony count of aiding and abetting obtaining a controlled substance by fraud is subject to the provisions of W. Va. Code § 30-14-11(a)(1).

ACKNOWLEDGMENT OF RIGHTS

I, Brian Gullett, D.O., having read this 5-page document and by signing my name to it, understand and acknowledge the following:

1. This is a legally binding document that affects my rights and privileges.
2. I have the right to consult a lawyer concerning the terms of this agreement and the legal rights and remedies that may otherwise be available to me, and I have exercised that right in this case.
3. I understand that I have a right to a hearing regarding any charges against me or any action taken against my license. The West Virginia Board of Osteopathic Medicine may not suspend, revoke or take any other disciplinary action regarding my license unless one of three conditions occur: 1) I give my consent to entry of an order restricting, suspending or revoking my license, or 2) the Board conducts a hearing before imposing any restriction, suspension or revocation, or 3) the Board finds that my continuation in practice constitutes an immediate danger to the public.
4. I understand that, instead of accepting this agreement, I may demand that the Board prove the charges against me by presenting evidence in a hearing conducted under law. If I chose to have a hearing, I would not have the burden of proof. I could, however, present evidence on my own behalf and I would have the right to cross-examine any witnesses who might testify against me. I also understand that I have the right to subpoena witnesses and records in order to compel their production at the hearing.

5. I acknowledge that this agreement is also a legally-binding Order. If I accept this agreement, I admit to violation of standards of professional conduct. I also acknowledge and admit that, if I violate any terms and conditions of this Order, my violations may constitute an immediate danger to the public and that, for such reasons, the Board may suspend or revoke my license without a prior hearing.

6. I understand that this is a public document and that the Board is legally obligated to allow any person to review this Consent Order. I also understand that this action and Order may be reported to other boards, to other jurisdictions, to the National Practitioner Data Bank, and to the Federation of State Medical Boards.

7. I understand that, as a result of this Consent Order, other licensing boards and authorities may take adverse action against my licenses, including revocation.

TERMS OF ORDER

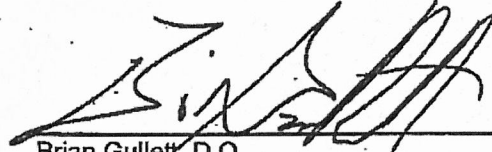
WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of Brian Gullett, D.O., the West Virginia Board of Osteopathic Medicine **ORDERS** as follows: Dr. Brian Gullett's license to practice osteopathic medicine and surgery in the state of West Virginia, license number 2218, is hereby **REVOKED**.

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ACKNOWLEDGMENT OF LICENSEE:

I have reviewed the provisions of this Consent Order. I agree to abide by the terms set out herein and to be bound by them.

Signed:


Brian Gullett, D.O.

Date:

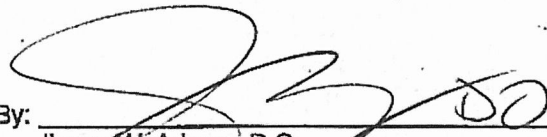
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ORDERED BY THE BOARD OF OSTEOPATHIC MEDICINE:

By agreement of the West Virginia Board of Osteopathic Medicine, it is so **ORDERED** and entered this 18th day of NOVEMBER.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

By:


Jimmy W. Adams, D.O.
President
West Virginia Board of Osteopathic Medicine