

BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE,

Complainant,

v.

Complaint No. 2023-20

PATRICK O'DONNELL, D.O.,

Respondent.

CONSENT ORDER

The West Virginia Board of Osteopathic Medicine ("Board") and Patrick O'Donnell, D.O. ("Dr. O'Donnell"), 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. O'Donnell stipulate to the truthfulness and accuracy of the following facts:

1. Dr. O'Donnell is a licensee of the Board, possessing Board-issued license number 2773 to practice osteopathic medicine and surgery in the state of West Virginia.
2. Dr. O'Donnell previously self-enrolled in the Pennsylvania Physicians' Health Program ("PAPHP") and entered into a primary monitoring agreement.
3. Dr. O'Donnell also self-enrolled in the West Virginia Medical Professionals Health Program ("WVMPHP") and signed a reciprocal agreement dated April 14, 2023.
4. On September 14, 2023, the WVMPHP informed the Board that Dr. O'Donnell was non-compliant with his reciprocal agreement due to a level 2 relapse involving the use of mind or mood-altering substances outside the workplace.
5. On January 16, 2024, Dr. O'Donnell entered into a new five-year monitoring agreement with the PAPHP.

6. On January 17, 2024, Dr. O'Donnell signed a new reciprocal agreement with the WVMPHP.

7. The Board finds that Dr. O'Donnell's continued practice of osteopathic medicine requires a program of treatment under terms that may be revoked or modified at any time that there is probable cause to believe that such program should be modified.

8. The Board and Dr. O'Donnell voluntarily enter into this Consent Order to resolve Complaint No. 2023-20.

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. The Board is authorized to impose sanctions when a licensee has engaged in unprofessional conduct. W. Va. Code R. § 24-1-18.

3. The Board is authorized to enter into consent orders where appropriate, and the Board finds that entry of a consent order is appropriate in this case. W. Va. Code § 30-1-8(g).

ACKNOWLEDGMENT OF RIGHTS

I, Patrick O'Donnell, D.O., having read this 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, without my consent, no permanent legal action may be taken against me except after a hearing.

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 knowingly and voluntarily waive all such rights and agree to entry of this Consent Order.

6. I acknowledge that this agreement is a legally binding Order. I also acknowledge that, if I violate any terms and conditions of this Order, the Board may take further action as permitted by law.

7. 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, to the Federation of State Medical Boards, and as otherwise required by law.

8. I understand that, as a result of this Consent Order, other licensing boards and authorities may take adverse action against my licenses as allowed by the laws and regulations governing those boards and authorities.

TERMS OF ORDER

WHEREFORE, based on the foregoing Findings of Fact and Conclusions of Law, and with the consent of Patrick O'Donnell, D.O., the West Virginia Board of Osteopathic Medicine **ORDERS** as follows:

1. Dr. O'Donnell shall continue as a participant in the PAPHP and the WVMPHP;
2. Dr. O'Donnell shall comply with all treatment recommendations and requirements established by his PAPHP primary monitoring agreement and his WVMPHP reciprocal agreement, and said agreements shall be submitted to the Board;
3. The WVMPHP will provide written documentation to the Board on a quarterly basis verifying Dr. O'Donnell's compliance with all aspects of the agreements during the period of treatment and monitoring and will deliver a final report at least 14 days prior to the end of this period;
4. Dr. O'Donnell's agreements shall include comprehensive monitoring, including random urine and/or blood screening for mood altering substances, with documentation of compliance;
5. Dr. O'Donnell will give his written authorization that all records relating to his care, treatment and monitoring, including medical records, may be disclosed to the Board for its review, consideration, and use in any subsequent proceedings before the Board;
6. Dr. O'Donnell is financially responsible for payment of all expenses for treatment, counseling, monitoring, and the other terms and conditions of this Consent Order;
7. Dr. O'Donnell will conduct himself in a professional manner in all aspects of his work and practice and will remain free of any charges of unprofessional conduct or disciplinary action before this Board, any corresponding board in any other jurisdiction, any other state or federal agency, or before any hospital, peer review committee, or medical corporation or partnership;
8. Dr. O'Donnell will be truthful and forthright in all communications with the Board;
9. Dr. O'Donnell shall not violate or be charged with any criminal laws of the state of West Virginia, the United States, or any other state, possession, or territory of the United States;

10. If Dr. O'Donnell fails to comply with, or complete any of the terms stated herein, the Board may rescind or modify this Consent Order and take any other action, including revocation of Dr. O'Donnell's license, that is authorized by law;

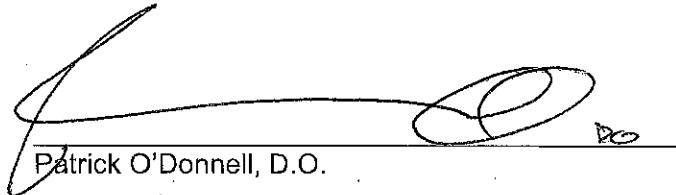
11. The preceding terms and conditions apply, and shall remain in effect, unless modified by order of the Board; and

12. In order to be released from the restrictions of this Consent Order, Dr. O'Donnell must apply to the Board to lift the restrictions and must demonstrate that he has satisfactorily completed and complied with all of the terms of this Consent Order.

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:


Patrick O'Donnell, D.O.

Date:

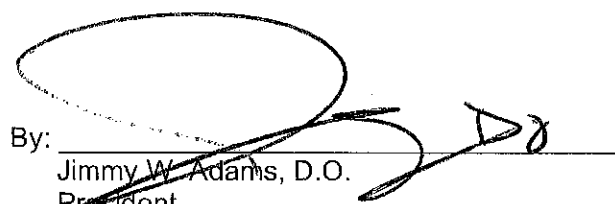
4/30/2024

ORDERED BY THE BOARD OF OSTEOPATHIC MEDICINE:

By agreement of the West Virginia Board of Osteopathic Medicine, it is so **ORDERED** and entered this 9th day of May 2024.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

By:


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