

BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

**IN RE: REINSTATEMENT APPLICATION OF
BRIAN GULLETT, D.O.**

Reinstatement Case No. 2024-01-R

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 previously held 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 the HOPE Clinic.
3. Several superseding indictments were subsequently filed against Dr. Gullett and his co-defendants.
4. 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.
5. On February 19, 2021, the Board and Dr. Gullett entered into an Agreement to Stay Proceedings during the pendency of the criminal matter.
7. On September 6, 2022, the United States of America filed an Information in the United States District Court for the Southern District of West Virginia, Case Number 2:22-cr-

00167, 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.

8. 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-00167.¹

9. As part of the Plea Agreement, Dr. Gullett surrendered his Drug Enforcement Administration Certificate of Registration and agreed to not apply for re-registration to dispense Schedule II controlled substances.

10. On November 18, 2022, the Board and Dr. Gullett entered into a Consent Order that revoked Dr. Gullett's license based on the felony conviction.

11. In a Judgment dated June 6, 2023, the Court sentenced Dr. Gullett to prison for six (6) months to be followed by one (1) year of supervised release.

12. Dr. Gullett has been released from prison, and his period of supervised release is expected to be completed in approximately December 2024.

13. On September 15, 2024, Dr. Gullett filed a reinstatement application with the Board.

14. At its November 1, 2024, meeting, after considering the reinstatement application and supplemental materials, the Board voted to reinstate Dr. Gullett's license as set forth *infra*.

15. The Board and Dr. Gullett voluntarily enter into this Consent Order to resolve this matter.

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¹ 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, and those charges were dismissed.

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's Practice Act and legislative rules set forth the eligibility requirements for licensure and conduct that may render an individual unqualified for licensure or subject to discipline or other restrictions upon licensure. W. Va. Code § 30-14-1 *et seq.* and W. Va. Code R. § 24-1-1 *et seq.*

3. The applicant bears the burden of satisfying the Board of the applicant's qualifications for licensure. W. Va. Code R. § 24-3-3.

4. Dr. Gullett's license was previously revoked pursuant to W. Va. Code § 30-14-11(a)(1) which requires a mandatory revocation when a licensee is convicted of a felony offense that involves the transfer, delivery, or illicit possession of a prescription drug.

5. W. Va. Code § 30-14-11(a)(1) further provides, in part, that the Board shall refuse to issue the license of the convicted physician until the physician demonstrates a record of rehabilitation and that he or she has the professional competence to practice in this state.

6. The Board finds that, after completion of the contingent requirements set forth *infra*, Dr. Gullett will have satisfied the W. Va. Code § 30-14-11(a)(1) requirements for reinstatement of his license.

7. This Consent Order establishes reasonable and appropriate terms, conditions, and limitations regarding Dr. Gullett's license to practice osteopathic medicine and surgery in the state of West Virginia.

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ACKNOWLEDGMENT OF RIGHTS

I, Brian Gullett, 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 final action may be taken against me except after a hearing.
4. I am aware of my legal rights in this matter, including: the right to be represented by counsel at my own expense; the right to a formal hearing; the right to confront and cross-examine witnesses against me; the right to present evidence and testify on my own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; and the right to appeal in the event of a final order or decision adverse to me.
5. I knowingly and voluntarily waive all such rights and agree to the entry of this Consent Order regarding the practice of osteopathic medicine and surgery in the state of West Virginia.
6. I acknowledge that this agreement is a legally binding Order and further 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.
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 me.

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 the license of Brian Gullett, D.O., shall be **REINSTATED** after he submits proof of the following:

1. Satisfaction of all statutory and regulatory requirements for licensure.
2. Successful completion of and discharge from the term of supervised release imposed by the United States District Court for the Southern District of West Virginia in Case Number 2:22-cr-00167.
3. Completion of and a passing score on the COMVEX (the Comprehensive Osteopathic Medical Variable-Purpose Examination for the United States of America).

The Board further **ORDERS** that, following reinstatement of his license, Dr. Gullett's license shall be subject to the following terms and conditions:

1. For a period of six (6) months, Dr. Gullett shall practice under the supervision of a licensed physician or physicians who are Board-approved for that purpose.
2. Dr. Gullett shall submit a written practice monitoring plan to the Board for approval.
3. The workplace monitor(s) shall provide written reports every two (2) months to the Board regarding Dr. Gullett's performance under the practice monitoring plan.

4. Dr. Gullett shall not begin practicing until his practice monitoring plan has been approved by the Board, and the six-month period shall commence on Dr. Gullett's first day practicing pursuant to the practice monitoring plan.

5. Any interruptions in Dr. Gullett's practice shall not count toward the six-month period required pursuant to this Consent Order.

6. Dr. Gullett 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.

7. Dr. Gullett will be truthful and forthright in all communications with the Board.

8. Dr. Gullett shall not violate, or be charged with, any criminal laws of the state of West Virginia, the United States, or of its states, possessions or territories.

9. The conditions stated herein do not automatically expire. Dr. Gullett must apply to the West Virginia Board of Osteopathic Medicine to lift these conditions, and he must demonstrate to the Board that he has satisfactorily completed and complied with all of the terms of this Consent Order.

10. If Dr. Gullett fails to comply with or complete any of the terms stated herein, the West Virginia Board of Osteopathic Medicine may rescind or modify this Consent Order and take any other action which is authorized by law, including revocation of Dr. Gullett's license.

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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:

11/17/2024

ORDERED BY THE BOARD OF OSTEOPATHIC MEDICINE:

By agreement of the West Virginia Board of Osteopathic Medicine, it is so ORDERED and entered this 25th day of November 2024.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE


By:

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