

BEFORE THE WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE
WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE,

Complainant,

v.

Complaint Nos. 2024-19 and 2024-21

BRIAN McDEVITT, D.O.,

Respondent.

REVOCATION ORDER

On February 19, 2025, the West Virginia Board of Osteopathic Medicine ("Board") met to review the conviction of Brian McDevitt, D.O., in the United States District Court for the Southern District of West Virginia on four (4) felony counts of distributing a quantity of a controlled substance outside the scope of professional practice and not for a legitimate medical purpose. Whereupon, the Board voted to REVOKE Dr. Brian McDevitt's license to practice osteopathic medicine and surgery in the state of West Virginia.

1. Brian McDevitt, D.O. ("Dr. McDevitt"), is a licensee of the Board, possessing Board-issued license number 1665 to practice osteopathic medicine and surgery in the state of West Virginia.
2. On June 11, 2024, an Indictment was filed in the United States District Court for the Southern District of West Virginia, Case Number 2:24-cr-00096, captioned United States of America v. Brian McDevitt, D.O., charging Dr. McDevitt with three (3) felony counts of knowingly and intentionally distributing a quantity of a controlled substance outside the scope of professional practice and not for a legitimate medical purpose, all in violation of Title 21, United States Code,

Section 841(a)(1). See Exhibit 1.

3. On June 27, 2024, the Board initiated Complaint No. 2024-19 alleging that Dr. McDevitt engaged in unprofessional conduct through the actions that led to the aforementioned Indictment.
4. Also on June 27, 2024, the Board initiated Complaint No. 2024-21 alleging that Dr. McDevitt engaged in unprofessional conduct through the actions alleged by the Plaintiff in CC23-2024-C-10 filed January 25, 2024, in the Circuit Court of Logan County, West Virginia.

5. On August 15, 2024, Dr. McDevitt and the Board entered into an Agreement whereby Dr. McDevitt agreed to temporarily cease the practice of medicine during the pendency of his criminal matter.
6. On October 1, 2024, a Superseding Indictment was filed in the above-captioned case charging Dr. McDevitt with 16 felony counts of knowingly and intentionally distributing a quantity of a controlled substance outside the scope of professional practice and not for a legitimate medical purpose, all in violation of Title 21, United States Code, Section 841(a)(1). The Superseding Indictment also charged Dr. McDevitt with one (1) count of unlawfully and knowingly maintaining a place for the purpose of distributing controlled substances outside the scope of professional practice and not for a legitimate medical purpose, in violation of Title 21, United States Code, Section 856(a)(1). See Exhibit 2.
7. On February 7, 2025, following a jury trial, Dr. McDevitt was found guilty and convicted on four (4) felony counts of knowingly and intentionally distributing a quantity of a controlled substance outside the scope of professional practice and not for a legitimate medical purpose, all in violation of Title 21, United States Code, Section 841(a)(1). The jury found Dr. McDevitt not guilty on the other 13 counts. See Exhibit 3.

8. Regarding forfeiture, the jury also found on a Special Verdict Form that Dr. McDevitt used his Board-issued medical license number 1665 in the commission of the offenses of which he was convicted. See Exhibit 4.
9. West Virginia Code § 30-14-11(a)(1) imposes a nondiscretionary 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.

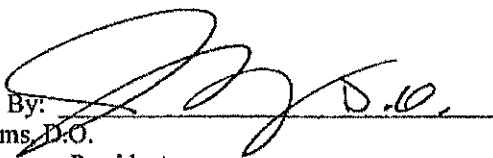
10. At its meeting on February 19, 2025, with a quorum of the Board present, the West Virginia Board of Osteopathic Medicine received and reviewed all of the court records which have been made Exhibits to this Order.
11. Thereafter, the Board concluded that it had received sufficient proof, pursuant to West Virginia Code § 30-14-11(a)(1), to determine that Brian McDevitt, D.O., has been convicted in a court of competent jurisdiction on four (4) felonies involving the transfer, delivery, or possession of a prescription drug.

Wherefore, the Board ORDERS that Dr. Brian McDevitt's license to practice osteopathic medicine and surgery in the state of West Virginia, license number 1665, is hereby REVOKED.

This action resolves Complaint No. 2024-19, which was predicated on the criminal allegations. The Board also ORDERS that Complaint No. 2024-21 is DISMISSED as MOOT.

Entered this 19th day of February 2025.

WEST VIRGINIA BOARD OF OSTEOPATHIC MEDICINE

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

EXHIBITS ON FILE WITH THE BOARD