

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

ALEXANDER VLADIMIROVICH OTELLIN, MD

Complaint No. 18-81-W

CONSENT ORDER

The West Virginia Board of Medicine (the "Board") and Alexander Vladimirovich Otellin, MD ("Dr. Otellin"), freely and voluntarily enter into the following Consent Order pursuant to West Virginia Code § 30-3-14, *et seq.*

FINDINGS OF FACT

The Board and Dr. Otellin stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. Otellin holds a West Virginia medical license, License No. 22592, which was first issued in 2006. Dr. Otellin's address of record with the Board is in Charleston, West Virginia.
2. Dr. Otellin's self-identified area of specialty is psychiatry.
3. On May 6, 2018, the Complaint Committee of the Board authorized Initiated Complaint No. 18-81-W to investigate allegations of professional misconduct against Dr. Otellin based upon an anonymous written report to the Board raising concerns regarding Dr. Otellin's prescribing practices.
4. The Complaint Committee conducted an investigation into the allegations set forth in Initiated Complaint No. 18-81-W and obtained an independent physician review of patient medical records and prescribing records for ten patients of Dr. Otellin.

5. The independent reviewer identified concerns with Dr. Otellin's treatment plans, medical documentation, controlled substance prescribing practices and compliance monitoring of patients.

6. Dr. Otellin disputes the conclusions rendered by the independent physician.

7. The Board and Dr. Otellin voluntarily enter into this Consent Order to resolve Complaint No. 18-81-W, and to establish appropriate terms and conditions upon Dr. Otellin's practice of medicine in West Virginia.

8. This Consent Order relates solely to Complaint No. 18-81-W and does not relate to or resolve any other matters that may be pending before the Board.

CONCLUSIONS OF LAW

The Board and Dr. Otellin stipulate to the following conclusions of law:

1. Dr. Otellin's license to practice medicine and surgery in the state of West Virginia is subject to regulation and discipline by the West Virginia Board of Medicine, the "regulatory and disciplinary body for the practice of medicine and surgery" for physicians, podiatrists and physician assistants in West Virginia. W.Va. Code § 30-3-5 and § 30-3-7(a).

2. The Board has a mandate to ensure "a professional environment that encourages the delivery of quality medical services" to protect the public interest. W.Va. Code § 30-3-2.

3. The West Virginia Medical Practice Act sets forth conduct which may render an individual unqualified for licensure or subject to discipline or other restrictions upon licensure. W.Va. Code § 30-3-14. Pursuant to W.Va. Code § 30-1-8(c), the Board has promulgated legislative rules that "delineate conduct, practices or acts which, in the judgment of the board, constitute professional negligence, a willful departure from accepted standards of professional

conduct and/or which may render an individual unqualified or unfit for licensure, registration or other authorization to practice.” W. Va. Code R. § 11-1A-12.

4. Probable cause may exist to substantiate disciplinary charges against Dr. Otellin pursuant to the West Virginia Medical Practice Act and the Board’s legislative rules including, but not limited to, the following provisions:

- a. W. Va. Code § 30-3-14(c)(17), W. Va. Code R. § 11-1A-12.1.e and 12.1.j, and W. Va. Code R. §11-1A-12.2.d, relating to dishonorable, unethical or unprofessional conduct; and/or
- b. W. Va. Code § 30-3-14(c)(17) and/or W. Va. Code R. § 11-1A-12.1.x, relating to engaging in malpractice or the failure to practice medicine with that level of care, skill and treatment which is recognized by a reasonable, prudent, physician engaged in the same or a similar specialty as being acceptable under similar conditions and circumstances; and/or
- c. W. Va. Code § 30-3-14(c)(13) and W. Va. Code R. § 11-1A-12.2.a, relating to prescribing a controlled substance other than in good faith and in a therapeutic manner in accordance with accepted medical standards and in the course of the physician's professional practice.

5. With respects to Complaint No. 18-81-W, it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Otellin and to proceed without the filing of charges, or a formal Complaint and Notice of Hearing, subject to compliance by Dr. Otellin with the provisions of this Consent Order.

6. This Consent Order sets forth reasonable, appropriate and necessary terms, conditions, limitations and restrictions upon the practice of medicine and surgery by Dr. Otellin in West Virginia.

7. This Consent Order relates solely to Complaint No. 18-81-W, and does not relate to or resolve any other matters that may be pending before the Board.

CONSENT

By signing his name to this Consent Order, Alexander Vladimirovich Otellin, MD, acknowledges that he understands and agrees with the following:

1. Dr. Otellin has read and understands this entire Consent Order;
2. Dr. Otellin agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Consent Order;
3. Dr. Otellin understands that he has the right to legal representation in this matter, at his own expense, and agrees that he has exercised this right, and has been afforded adequate time and opportunity to consult with his counsel regarding the legal effect of this Consent Order;
4. Dr. Otellin understands that this Consent Order is a legally binding Order of the West Virginia Board of Medicine that affects his rights and privileges;
5. Dr. Otellin acknowledges that he is fully aware that, without his consent, no permanent legal action may be taken against him except after a hearing held in accordance with West Virginia Code § 30-3-14(h) and § 29A-5-1, *et seq.*;
6. Dr. Otellin is aware of his legal rights in this matter, in addition to his right to be represented by counsel at his own expense, including: the right to a formal hearing, after reasonable notice, before the West Virginia Board of Medicine on the disciplinary charges before the Board;

the right to confront and cross-examine witnesses against him; the right to present evidence and testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to appeal under Chapter 29A of the West Virginia Code in the event of a final order or decision adverse to him;

7. With the exception of his right to counsel, which he has exercised, Dr. Otellin knowingly and voluntarily waives all such additional rights, and agrees to the entry of this Consent Order relative to his practice of medicine in the state of West Virginia;

8. Dr. Otellin acknowledges that if he violates any of the terms of this Consent Order, further action may be taken against his license by the Board, as permitted by law; and

9. Dr. Otellin understands that this Consent Order relates only to Complaint No. 18-81-W and does not relate to or resolve any other matters that may be pending before the Board.

10. Dr. Otellin understands that this Order is a public document which will be available for public inspection, will be accessible through the Board's website, and will be a permanent part of his historical file with the Board. Matters contained herein will be reported to the National Practitioner Data Bank, and may be reported to other jurisdictions, the Federation of State Medical Boards and as otherwise required by law.

ORDER

WHEREFORE, on the basis of the foregoing stipulated Findings of Fact and Conclusions of Law, and with the consent of Dr. Otellin, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Effective upon entry of this Consent Order, Dr. Otellin's West Virginia medical license, License No. 22592, is placed in **PROBATIONARY STATUS** for a period of three (3)

years. During Dr. Otellin's period of probation, he must comport his practice of medicine and surgery in the State of West Virginia with the following probationary terms, conditions, limitations and restrictions as set forth herein below:

- a. *Medical Record and Prescribing Audit.* In each of the next three calendar years (2020, 2021 and 2022), and without prior notice to Dr. Otellin, the Board shall conduct a chart review of Dr. Otellin's medical records. Upon request, Dr. Otellin shall immediately provide the Board's Investigator with on-site access to all of his medical records/charts for active patients. Upon request, Dr. Otellin shall also produce a complete and legible copy of up to ten medical records/charts selected by the Board's Investigator for off-site review by the Board within five business days of such request. Further, during Dr. Otellin's period of probation, the Board may, in its discretion and at any time, query Dr. Otellin's controlled substance prescribing practices with the West Virginia Board of Pharmacy's Controlled Substance Monitoring Database ("CSMP") and/or similar state or federal entities in surrounding states to monitor Dr. Otellin's prescribing practices. The Board may also query Dr. Otellin's utilization of the CSMP to monitor his compliance with W. Va. Code §60A-9-5a at any time during his probationary period.
- b. *Training and Education.* At his own expense, Dr. Otellin shall enroll in and successfully complete **Case Western Reserve University's Intensive Course in Controlled Substance Prescribing – Pain, Anxiety,**

Insomnia, including all pre-course and post-course requirements. To satisfy this requirement, Dr. Otellin must complete all pre-course requirements and attend and successfully complete this course on **November 11-13, 2019 in Cleveland, Ohio.**

- c. *Notification of Enrollment.* Dr. Otellin shall provide the Board with a copy of his enrollment confirmation from the CME provider on or before **September 25, 2019**, and he shall submit acceptable documentation from the CME provider of his successful completion of the course to the Board within **ten days** of his completion of the course.
- d. *Successful Completion of CME.* Successful completion of the CME course required by this Order shall be determined solely by the CME provider. A determination by the CME provider that Dr. Otellin has failed to successfully complete any program requirement, including pre or post program requirements, shall constitute clear and convincing evidence for the Board to take further action with respect to Dr. Otellin's West Virginia medical license, including the imposition of additional discipline.
- e. *Limitation on Use of CME hours.* Dr. Otellin may not utilize any CME hours he earns pursuant to his participation in the CME course required by this Order to satisfy his biennial continuing medical education obligation pursuant to W. Va. Code R. §11-6-3.1 or any superseding enactment of the Board's legislative rule governing continuing medical education requirements and reporting for physicians.

- f. *Notice of Interruption in Practice.* Dr. Otellin shall notify the Board, in writing, of all periods of time exceeding thirty calendar days in duration during which he is not actively practicing medicine in West Virginia. Dr. Otellin shall provide advance notice for all scheduled periods of non-practice and shall notify the Board no later than five days after the conclusion of any unanticipated or unscheduled periods.
- g. *Tolling.* The terms of this Consent Order, including but not limited to the period of probation, shall be tolled for any period of time during which Dr. Otellin is not actively practicing medicine in West Virginia.

2. At the end of Dr. Otellin's period of probation, Dr. Otellin may petition the Board to lift the period of probation set forth herein, and to modify and/or lift the practice restrictions related thereto which are imposed by this Order.

3. Dr. Otellin shall at all times fully comply with all of the professional practice requirements of the West Virginia Medical Practice Act as set forth in W. Va. Code § 30-3-1 *et seq.*, and in the Board's legislative rules, including but not limited to W. Va. Code R. § 11-1A-1 *et seq.* Dr. Otellin shall also fully comply with his legal duty to access the West Virginia Controlled Substances Monitoring Database in accordance with W. Va. Code §60A-9-5a.

4. Dr. Otellin agrees that he may be subject to additional disciplinary processes, as permitted by law, for any violation of the terms of this Consent Order.

5. This Consent Order relates solely to Complaint No. 18-81-W and does not relate to or resolve any other matters that may be pending before the Board.

6. This Consent Order shall be deemed entered on the date that this Order, with all required signatures affixed hereupon, is received in the Board's 101 Dee Drive, Charleston, West Virginia, office. The Executive Director of the West Virginia Board of Medicine is hereby authorized to denote the date of entry on behalf of the Board in accordance with this paragraph.

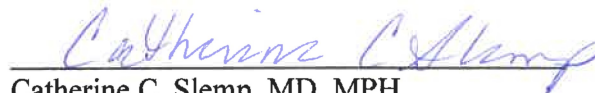
ENTERED ON: September 9, 2019

WEST VIRGINIA BOARD OF MEDICINE



Kishore K. Challa, MD, FACC
President

Date: 9/9/2019



Catherine C. Slomp, MD, MPH
Secretary

Date: 9/9/19

ACCEPTANCE

I, ALEXANDER VLADIMIROVICH OTELLIN, MD, HAVE READ AND UNDERSTAND THE FOREGOING CONSENT ORDER. I HAVE BEEN GIVEN SUFFICIENT TIME AND OPPORTUNITY TO CONSIDER THIS CONSENT ORDER, AND I UNDERSTAND THE EFFECT IT WILL HAVE UPON MY LICENSE TO PRACTICE MEDICINE AND SURGERY IN WEST VIRGINIA.

BY SIGNING THIS CONSENT ORDER, I HAVE WAIVED CERTAIN RIGHTS, BUT I DO SO KNOWINGLY AND VOLUNTARILY, AND I DO NOT WISH TO ASSERT THOSE RIGHTS IN THIS MATTER.

I UNDERSTAND THAT I HAVE THE RIGHT TO LEGAL COUNSEL, THAT I HAVE EXERCISED THE RIGHT TO LEGAL COUNSEL, AND THAT I HAVE BEEN PROVIDED WITH AMPLE TIME TO SEEK LEGAL ADVICE REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER FROM MY ATTORNEY.

I AM SIGNING THIS CONSENT ORDER VOLUNTARILY, AND I UNDERSTAND THE POTENTIAL CONSEQUENCES OF VIOLATING THIS CONSENT ORDER.

Alexander Otellin MD

Alexander Vladimirovich Otellin, MD

Date: September 4, 2019

STATE OF West Virginia

COUNTY OF Kanawha, to-wit:

I, Holly Gumbert, a Notary Public for said county and state do hereby certify that Alexander Vladimirovich Otellin, MD, whose name is signed herein above has this day acknowledged the same before me.

Given under my hand this 4th day of Sept., 2019.

My Commission expires January 23, 2022

Holly Gumbert
Notary Public

