

## BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

PAUL BASIL PAPADIMITRIOU, M.D.

### CONSENT ORDER

The West Virginia Board of Medicine ["Board"] and Paul Basil Papadimitriou, M.D. ["Dr. Papadimitriou"] 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. Papadimitriou stipulate to the truthfulness and accuracy of the facts, as set forth herein below:

1. Dr. Papadimitriou holds a West Virginia medical license, No. 16790, which license was first issued in 1992. Dr. Papadimitriou's address of record with the Board is in Wheeling, West Virginia.
2. Dr. Papadimitriou's identified area of specialty is psychiatry.
3. At its March 12, 2017 meeting, the Complaint Committee initiated Complaint Number 17-79-W to investigate allegations of professional misconduct based upon a pharmacist's written report to the Board concerning Dr. Papadimitriou's prescribing of methadone to a patient. [Patient A].
4. The reporting pharmacist notified the Board that on January 25, 2017, Patient A tendered a prescription for methadone 10mg issued by Dr. Papadimitriou to the reporting pharmacist for dispensing.
5. Methadone is a Schedule II controlled substance.

6. The methadone prescription tendered by Patient A was written for a quantity of 120 units for a period of 15 days. The prescription contained the notation “ok to fill early.”

7. The reporting pharmacist consulted the prescription drug monitoring programs for Ohio and West Virginia and discovered that Patient A had filled five separate prescriptions for a thirty-day supply of methadone, and one prescription for a 15-day supply of methadone at two different pharmacies between November 1, 2016 and January 25, 2017.

8. The reporting pharmacist declined to fill the prescription, and followed-up with Dr. Papadimitriou, who admitted to writing each of the prescriptions.

9. The Board conducted an investigation into the allegations of Complaint No. 17-79-W, which included a review of Dr. Papadimitriou’s prescribing and treatment of Patient A and other patients.

10. During the investigation process, Dr. Papadimitriou acknowledged deficits in judgment and decision-making in his treatment of Patient A.

11. Dr. Papadimitriou admits that his opiate prescribing for Patient A was improper in light of many clues and signs that Patient A was misusing or abusing the controlled substances prescribed to him by Dr. Papadimitriou.

12. The Board and Dr. Papadimitriou voluntarily enter into this Consent Order to resolve Complaint No. 17-79-W, and to establish appropriate terms and conditions upon Dr. Papadimitriou’s practice of medicine in West Virginia.

### **CONCLUSIONS OF LAW**

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

1. Dr. Papadimitriou'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 may exist to substantiate disciplinary charges against Dr. Papadimitriou 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 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)(13) 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; and/or

- c. W. Va. Code §30-3-14(c)(17) and W. Va. Code R. §11-1A-12.2.a, relating to prescribing or dispensing a controlled substance:
- a. with the intent or knowledge that a controlled substance will be used or is likely to be used other than medicinally or for an accepted therapeutic purpose;
  - b. with the intent to evade any law with respect to the sale, use or disposition of the controlled substances;
  - c. for the licensee's personal use, or for the use of his or her immediate family when the licensee knows or has reason to know that an abuse of controlled substance(s) is occurring, or may result from such a practice; or
  - d. in such amounts that the licensee knows or has reason to know, under the attendant circumstances, that the amounts prescribed or dispensed are excessive under accepted and prevailing medical practice standards; and/or
- d. W. Va. Code § 30-3-14(c)(17) and W. Va. Code R. § 11-1A-12.1.bb and 12.1.o, relating to the knowing violation of any law or lawfully promulgated rule or regulation of this State, any other state, the Board, the United States or any other lawful authority and/or a failure to perform a statutory and/or legal obligation.

5. It is appropriate and in the public interest to waive the commencement of proceedings against Dr. Papadimitriou and to proceed without the filing of charges, or a formal Complaint and Notice of Hearing, subject to compliance by Dr. Papadimitriou 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. Papadimitriou in West Virginia.

### **CONSENT**

By signing his name to this Consent Order, Paul Basil Papadimitriou, M.D., acknowledges that he understands and agrees with the following:

1. Dr. Papadimitriou has read and understands this entire Consent Order;
2. Dr. Papadimitriou agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Consent Order;
3. Dr. Papadimitriou 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. Papadimitriou 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. Papadimitriou 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. Papadimitriou 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. Dr. Papadimitriou 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. Papadimitriou 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. Papadimitriou 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. Papadimitriou, the West Virginia Board of Medicine hereby ORDERS as follows:

1. Dr. Papadimitriou is hereby **PUBLICLY REPRIMANDED** for his improper treatment of Patient A.

2. Effective upon entry of this Consent Order, Dr. Papadimitriou's license, No. 16790, is placed in **PROBATIONARY STATUS** for a period of one (1) year. During Dr. Papadimitriou'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. Dr. Papadimitriou shall continue and complete the medically appropriate de-escalation and titration of Patient A from controlled substances, and make the appropriate referrals to Patient A for substance use disorder treatment or other treatment referrals as medically appropriate and necessary. Dr. Papadimitriou shall not treat Patient A with controlled substances or for chronic or acute pain once the appropriate de-escalating titration and health care referrals have been made. Dr. Papadimitriou shall submit a written confirmation to the Board by **January 31, 2018** confirming his compliance with this paragraph.

b. *Prescribing Records and Practices.* With respect to each patient for whom Dr. Papadimitriou prescribes controlled substances on a regular basis, Dr. Papadimitriou shall:

1. Execute a written controlled substance agreement;
2. Conduct patient drug screens at reasonable intervals to monitor compliance with the patient's medication regimen;
3. Conduct random pill counts to monitor compliance with the

patient's medication regimen;

4. Utilize the West Virginia Controlled Substance Monitoring Program database as required by W. Va. Code § 60A-9-5(a); and
  5. Maintain documentation in the patient medical record of:
    - i. All controlled substance agreements;
    - ii. All drug screen results and any discussion thereof with the patient;
    - iii. All random pill counts; and
    - iv. All West Virginia Controlled Substance Monitoring Program database reviews conducted.
- c. *Training and Education.* At his own expense, Dr. Papadimitriou shall enroll in and successfully complete Professional Boundaries, Inc.'s Standard PBI Prescribing Course, Course Number RX-21, including all pre-course and post-course requirements. To satisfy this requirement, Dr. Papadimitriou must complete all pre-course requirements and attend and successfully complete this course: on **January 20-21, 2018 in Irvine, California; on January 27-28, 2018 in Atlanta, Georgia; or on February 10-11, 2018 in Austin, Texas.**
- d. *Notification of Enrollment.* Dr. Papadimitriou shall provide the Board with a copy of his enrollment confirmation from the CME provider on or before **December 29, 2017**, 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.



- e. *Successful Completion of CME.* Successful completion of the CME course required by Paragraph 2.c of this Order shall be determined solely by the CME provider. A determination by the CME provider that Dr. Papadimitriou 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. Papadimitriou's West Virginia medical license, including the imposition of additional discipline.
- f. *Limitation on Use of CME hours.* Dr. Papadimitriou may not utilize any CME hours he earns pursuant to his participation in the CME courses required by Paragraph 2.c of this Order to satisfy his biennial continuing medical education obligation pursuant to W. Va. Code R. § 11-6-3.1 (2013) or any superseding enactment of the Board's legislative rule governing continuing medical education requirements and reporting for physicians.
- g. *Prescribing Compliance Audit.* During Dr. Papadimitriou's period of probation, the Board may, in its discretion and at any time, query Dr. Papadimitriou's controlled substance prescribing practices, including his utilization of the West Virginia Controlled Substance Monitoring Program database as required by W. Va. Code § 60A-9-5(a), with the West Virginia Board of Pharmacy's Controlled Substance Monitoring Database and/or similar state or federal entities in surrounding states to monitor Dr.

Papadimitriou's compliance with the prescribing restrictions and requirements imposed by this Order.

- h. *Notice of Interruption in Practice.* Dr. Papadimitriou 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. Papadimitriou 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.
- i. *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. Papadimitriou is not actively practicing medicine in West Virginia.

3. At the end of Dr. Papadimitriou's period of probation, Dr. Papadimitriou 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.

4. Dr. Papadimitriou 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.* and W. Va. Code R. § 11-10-1 *et seq.*

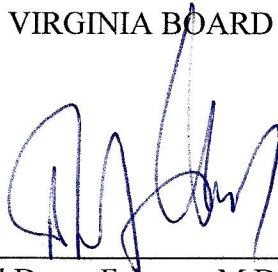
5. Dr. Papadimitriou agrees that he may be subject to additional disciplinary processes, as permitted by law, for any violation of the terms of this Consent Order.

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: January 2, 2018

WEST VIRGINIA BOARD OF MEDICINE



Ahmed Daver Faheem, M.D., D.L.F.A.P.A.  
President



Rahul Gupta, M.D., M.P.H., M.B.A., F.A.C.P.  
Secretary

ACCEPTANCE

I, PAUL BASIL PAPADIMITRIOU, M.D., 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, AND 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.

P. Basil Papadimitriou MD  
Paul Basil Papadimitriou, M.D.

Date: 12/15/17

STATE OF West Virginia

COUNTY OF Ohio, to-wit:

I, Vicki S Paul, a Notary Public for said county and state do hereby certify that Paul Basil Papadimitriou, M.D., whose name is signed herein above has this day acknowledged the same before me.

Given under my hand this 15<sup>th</sup> day of December, 2017.

My Commission expires 6/6/21

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Notary Public

