

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: MARC JONATHAN SPELAR, MD**

**ORDER OF REVOCATION OF LICENSE  
TO PRACTICE MEDICINE AND SURGERY**

1. The West Virginia Board of Medicine [“Board”] is the sole authority for the issuance of licenses to practice medicine and surgery in the State of West Virginia. W.Va. Code §30-3-5.

2. The Board is the “regulatory and disciplinary body for the practice of medicine and surgery” in West Virginia. W.Va. Code §30-3-5 and §30-3-7(a).

3. In regulating the licensure and discipline of physicians, the Board seeks to protect the public through ensuring “a professional environment that encourages the delivery of quality medical services” in West Virginia. W.Va. Code §30-3-2.

4. Marc Jonathan Spelar, MD [“Dr. Spelar”], holds a restricted West Virginia medical license, License Number 25264. Dr. Spelar’s self-identified medical specialty is psychiatry.

5. Dr. Spelar’s West Virginia medical license was initially granted on May 20, 2013.

6. Since August 30, 2017, and pursuant to a Consent Order with this Board, Dr. Spelar’s West Virginia medical license has been subject to restrictions that prohibit him from participating in the clinical practice of medicine in West Virginia. [See August 30, 2017 Consent Order, attached hereto as **Exhibit A.**]

7. The August 30, 2017 Consent Order was an interim Order entered during the pendency of the Board’s investigation of Dr. Spelar with respect to Complaint No. 17-122-W.

8. Complaint No. 17-122-W was initiated by the Board's Complaint Committee on May 25, 2017 to investigate alleged professional misconduct by Dr. Spelar and his fitness to practice medicine and surgery in West Virginia. The allegations were related to criminal complaints filed against Dr. Spelar in Ironton Municipal Court in Lawrence County, Ohio, on May 18, 2017.

9. On or about June 21, 2017, a six count Indictment was issued against Dr. Spelar in the Court of Common Pleas in Lawrence County, Ohio, Case No. 17-CR-179.

10. On or about October 12, 2017, Dr. Spelar pled guilty to Counts Three and Four of the Ohio Criminal Indictment for two violations of Ohio Revised Code Section 2925.11(A)(C)(1)(a), Possession of Drugs, felonies of the fifth degree.

11. The Lawrence County, Ohio Court of Common Pleas accepted Dr. Spelar's plea and, consistent with his plea, convicted him of two felony counts of violating Ohio Revised Code Section 2925.11(A)(C)(1)(a) for possession of drugs.

12. The Ohio Court sentenced Dr. Spelar to serve a term of four years community control sanctions/intensive supervised probation, including successful completion of outpatient drug counseling on Count Three, and four years community control sanctions/intensive supervised probation on Court Four, to run concurrently.

13. The Complaint Committee of the Board conducted an investigation into the allegations of Complaint No. 17-122-W, including a review of Dr. Spelar's prescribing of controlled substances. The Complaint Committee reviewed sixteen of Dr. Spelar's patient records and obtained an independent evaluation of the patient records by a board-certified psychiatrist.

14. Thereafter, the Board found probable cause in Complaint No. 17-122-W to substantiate charges of disqualification from the practice of medicine against Dr. Spelar.

15. Accordingly, on June 28, 2019, the Board issued a Complaint and Notice of Hearing instituting formal disciplinary charges against Dr. Spelar with respect to Complaint No. 17-122-W and setting a public hearing to commence on October 16, 2019. [See June 28, 2019 Complaint and Notice of Hearing on Complaint No. 17-122-W, attached hereto as **Exhibit B.**]

16. Unrelated to the proceeding upon Complaint No. 17-122-W, on May 19, 2019, the Complaint Committee initiated a separate complaint against Dr. Spelar, designated as Complaint No. 19-64-W. Complaint No. 19-64-W was authorized due to Dr. Spelar's indictment on federal felony charges on April 2, 2019. [See Initiated Complaint No. 19-64-W, attached hereto as **Exhibit C.**]

17. Specifically, on April 2, 2019, a ten count Indictment was issued against Dr. Spelar in the United States Court for the Southern District of West Virginia, in the matter of *United States of America v. Marc J. Spelar, MD*, Criminal Action No. 3:19-00101 (the "Federal Indictment"). [See Federal Indictment, attached hereto as **Exhibit D.**]

18. All ten counts of the Federal Indictment charged Dr. Spelar with felony violations of 21 U.S.C. §841(a)(1), relating to ten prescriptions issued by Dr. Spelar for Scheduled II Controlled Substances without a legitimate medical purpose and beyond the bounds of medical practice, between October 21, 2016 and April 6, 2017.

19. On August 27, 2019, Dr. Spelar entered into a Plea Agreement wherein he pled guilty to Count 1 of the Federal Indictment, a felony, which charged Dr. Spelar with violating 21 U.S.C. §841(a)(1) with respect to an illegal prescription issued by Dr. Spelar to a patient on April 6, 2017. [See Certified Copy of August 27, 2019 Plea Agreement, attached hereto as **Exhibit E.**]

20. In his August 27, 2019 Plea Agreement, Dr. Spelar expressly stipulated to certain facts with respect to his conduct in violation of 21 U.S.C. §841(a)(1), including the following:

On several occasions from October 2016 through April 2017, I issued prescriptions for controlled substances to individuals who were not legitimate patients. I was not permitted to issue these prescriptions that were not for legitimate medical purposes and issued outside the course of professional medical practice.

I operated a clinic in Huntington, West Virginia. My former patient, A.J. was addicted to opiates when they began treatment with me. I never performed physical examinations on this patient, did not require urine or blood analysis, or question the patient about their drug use. I prescribed Patient A.J., Dextroamphetamine, Methylphenidate, Amphetamine Salt, and Suboxone. I required this patient to pay for the Suboxone and made them return to me the Methylphenidate (Ritalin) that I prescribed. This patient did not have symptoms or a diagnosis that would require a prescription for Ritalin. I often mailed prescriptions to this patient without seeing them.

[See Exhibit E.]

21. On September 3, 2019, Dr. Spelar filed his written guilty plea with the Court, wherein he formally pled guilty to Count 1 of the Federal Indictment. [See Certified Copy of September 3, 2019 Written Guilty Plea, attached hereto as **Exhibit F.**]

22. On September 3, 2019, the Court entered an Order which accepted Dr. Spelar's written guilty plea and adjudged Dr. Spelar guilty of violating 21 U.S.C. §841(a)(1). [See Certified Copy of September 3, 2019 Order, attached hereto as **Exhibit G.**]

23. Pursuant to the September 3, 2019 Order, Dr. Spelar's federal sentencing hearing is scheduled for December 9, 2019. [Exhibit G.]

24. In light of Dr. Spelar's plea of guilty to violating 21 U.S.C. §841(a)(1), a felony relating to the illegal prescribing of a Schedule II Controlled Substance, the public hearing on Complaint No. 17-122-W against Dr. Spelar pending before the Board and scheduled to proceed to hearing on October 16, 2019, was stayed by the Hearing Examiner by Order entered September 18, 2019.



25. West Virginia Code §30-3-14(d) imposes a nondiscretionary duty upon the Board to revoke a license if a licensee has been found guilty and/or pled guilty in a court of competent jurisdiction to any felony involving prescribing, selling, administering, dispensing, mixing or otherwise preparing a prescription drug, including a controlled substance under state or federal law, for other than generally accepted therapeutic purposes.

26. At its regular meeting on November 4, 2019, with a quorum of the Board present, the West Virginia Board of Medicine received and reviewed all of the Exhibits to this Order, including a certified copy of September 3, 2019 Order in the matter of *United States of America v. Marc J. Spelar, MD*, Criminal Action No. 3:19-00101, which adjudged Dr. Spelar guilty of violating 21 U.S.C §841(a)(1).

27. Thereupon, the Board concluded that:

- a. The Board had received sufficient proof, pursuant to W. Va. Code §30-3-14(d), to determine that Dr. Spelar has been found guilty in a court of competent jurisdiction of one felony count of unlawful dispensing and distributing a Schedule II Controlled Substance (Count 1), in violation of 21 U.S.C. §841(a)(1); and
- b. Dr. Spelar's plea of guilty to one felony count of unlawful dispensing and distributing a Schedule II Controlled Substance (Count 1) in violation of 21 U.S.C. §841(a)(1) constitutes a felony involving prescribing, selling, administering, dispensing, mixing or otherwise preparing a prescription drug, including a controlled substance under state or federal law, for other than generally accepted therapeutic purposes.

28. Pursuant to West Virginia Code §30-3-14(d), the Board concluded that as a matter of law, the license to practice medicine and surgery of Dr. Spelar, License No. 25264, must be **REVOKED**.

29. Accordingly, the Board unanimously voted to **REVOKE** Dr. Spelar's West Virginia medical license.

**WHEREFORE**, it is **ORDERED** that the license to practice medicine and surgery of Marc Jonathan Spelar, MD, License No. 25264, is hereby **REVOKED**, effective upon the entry of this Order.

In light of the fact that this Order of Revocation was issued during the pendency of, and prior to disposition of, Complaint Nos. 17-122-W and 19-64-W, it is further **ORDERED** that all files relating to Complaint No. 17-122-W and Complaint No. 19-64-W shall be retained by the Board indefinitely.

In compliance with West Virginia Code §30-3-8, the Secretary of the Board shall "together with the president of the board sign all licenses, reports, orders and other documents that may be required by the board in the performance of its duties." The ministerial signatures of the current Board President and Secretary appear hereupon below.

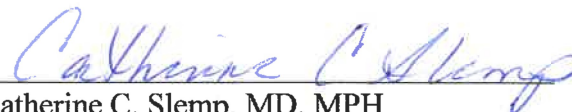
**ENTERED** on this, the 4 day of November 2019.

WEST VIRGINIA BOARD OF MEDICINE



Kishore K. Challa, MD, FACC  
President

Date: 11/4/2019



Catherine C. Slem, MD, MPH  
Secretary

Date: 11/4/2019

EXHIBITS ON FILE WITH  
THE  
WEST VIRGINIA BOARD OF  
MEDICINE