



STATE OF NEW YORK  
DEPARTMENT OF HEALTH

433 River Street, Suite 303

Troy, New York 12180-2299

Antonia C. Novello, M.D., M.P.H.  
*Commissioner*

Dennis P. Whalen  
*Executive Deputy Commissioner*

April 5, 2000

**CERTIFIED MAIL - RETURN RECEIPT REQUESTED**

Robert Bogan, Esq.  
Paul Robert Maher, Esq.  
NYS Department of Health  
Hedley Park Place  
433 River Street – Fourth Floor  
Troy, New York 12180

Olin Leslie West, M.D.  
4284 Ballards Mill Road  
Free Union, Virginia 22940

**RE: In the Matter of Olin Leslie West, M.D.**

Dear Parties:

Enclosed please find the Determination and Order (No. 00-101) of the Hearing Committee in the above referenced matter. This Determination and Order shall be deemed effective upon the receipt or seven (7) days after mailing by certified mail as per the provisions of §230, subdivision 10, paragraph (h) of the New York State Public Health Law.

Five days after receipt of this Order, you will be required to deliver to the Board of Professional Medical Conduct your license to practice medicine if said license has been revoked, annulled, suspended or surrendered, together with the registration certificate. Delivery shall be by either certified mail or in person to:

Office of Professional Medical Conduct  
New York State Department of Health  
Hedley Park Place  
433 River Street - Fourth Floor  
Troy, New York 12180

If your license or registration certificate is lost, misplaced or its whereabouts is otherwise unknown, you shall submit an affidavit to that effect. If subsequently you locate the requested items, they must then be delivered to the Office of Professional Medical Conduct in the manner noted above.

As prescribed by the New York State Public Health Law §230, subdivision 10, paragraph (i), and §230-c subdivisions 1 through 5, (McKinney Supp. 1992), "the determination of a committee on professional medical conduct may be reviewed by the Administrative Review Board for professional medical conduct." Either the licensee or the Department may seek a review of a committee determination.

Request for review of the Committee's determination by the Administrative Review Board stays penalties other than suspension or revocation until final determination by that Board. Summary orders are not stayed by Administrative Review Board reviews.

All notices of review must be served, by certified mail, upon the Administrative Review Board and the adverse party within fourteen (14) days of service and receipt of the enclosed Determination and Order.

The notice of review served on the Administrative Review Board should be forwarded to:

James F. Horan, Esq., Administrative Law Judge  
New York State Department of Health  
Bureau of Adjudication  
Hedley Park Place  
433 River Street, Fifth Floor  
Troy, New York 12180

The parties shall have 30 days from the notice of appeal in which to file their briefs to the Administrative Review Board. Six copies of all papers must also be sent to the attention of Mr. Horan at the above address and one copy to the other party. The stipulated record in this matter shall consist of the official hearing transcript(s) and all documents in evidence.

Parties will be notified by mail of the Administrative Review Board's  
Determination and Order.

Sincerely,

A handwritten signature in black ink, appearing to read "Tyrone T. Butler". The signature is written in a cursive style with a large initial 'T' and 'B'.

Tyrone T. Butler, Director  
Bureau of Adjudication

TTB:nm  
Enclosure

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

COPY

IN THE MATTER  
OF  
OLIN LESLIE WEST, M.D.

DECISION  
AND  
ORDER

BPMC-00-101

A Notice of Referral Proceeding and Statement of Charges, both dated January 28, 2000, were served upon the Respondent, **OLIN LESLIE WEST, M.D.**

**DATTA WAGLE, M.D.**, Chairperson, **RICHARD KASULKE, MD.**, and **MR. JOHN TORRANT**, duly designated members of the State Board of Professional Medical Conduct, served as the Hearing Committee in this matter pursuant to Section 230(10)(e) of the Public Health Law. **MICHAEL P. MCDERMOTT, ESQ.**, Administrative Law Judge, served as the Administrative Officer.

A hearing was held on March 23, 2000, at the Offices of the New York State Department of Health, Hedley Park Place, 433 River Street, Troy, New York. The Department appeared by **HENRY M. GREENBERG, ESQ.**, General Counsel, by **ROBERT BOGAN, ESQ.**, and **PAUL ROBERT MAHER, ESQ.**, of Counsel. The Respondent appeared in person on his own behalf.

Evidence was received and transcripts of these proceeding were made.

After consideration of the entire record, the Hearing Committee issues this Determination and Order.

## STATEMENT OF CASE

This case was brought pursuant to Public Health Law Section 230(10)(p). The statute provides for an expedited hearing where a licensee is charged solely with a violation of Education Law Section 6530(9). In such case, a licensee is charged with misconduct based upon a prior criminal conviction in New York or another jurisdiction, or upon a prior administrative adjudication regarding conduct which would amount to professional misconduct, if committed in New York. The scope of an expedited hearing is limited to a determination of the nature and severity of the penalty to be imposed upon the licensee.

In the instant case, the Respondent is charged with professional misconduct pursuant to Education Law Section (9)(b) and (d). A copy of the Notice of Referral Proceeding and Statement of Charges is attached to this Determination and Order as Appendix I.

## FINDINGS OF FACT

The following Findings of Fact were made after a review of the entire record in this matter. Numbers in parenthesis refer to transcript page number or exhibits. These citations represent evidence found persuasive by the Hearing Committee in arriving at a particular finding. Conflicting evidence, if any, was considered and rejected in favor of the cited evidence. All Hearing Committee findings were unanimous unless otherwise stated.

1. **OLIN LESLIE WEST, M.D.**, the Respondent, was authorized to practice medicine in New York on November 8, 1971, by the issuance of license number 110617 by the New York Stated Education Department. (Pet's. Ex. 3)

2. On April 9, 1999, the Commonwealth of Virginia, Department of Health Professions, Board of Medicine, (hereinafter "Virginia Board"), issued a Consent Order, (hereinafter "Virginia Order"), wherein the Respondent's license was indefinitely surrendered, based on his possible impairment in that he self-prescribed Ritalin, Cylert, Prozac, Weelburtin, phentermine, Proventil, Ventolin, Synthroid, Propranolol, Levoxyl, and Albuterol; amphetamine or amphetamine-like dependence; alcohol dependence; engaged in a sexual relationship with a patient; prescribed Fioricet to a known drug dependent patient without medical indication; engaged in a personal relationship with a patient that he considered to be a boundary violation; prescribed medications to five (5) patients while he was undergoing in-patient treatment in the Menninger Clinic; authorized prescriptions for Dexedrine, Hycodan, Amoxicillin, Azmacort Inhaler, Albuterol, Guaifenesin LA, Hismanal, and Zithromax to family members outside a bonafide physician/patient relationship; invited patients to Amway informational meetings in his home; and on or about January 15, 1998 entered into five (5) year Recovering Monitoring Contract with Virginia Monitoring, Inc. (Revised February 10, 1999). (Pet's. Ex. 4)

### **HEARING COMMITTEE CONCLUSIONS**

The Hearing Committee concludes that the conduct resulting in the Virginia Board's disciplinary action against Respondent would, if committed in New York State, constitute misconduct under the laws of New York state.

**VOTE OF THE HEARING COMMITTEE**

**SPECIFICATION**

**FIRST SPECIFICATION**

Respondent is charged with professional misconduct by reason of his having violated New York Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state.

**VOTE: SUSTAINED (3-0)**

**SECOND SPECIFICATION**

Respondent is charged with professional misconduct by reason of his having violated New York State Education Law §6530(9)(d) by reason of his having surrendered his license or having other disciplinary action taken against him after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the surrender or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state.

**VOTE: SUSTAINED (3-0)**

## HEARING COMMITTEE DELIBERATIONS

The record in this case indicates that the Virginia Medical Board issued a Consent Order wherein it was ORDERED that the Respondent's medical license be "SURRENDERED FOR INDEFINITE SUSPENSION" based on charges which included, among other things, self prescribing and sexual misconduct.

At the instant hearing, the Respondent testified that he was retired from the practice of medicine and that he had no intention of returning to practice in either Virginia or New York. He testified that his main concern was how this matter will be reported to the Data Bank and he expressed fear that his two young sons may become aware of his situation and be adversely affected.

The Respondent attempted to contradict some of the findings in the Virginia Consent Order but was advised that this Hearing Committee had no authority to void or modify the Virginia Consent Order.

Based on the action of the Virginia Medical Board, the Hearing Committee determines unanimously (3-0) that the Respondent's license to practice medicine in the state of New York should be REVOKED.



ORDER


IT IS HEREBY ORDERED THAT:

1. The Respondent license to practice medicine in the State of New York is hereby REVOKED.

2. The **ORDER** shall be effective upon service on the Respondent or the Respondent's attorney by personal service or by certified or registered mail.

DATED: ,New York

4/1/, 2000

  
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DATTA WAGEL, M.D., Chairperson

RICHARD KASULKE, M.D.  
MR. JOHN TORRANT

APPENDIX I

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

**IN THE MATTER  
OF  
OLIN LESLIE WEST, M.D.**

**NOTICE  
OF  
REFERRAL  
PROCEEDING**

**TO: OLIN LESLIE WEST, M.D.  
4284 Ballards Mill Road  
Free Union, Virginia 22940**

**PLEASE TAKE NOTICE THAT:**

An adjudicatory proceeding will be held pursuant to the provisions of N.Y. Pub. Health Law Section 230(10)(p) and N.Y. State Admin. Proc. Act Sections 301-307 and 401. The proceeding will be conducted before a committee on professional conduct of the State Board for Professional Medical Conduct (Committee) on the 23rd day of March, 2000 at 10:00 in the forenoon of that day at the Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180.

At the proceeding, evidence will be received concerning the allegations set forth in the Statement of Charges, which is attached. A stenographic record of the proceeding will be made and the witnesses at the proceeding will be sworn and examined.

You may appear in person at the proceeding and may be represented by counsel. You may produce evidence or sworn testimony on your behalf. Such evidence or sworn testimony shall be strictly limited to evidence and testimony relating to the nature and severity of the penalty to be imposed upon the licensee. Where the charges are based on the conviction of state law crimes in other jurisdictions, evidence may be offered which would show that the conviction would not be a crime in New York State. The Committee also may limit the number of witnesses whose testimony will be received, as well as the length of time any witness will be permitted to testify.

If you intend to present sworn testimony, the number of witnesses and an estimate of the time necessary for their direct examination must be submitted to the New York State Department of Health, Division of Legal Affairs, Bureau of Adjudication, Hedley Park Place, 5th Floor, 433 River Street, Troy, New York 12180, ATTENTION: HON. TYRONE BUTLER, DIRECTOR, BUREAU OF ADJUDICATION, (henceforth "Bureau of Adjudication") as well as the Department of Health attorney indicated below, on or before March 14, 2000.

Pursuant to the provisions of N.Y. Public Health Law §230(10)(p), you shall file a written answer to each of the Charges and Allegations in the Statement of Charges no later than ten days prior to the hearing. Any Charge or Allegation not so answered shall be deemed admitted. You may wish to seek the advice of counsel prior to filing such an answer. The answer shall be filed with the Bureau of Adjudication, at the address indicated above, and a copy shall be forwarded to the attorney for the Department of Health whose name appears below. You may file a brief and affidavits with the Committee. Six copies of all such papers you wish to submit must be filed with the Bureau of Adjudication at the address indicated above on or before March 14, 2000 and a copy of all papers must be served on the same date on the Department of Health attorney indicated below. Pursuant to Section 301(5) of the State Administrative Procedure Act, the Department, upon reasonable notice, will provide at no charge a qualified interpreter of the deaf to interpret the proceedings to, and the testimony of, any deaf person.

The proceeding may be held whether or not you appear. Please note that requests for adjournments must be made in writing to the Bureau of Adjudication, at the address indicated above, with a copy of the request to the attorney for the Department of Health, whose name appears below, at least five days prior to the scheduled date of the proceeding. Adjournment requests are not routinely granted. Claims of court engagement will require detailed affidavits of actual engagement. Claims of illness will require medical documentation. Failure to obtain an attorney within a reasonable

period of time prior to the proceeding will not be grounds for an adjournment.

The Committee will make a written report of its findings, conclusions as to guilt, and a determination. Such determination may be reviewed by the administrative review board for professional medical conduct.

SINCE THESE PROCEEDINGS MAY RESULT IN A  
DETERMINATION THAT SUSPENDS OR REVOKES YOUR  
LICENSE TO PRACTICE MEDICINE IN NEW YORK STATE  
AND/OR IMPOSES A FINE FOR EACH OFFENSE CHARGED,  
YOU ARE URGED TO OBTAIN AN ATTORNEY TO REPRESENT  
YOU IN THIS MATTER.

DATED: Albany, New York  
*January 28*, 2000



PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional  
Medical Conduct

Inquiries should be addressed to:

Robert Bogan  
Assistant Counsel  
Office of Professional Medical Conduct  
433 River Street  
Suite 303  
Troy, NY 12180  
(518)402-0820

STATE OF NEW YORK : DEPARTMENT OF HEALTH  
STATE BOARD FOR PROFESSIONAL MEDICAL CONDUCT

-----X

IN THE MATTER	STATEMENT
OF	OF
OLIN LESLIE WEST, M.D.	CHARGES

-----X

OLIN LESLIE WEST, M.D., the Respondent, was authorized to practice medicine in New York state on November 8, 1971, by the issuance of license number 110617 by the New York State Education Department.

**FACTUAL ALLEGATIONS**

A. On or about April 9, 1999, the Commonwealth of Virginia, Department of Health Professions, Board of Medicine, (hereinafter "Virginia Board"), issued a Consent Order, (hereinafter "Virginia Order"), wherein the Respondent's license was indefinitely surrendered, based on his possible impairment in that he self-prescribed Ritalin, Cylert, Prozac, Weellburtin, phentermine, Proventil, Ventolin, Synthroid, Propranolol, Levoxyl, and Albuterol, amphetamine or amphetamine-like dependence, alcohol dependence, engaged in a sexual relationship with a patient, prescribed Fioricet to a known drug dependent patient without medical indication, engaged in a personal relationship with a patient that he considered to be a boundary violation, prescribed medications to five (5) patients while he was undergoing in-patient treatment in the Menninger Clinic, authorized prescriptions for Dexedrine, Hycodan, Amoxicillin, Azmacort Inhaler, Albuterol, Guaifenex LA, Hismanal, and Zithromax to family members outside a bona-fide physician/patient relationship, invited patients to Amway informal meeting in his home, and on or about January 15, 1998 entered into a five (5) year Recovering

Monitoring Contract with Virginia Monitoring, Inc. (Revised February 10, 1999).

B. The conduct resulting in the Virginia Board's disciplinary action against Respondent would constitute misconduct under the laws of New York state, pursuant to the following sections of New York state law:

1. New York Education Law §6530(2) (practicing the profession beyond its authorized scope);
2. New York Education Law §6530(3) (negligence on more than one occasion);
3. New York Education Law §6530(5) (incompetence on more than one occasion);
4. New York Education Law §6530(7) (practicing the profession while impaired);
5. New York Education Law §6530(8) (being dependent or a habitual user of drugs);
6. New York Education Law §6530(16) (failure to comply with federal, state, or local laws, rules, or regulations governing the practice of medicine);
7. New York Education Law §6530(20) (moral unfitness); and/or
8. New York Education Law §6530(44) (in the practice of psychiatry, engaging in physical contact of a sexual nature with a patient).

**SPECIFICATIONS**  
**FIRST SPECIFICATION**

Respondent is charged with professional misconduct by reason of his having violated New York Education Law §6530(9)(b) by reason of having been found guilty of improper professional practice or professional misconduct by a duly authorized professional disciplinary agency of another state where the conduct upon which the finding was based would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

1. The facts in paragraphs A and/or B.

**SECOND SPECIFICATION**

Respondent is charged with professional misconduct by reason of his having violated New York State Education Law §6530(9)(d) by reason of his having surrendered his license or having other disciplinary action taken against him after a disciplinary action was instituted by a duly authorized professional disciplinary agency of another state, where the conduct resulting in the surrender or other disciplinary action would, if committed in New York state, constitute professional misconduct under the laws of New York state, in that the Petitioner charges:

2. The facts in paragraphs A and/or B.

DATED: *Jan 28*, 2000  
Albany, New York

  
PETER D. VAN BUREN  
Deputy Counsel  
Bureau of Professional



Medical Conduct