

BEFORE THE WEST VIRGINIA BOARD OF MEDICINE

IN RE:

CHRISTOPHER JOHN MURPHY, M.D.

CONSENT ORDER

The West Virginia Board of Medicine and Christopher John Murphy, M.D., (“Dr. Murphy”) freely and voluntarily enter into the following Consent Order, pursuant to West Virginia Code §30-3-1, *et seq.*

FINDINGS OF FACT

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

1. Dr. Murphy holds a license, License Number 23918, to practice medicine and surgery in the state of West Virginia. His address of record with the Board is in Martinsburg, West Virginia.
2. Dr. Murphy’s self-designated area of specialty is psychiatry.
3. On or about March 14, 2016, the Board received a third party report, alleging that Dr. Murphy was engaging in unethical and unprofessional conduct. The Reporting Individual alleged that Dr. Murphy was involved in a personal relationship with a female patient, and was improperly and/or unethically writing prescriptions for controlled substances to individuals who were not Dr. Murphy’s patients.

4. Thereafter, the Complaint Committee initiated a complaint, Complaint No. 16-65-W, to investigate the allegations of unprofessional conduct raised in the March 14, 2016 third party report.

5. Upon information and belief, Dr. Murphy treated Patient A¹ for addiction and anxiety.

6. During the course of his treatment of Patient A, Dr. Murphy began a sexual relationship with this patient. Dr. Murphy had sexual encounters with Patient A on multiple occasions in 2015, all of which occurred in his office, either during regular patient visits or after hours.

7. Dr. Murphy continued to treat Patient A, including prescribing controlled substances to Patient A, after he entered into a sexual relationship with her.

8. In the fall of 2016, Dr. Murphy distributed forty tablets of Xanax, controlled substance medication, to Patient A. The Xanax tablets Dr. Murphy distributed to Patient A were originally dispensed pursuant to a valid prescription to Dr. Murphy's wife.

9. On August 25, 2016, Dr. Murphy administered three tablets of Ativan, a scheduled controlled substance, and one tablet of Clonidine to Patient A during an office visit.

10. Upon leaving Dr. Murphy's office on August 25, 2016, Patient A was taken to the hospital for evaluation and treatment associated with an overdose.

11. On August 25, 2016, Dr. Murphy also distributed Ativan and clonidine tablets to Patient A. The Ativan Dr. Murphy administered and distributed to Patient A were from his own personal prescription.

¹ To protect patient confidentiality, this Consent Order does not refer to Dr. Murphy's patients by name.

12. Dr. Murphy knowingly wrote prescriptions for controlled substances to persons he did not treat, and had never met, at the request of Patient A.

13. Dr. Murphy also wrote prescriptions for controlled substances to at least two non-patients at the request of Patient B, a gang member who was allegedly extorting prescriptions from Dr. Murphy.

14. Dr. Murphy engaged in improper and unsafe practices with respect to his prescribing, administering, and distributing of controlled substances to patients and non-patients.

15. Dr. Murphy violated the professional conduct standards for physicians by initiating graphic and inappropriate electronic communications with multiple female patients.

16. Dr. Murphy sent sexually explicit photographs and video of himself to Patient A.

17. Dr. Murphy initiated and engaged in inappropriate and sexually explicit text and social media contact with Patient C.

18. Dr. Murphy sent sexually explicit photographs of himself to Patient D on multiple occasions.

19. The Board and Dr. Murphy voluntary enter into this Consent Order to resolve Complaint No. 16-65-W, and to protect the public.

CONCLUSIONS OF LAW

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

1. Dr. Murphy'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.

4. 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.

5. Probable cause may exist to substantiate disciplinary charges against Dr. Murphy for violations of the professional conduct standards set forth in 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)(8) and W. Va. Code R. §11-1A-12.1.r, relating to exercising influence within a patient-physician relationship for the purpose of engaging a patient in sexual activity;
- b. W. Va. Code §30-3-14(c)(17) and W. Va. Code R. §11-1A-12.1.e, relating to dishonorable, unethical or unprofessional conduct of a character likely to deceive, defraud or harm the public or any member thereof;
- c. W. Va. Code §30-3-14(c)(17) and W. Va. Code R. §11-1A-12.1.j, relating to unprofessional conduct including, but not limited to, any departure from, or failure to conform to, the standards of acceptable and prevailing medical practice, or the ethics of the medical profession, irrespective of whether or not a patient is injured thereby, and/or any the commission of act contrary to honesty, justice or good morals, whether the same is committed in the course of his practice or otherwise and whether committed within or without this State;

- d. W. Va. Code §30-3-14(c)(17) and W. Va. Code R. §11-1A-12. 2.d, relating to conduct which is calculated to bring or has the effect of bringing the medical profession into disrepute, including, but not limited to, any departure from or failure to conform to the standards of acceptable and prevailing medical or podiatric practice within the state, and any departure from or failure to conform to the current principles of medical ethics of the AMA;
- e. W. Va. Code §30-3-14(c)(20) and W. Va. Code R. §11-1A-12.1.i, relating to demonstrating a lack of professional competence to practice medicine or podiatry with a reasonable degree of skill and safety for patients;
- f. West Virginia §30-3-14(c)(17), and W. Va. Code R. §11-1A-12.1.x, relating to engaging in malpractice or failing 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;
- g. W. Va. Code §30-3-14(c)(11), W. Va. Code R. §11-1A-12.1.u, and W. Va. Code R. §11-1A-12.1.jj, relating to the failure to keep written records to justify the course of treatment;
- h. 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;
- i. W. Va. Code §30-3-14(c)(17) and W. Va. Code R. § 11-1A-12.2.a, related to dishonorable unethical or unprofessional conduct including, but not limited to prescribing or dispensing any controlled substance:
 - i. 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; and/o
 - ii. With the intent to evade any law with respect to the sale, use or disposition of the controlled substances; and/or
 - iii. 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; and/or
 - iv. 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.

- j. West Virginia Code §30-3-14(c)(17) and W. Va. Code R. § 11-1A-12.1.o, relating to the failure to perform any statutory or legal obligation placed upon a licensed physician; and/or
 - k. West Virginia Code §30-3-14(c)(17) and W. Va. Code R. § 11-1A-12.1.bb, relating to the violation of any law or lawfully promulgated rule or regulation of this State relating to the practice of medicine.
6. It is reasonable, appropriate, and in the public interest to permit Dr. Murphy to surrender his West Virginia medical license permanently in lieu of instituting disciplinary proceedings upon this complaint.

CONSENT

By signing his name to this Consent Order, Christopher John Murphy, M.D., acknowledges that he understands and agrees with the following:

1. Dr. Murphy has read and understands this entire Consent Order;
2. Dr. Murphy agrees that he has been given adequate time and opportunity to review and consider the terms set forth in this Consent Order;
3. Dr. Murphy understands that he has the right to legal representation in this matter, at his own expense, and agrees that he has been afforded adequate time and opportunity to exercise his right to consult with his attorneys regarding the legal effect of this Consent Order;
4. Dr. Murphy 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. Murphy 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. Murphy 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. Other than his right to legal counsel, which Dr. Murphy has exercised, Dr. Murphy knowingly and voluntarily waives all such additional legal rights, and agrees to the entry of this Consent Order relative to his practice of medicine in the State of West Virginia;

8. Dr. Murphy acknowledges that by signing this Consent Order, he is forever relinquishing his license to practice medicine and surgery in West Virginia, and is affirmatively waiving any opportunity for licensure reinstatement or reactivation in the future; and

9. Dr. Murphy 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. Murphy, the West Virginia Board of Medicine hereby **ORDERS** as follows:

1. Effective upon the entry of this Order, Dr. Murphy's license to practice medicine and surgery in West Virginia, license number 23918, is hereby **PERMANENTLY SURRENDERED** to the Board.

2. In the future, Dr. Murphy shall not submit any application or request seeking the reinstatement or reactivation of his surrendered West Virginia medical license.

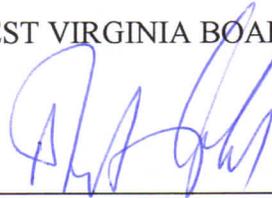
3. Dr. Murphy agrees that by virtue of his execution of this Consent Order, he is permanently ineligible for licensure by the West Virginia Board of Medicine, and that the Board need not consider or act upon any future application he may submit to this Board in contravention of the terms of this Consent Order.

4. 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.

5. A copy of the fully executed Consent Order shall be served upon Dr. Murphy and his counsel of record via certified mail at his address of record with the Board.

ENTERED ON: February 22, 2017

WEST VIRGINIA BOARD OF MEDICINE



Ahmed D. Faheem, M.D.
President

Date: 2/16/17



Rahul Gupta, M.D., M.P.H.
Secretary

Date: 2/21/17

ACCEPTANCE

I, CHRISTOPHER JOHN MURPHY, 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. UPON ENTRY OF THIS CONSENT ORDER, MY WEST VIRGINIA LICENSE WILL BE SURRENDERED PERMANENTLY, AND I WILL NO LONGER BE ELIGIBLE TO PRACTICE MEDICINE AND SURGERY IN WEST VIRGINIA. I HAVE ALSO AGREED THAT I WILL NEVER REAPPLY FOR LICENSURE IN WEST VIRGINIA, AND I UNDERSTAND THIS IS A BINDING AND BARGAINED FOR TERM OF THIS CONSENT ORDER.

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, WHICH I HAVE EXERCISED. I HAVE BEEN PROVIDED WITH AMPLE TIME TO CONSULT WITH MY ATTORNEY AND OBTAIN LEGAL ADVICE REGARDING MY ACCEPTANCE OF THIS CONSENT ORDER.

I AM SIGNING THIS CONSENT ORDER VOLUNTARILY, AND I UNDERSTAND THE POTENTIAL CONSEQUENCES OF THIS CONSENT ORDER, AND ANY VIOLATIONS THEREOF.



Christopher John Murphy, M.D.

Date: 2-10-17

STATE OF West Virginia COUNTY OF Morgan, to-wit:

I, Kayla S. Myers, a Notary Public for said county and state do hereby certify that Christopher John Murphy, M.D., whose name is signed herein above has this day acknowledged the same before me.

Given under my hand this 10th day of February, 2017.

My Commission expires August 31, 2019

Kayla S. Myers
Notary Public

