

**BEFORE THE WEST VIRGINIA BOARD OF MEDICINE**

**IN RE: RUSSELL IRVIN VOLTIN, M.D.**

**CONSENT ORDER**

The West Virginia Board of Medicine ("Board") and Russell Irvin Voltin, M.D. ("Dr. Voltin"), freely and voluntarily enter into the following Consent Order pursuant to the provisions of W. Va. Code § 30-3-14, et seq.

**FINDINGS OF FACT**

1. Dr. Voltin currently holds a license to practice medicine and surgery in the State of West Virginia, License No. 15994, issued originally in 1989. Dr. Voltin's primary specialty is Psychiatry, and his address of record is in South Charleston, West Virginia.
2. On March 30, 2007, the Complaint Committee of the Board received a Complaint from a former patient of Dr. Voltin, alleging certain unprofessional and unethical conduct, including, but not limited to, a lengthy online personal relationship, between the Complainant and Dr. Voltin, from approximately 2003 through early 2007.
3. The Complaint Committee began an investigation of the Complaint and on June 1, 2007, a response to the Complaint was filed on behalf of Dr. Voltin. In his response, Dr. Voltin admitted that he had engaged in a lengthy online personal relationship with the Complainant, which involved numerous telephone conversations, e-mails, and text messages. However, Dr. Voltin denied any sexual contact with the Complainant, and stated that he did not know that the Complainant was a former patient as she had acted to conceal her true identity from him.

4. The Complainant received the response filed by Dr. Voltin, and on June 23, 2007, the Complainant filed an additional response in further support of her Complaint.

5. On September 9, 2007, the Complaint Committee reviewed and considered the Complaint, and requested further investigation regarding the allegations described in the Complaint, including the issuance of multiple subpoenas.

6. The Complaint Committee also determined that Dr. Voltin should be required to submit to a complete mental and physical examination, to be completed by a physician approved by the Board, based upon the specific allegations in the Complaint, the Committee's investigation in this matter, and the Committee's concern regarding the public interest.

7. On September 10, 2007, the Board authorized the issuance of an Order requiring Dr. Voltin to submit to a complete mental and physical examination, to be completed by a Board-approved physician.

8. On January 28, 2008, Dr. Voltin appeared for the mental and physical examination required by the Board.

9. By correspondence dated March 3, 2008, the physician who completed the mental and physical examination provided a detailed written report regarding the mental and physical examination to the Board.

10. On May 11, 2008, Dr. Voltin appeared before the Complaint Committee of the Board for a full discussion regarding this matter, including the results of the Complaint Committee's investigation and the mental and physical examination.

11. The Board has reviewed this matter in detail and has determined that the continued practice of medicine by Dr. Voltin the State of West Virginia, absent compliance with this Consent Order, could adversely affect the health and welfare of his patients.

12. Both parties now desire to enter into this Consent Order to settle and terminate this matter.

### **CONCLUSIONS OF LAW**

1. The Board has a mandate pursuant to the West Virginia Medical Practice Act to protect the public interest. W. Va. Code § 30-3-1.

2. Probable cause exists to substantiate charges against Dr. Voltin for violations of W. Va. Code § 30-3-14 (c)(17) and 11 CSR 1A 12.1 (e) and (j), relating to unprofessional and unethical conduct, and 11 CSR 1A 12.2 (d), relating to conduct having the effect of bringing the medical profession into disrepute, including a departure from or failure to conform to the current principles of medical ethics of the American Medical Association.

3. The Board has determined that appropriate action is necessary for a professional environment that encourages the delivery of quality medical services within the State as required by W. Va. Code § 30-3-2.

4. The Board has further determined that it is appropriate and in the public interest to waive the commencement of proceedings against Dr. Voltin and to proceed without the filing of formal charges in a Complaint and Notice of Hearing, provided Dr. Voltin enters into this Consent Order.

### **CONSENT**

Russell Irvin Voltin, M.D., by affixing his signature hereon, agrees solely and exclusively for purposes of this agreement and the entry of the Order provided for and stated herein, and the proceedings conducted in accordance with this Order, to the following:

1. Dr. Voltin acknowledges that he is fully aware that, without his consent here given, no permanent legal action may be taken against him except after a public hearing held in accordance with W. Va. Code § 30-3-14 (h) and § 29A-5-1, et seq.

2. Dr. Voltin further acknowledges that he has the following rights, among others: the right to a formal public hearing before the Board, the right to reasonable notice of said hearing, the right to be represented by counsel at his own expense, and the right to cross-examine witnesses against him.

3. Dr. Voltin waives all rights to such a public hearing.

4. Dr. Voltin consents to the entry of this Order relative to his practice of medicine and surgery in the State of West Virginia.

5. Dr. Voltin understands that this Order is considered public information, and that matters contained herein may be reported, as required by law, to the National Practitioner Data Bank and the Healthcare Integrity and Protection Data Bank.

## **ORDER**

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

1. Effective June 6, 2008, the license to practice medicine and surgery in the State of West Virginia previously issued to Dr. Voltin, License No. 15994, is **SUSPENDED**, for a period of three (3) years, and such suspension is immediately **STAYED**, and Dr. Voltin is placed on **PROBATION** for a period of three (3) years, until June 6, 2011, during which period of probation Dr. Voltin can continue to practice medicine and surgery in the State of West

Virginia unrestricted, provided he continues to comply with all of the rules and regulations of the Board of Medicine and with the following:

a. Dr. Voltin shall participate in a **PROGRAM OF EDUCATION**, approved in advance by the Board, at his own expense, within six (6) months following the date of entry of this Order. The program shall include, as a minimum, a two (2) day course of Continuing Medical Education (“CME”) on the subject of medical ethics and physician-patient boundaries. This requirement is in addition to the fifty (50) CME hours required by the Board every two (2) years. To meet this requirement, Dr. Voltin may attend a course sponsored by Robert Wood Johnson Medical School entitled “Professional Renewal in Medicine through Ethics: A Boundaries Course in Professional Ethics” or similar CME courses sponsored by Case Western Reserve University School of Medicine regarding medical ethics and physician-patient boundaries.

b. Dr. Voltin shall provide to the Board a copy of appropriate documentation confirming his successful completion of the required program of education within six (6) months following the entry of this Order.

c. Dr. Voltin shall continue individual psychotherapy on a regular basis with a Board-approved psychotherapist in order to resolve the specific issues, which resulted in the violations addressed by this Consent Order. The Board-approved psychotherapist shall further provide periodic reports to the Board regarding Dr. Voltin’s mental health status and the progress of his therapy, as follows: every four (4) months for the first year; and every six (6) months for the remaining two (2) years.

d. Should the psychological condition of Dr. Voltin at any time deteriorate to the extent that the Board-approved psychotherapist is concerned about the ability

of Dr. Voltin to practice medicine with a reasonable degree of skill or safety, the Board-approved psychotherapist shall immediately notify the Board.

e. If at any time the Board-approved psychotherapist is unwilling or unable to serve in that capacity, Dr. Voltin shall have ten (10) working days from the date of the Board-approved psychotherapist's termination of service, to obtain another duly licensed treating psychotherapist approved by the Board.

f. Dr. Voltin shall appear before the Complaint Committee of the Board annually, at such times as may be designated by the Board, while this Consent Order is in effect, to report on his progress with continued therapy, and to confirm that he remains in full compliance with the provisions of this Order.

2. Dr. Voltin is also **PUBLICLY REPRIMANDED** for unprofessional and unethical conduct related to this matter.

3. If the Board determines, in its sole discretion, that Dr. Voltin has failed or refused, without good cause, to comply with any of the provisions of this Order or with any of the laws or rules pertaining to the practice of medicine during the effective period of this Consent Order, then the **STAY** shall be **DISSOLVED** immediately, without further process or hearing, as determined by the Board.

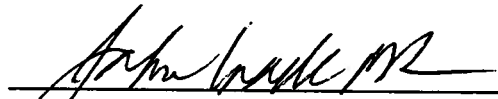
4. Prior to the end of the term of this Order, if Dr. Voltin engages in any conduct which is similar to that described in the subject Complaint, including any inappropriate contact with a patient, then the Board may, in its sole discretion, without further process or hearing, Order that the license to practice medicine and surgery in the State of West Virginia previously issued to Dr. Voltin be revoked and by his signing of this Order, Dr. Voltin has consented to the same.

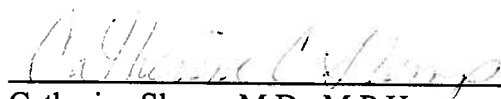
5. Within thirty (30) days from the entry of this Consent Order, Dr. Voltin shall present a copy of this Consent Order to his approved psychotherapist, any employer or health care or medical facility where Dr. Voltin is authorized to practice medicine or surgery in the State of West Virginia, and during the period that this Consent Order is in effect, Dr. Voltin shall provide a copy of this Consent Order to any prospective employer or health care or medical facility where Dr. Voltin seeks to practice medicine in the State of West Virginia.

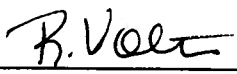
6. At the option of either Dr. Voltin or the Board, this Consent Order or a modified version thereof may be again entered into by the parties at the end of the three (3) year period of probation.

The foregoing Order was entered this 18<sup>th</sup> day of August, 2008.

WEST VIRGINIA BOARD OF MEDICINE

  
\_\_\_\_\_  
John A. Wade, Jr., M.D.  
President

  
\_\_\_\_\_  
Catherine Slemp, M.D., M.P.H.  
Secretary

  
\_\_\_\_\_  
Russell Irvin Voltin, M.D.  
Date: 7/31/08

STATE OF WEST VIRGINIA

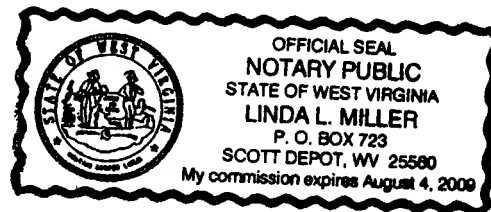
COUNTY OF Kanawha

I, Linda L. Miller, a Notary Public in and for said county and state, do hereby certify that Russell Irvin Voltin, M.D., whose name is signed on the previous page, has this day acknowledged the same before me.

Given under my hand this 31<sup>st</sup> day of July, 2008.

My commission expires 8/4/09.

Linda L. Miller  
Notary Public





R. Curtis Arnold, DPM  
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Morgantown

Angelo N. Georges, MD  
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**West Virginia Board of Medicine**  
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Huntington

October 2, 2008

Russell Irvin Voltin, M.D.  
Psycare  
4825 MacCorkle Avenue, Suite C  
South Charleston, WV 25309

In Re: Russell Irvin Voltin, M.D.

Dear Dr. Voltin:

On September 29, 2008, we received documentation confirming your successful completion of the Board-approved course in Medical Ethics, Boundaries and Professionalism at Case Western Reserve University School of Medicine.

You are now in compliance with the requirement of the August, 2008, "Consent Order" you entered into with this Board to participate in a program of education approved by the Board. A copy of this letter will be attached to the "Consent Order" and will remain a part of the "Consent Order."

Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert C. Knittle".

Robert C. Knittle

RCK/eb

pc: Edward C. Martin, Esq.  
Flaherty, Sensabaugh & Bonasso, PLLC  
P.O. Box 3843  
Charleston, West Virginia 25338-3843

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# State of West Virginia *Board of Medicine*

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EXECUTIVE DIRECTOR

June 7, 2011

Russell I. Voltin, M.D.  
312 6<sup>th</sup> Avenue, Suite 2  
Charleston, West Virginia 25303

Dear Dr. Voltin:

This is to officially notify you that the three (3) year probationary status placed on your West Virginia medical license has ended, as of June 6, 2011, due to your compliance with all terms of your probation.

In accordance with the statute, the Consent Order remains a permanent part of your historical record maintained by the Board. A copy of this letter will be attached to the Consent Order and will remain a part of the Consent Order.

Thank you for your cooperation and patience throughout this process and continued best wishes for success.

Sincerely,

Robert C. Knittle

RCK/meb

pc: Edward C. Martin, Esq.  
P. O. Box 3843  
Charleston, WV 25338-3843