

IN AND BEFORE THE OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel, )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )  
 )  
Plaintiff, )  
v. )  
 )  
B. MICHAEL VINSON, M.D. ) CASE NO. 91-12-1275  
Medical License No. 12367, )  
 )  
Defendant. )

ORDER TO MODIFY PROBATION  
AND REFLECT NAME CHANGE

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on July 14, 1995, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and B. Michael Vinson, M.D., Defendant, appeared in person, pro se, waived right to counsel and agreed to proceed without counsel.

The Board of Medical Licensure and Supervision heard testimony, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That the Defendant, B. Michael Vinson, M.D., formerly held Oklahoma Medical License No. 12367.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That following notice and hearing on June 27, 1992, the Board voted to suspend Defendant from the practice of medicine and surgery in Oklahoma with the suspension to remain in full force and effect until such time as the Board could review and evaluate a further and more complete examination of the Defendant to be done by a physician or group as recommended by the Physician Recovery Committee of the Oklahoma State Medical Association. The Board was to review that evidence at its first meeting after the Board staff receives the evidence. In response thereto, the Defendant voluntarily surrendered, instanter, his Oklahoma medical license by the act of removing his wallet identification card of licensure and throwing it on the floor in front of the Board members, and the Board members accepted that voluntary surrender of licensure.
4. That since the meeting of June 27, 1992, Defendant did meet with J. Darrel Smith, M.D., Chairman, Physician Recovery Committee of the Oklahoma State Medical Association. Dr. Smith suggested that Defendant undergo evaluation at Atlanta, Georgia.
5. That Defendant underwent a comprehensive addictive disease and psychiatric assessment at Anchor Hospital from

August 10-13, 1992. That assessment summarized the Defendant as follows, to-wit:

"The history and physical examination revealed no significant abnormalities. The admission urine drug screen was negative, save for Zoloft. The biochemical profile, thyroid profile, CBC and urinalysis were all within normal limits. The psychiatric assessment revealed a history of a major depressive disorder. There is no evidence of thought disorder or significant characterological dysfunction.

In summary, the assessment committee determined that the patient, Dr. Michael Vinson, has a longstanding history of major depression. Unfortunately, he has been inadequately treated due to his distrust of others. His condition has reportedly improved over the past several months as he has turned over the management of his depression to a psychiatrist. The assessment committee recommends continued monitoring and treatment by an attending psychiatrist. We would also suggest random urine drug screens to continue validation of the history of no drug use and adherence to the prescribed pharmacotherapy."

6. That Defendant has continued seeing psychiatrist Everett E. Bayne, M.D., Oklahoma City Clinic-South, 8315 South Walker, Oklahoma City, Oklahoma 73139.

7. That on or around September 12, 1992, following additional notice and hearing, the Board after evaluating evidence issued its Order Reinstating Licensure Under Terms of Probation. At that meeting the Defendant was placed under probation to the Oklahoma Board of Medical Licensure and Supervision for a period of five years to begin on September 12, 1992, and set forth certain enumerated terms and conditions of probation.

8. That since the imposition of reinstatement of license on September 12, 1992, Defendant has conducted himself within substantial compliance and fulfillment of the terms and conditions of probation. That evidence presented on this date by the Defendant forms a basis for the Board to modify Defendant's probation and the terms and conditions thereof by eliminating the requirement that the Defendant provide bodily fluids upon request of a Board Investigator, and further that the Defendant's license be modified to reflect Defendant's name change to "Billy Michael Pershica."

#### CONCLUSIONS OF LAW

1. That evidence previously received by the Board indicated that the Defendant, B. Michael Vinson, M.D., formerly holding Oklahoma Medical License No. 12367, was in violation of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 509, Paragraphs 13 and 16, to-wit:

"13. Prescribe or administer a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship."

"16. Inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals,

or any other type of material or as a result of any mental or physical condition."

2. That since that finding was entered by the Board, Defendant has submitted to full evaluation at the Anchor Hospital, Atlanta, Georgia, and has initiated psychiatric treatment and Defendant has now progressed that he may practice medicine and surgery under limited circumstances without a danger to public health, safety or welfare.

3. That the Board may exercise its discretion to modify terms and conditions of probation previously imposed and that such modifications are supported in this case.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That Defendant, B. Michael Vinson, M.D., holding Oklahoma Medical License No. 12367, records should be modified to show him of the name BILLY MICHAEL PERSHICA, and that he will be referred heretofore in the style of this cause as Billy Michael Pershica, formerly B. Michael Vinson, M.D., Medical License No. 12367.

2. That Defendant is hereby retained on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on September 12, 1992, with the terms and conditions modified by the Board to reflect the following:

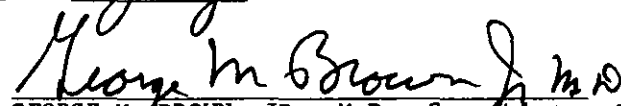
- (a) During the period of probation Defendant may prescribe controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, to include all dispensing records on CDS and to include all sample medication.
- (b) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (c) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, and during the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous depression and effects thereof.
- (d) During the period of probation Defendant will continue under psychiatric care as initiated with Everett E. Bayne, M.D., Oklahoma City Clinic-South, 8315 South Walker, Oklahoma City, Oklahoma 73139, and Defendant shall authorize said physician to report to the Board periodically on Defendant's progress and Defendant shall continue all supportive programs recommended by Dr. Bayne.

- (e) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Board Order and supply a copy thereof.
- (f) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (g) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (h) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (i) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (j) During the period of probation the Defendant shall not supervise a Physician Assistant.
- (k) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

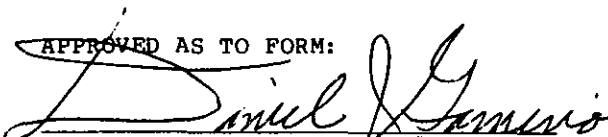
3. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

4. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 31<sup>st</sup> day of July, 1995.

  
 GEORGE M. BROWN, JR., M.D., Secretary  
 State Board of Medical Licensure  
 and Supervision

APPROVED AS TO FORM:

  
 DANIEL J. GAMINO OBA #3227  
 Daniel J. Gamino & Associates, P.C.  
 3315 NW 63  
 Oklahoma City, OK 73116  
 (405) 840-3741  
 ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 2 day of August, 1995, to:

BILLY MICHAEL PERSHICA  
608 East 24<sup>th</sup> St  
Shawnee, OK 73460

Janet L Owens