

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

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

BILLY MICHAEL VINSON, A/K/A)
BILLY MICHAEL PERSHICA, M.D.,)
LICENSE NO. 12367)

Defendant.)

JAN 05 1999

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 98-03-1993

COMPLAINT

Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), through Stephen Washbourne, Investigator ("Complainant"), for its Complaint against the Defendant, Billy Michael Vinson, a/k/a Billy Michael Pershica, M.D., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*

2. Defendant, Billy Michael Vinson a/k/a Billy Michael Pershica, M.D., holds Oklahoma license no. 12367.

Count I

Violation of Board Order and Agreement

3. Defendant has been disciplined previously by the Board. On June 29, 1992, he was suspended with the recommendation that he undergo a comprehensive addictive disease and psychiatric assessment. He was also found guilty of prescribing controlled drugs without sufficient examination and the establishment of a valid physician-patient relationship. His license was later reinstated under terms of probation on September 12, 1992.

4. On May 29, 1997, a complaint and citation were filed by the State against Defendant for (a) his failure to furnish information lawfully requested by the Board, (b) his failure to cooperate with a lawful investigation conducted by the Board and (c) his violation of the

provisions of an existing Board order. After hearing evidence, the Board *en banc* voted on September 11, 1997 to accept Defendant's promise to pay the outstanding assessed costs and to allow Defendant to pay them on a monthly basis.

5. Defendant has failed to pay all outstanding costs assessed against him as ordered by the Board. As of November, 1998 Defendant owed the Board \$6,833.49 in assessed costs. His last payment to the Board was in the amount of \$20.00, and it was credited on February 20, 1998.

6. Defendant is guilty of unprofessional conduct in that he has violated the provisions of an action, stipulation or agreement of the Board in violation of OAC 435:10-7-4(39).

Count II
Felony and Misdemeanor Convictions

7. On August 3, 1998, Defendant was convicted and sentenced to the Johnston County jail following a jury trial in the Johnston County District Court for the State of Oklahoma, Case No. CF 98-61 for the felony of Assault With Intent to Commit a Felony - Kidnapping (21 O.S. 1991 Section 745) and a misdemeanor, Reckless Conduct With a Firearm.

8. The convictions were as a result of Defendant having forced his way into his estranged wife's home before 5:00 a.m. on March 21, 1998. At the time Defendant was armed with a 12-gauge shotgun and a .25 caliber semiautomatic pistol. When confronted by Vernon Williams, a Johnston County Sheriff's Deputy, Defendant ran out of the house still armed with both guns and threatened to shoot the Deputy's car. After Defendant pointed the shotgun at the Deputy, the Deputy shot and wounded Defendant.

9. Defendant is guilty of unprofessional conduct in that he:
- a. Has been convicted of a felony or an offense involving moral turpitude in violation of 59 Okla. Stat. §509(6) and OAC 435:10-7-4(10).
 - b. Has been convicted of a crime involving violation of the laws of the State of Oklahoma in violation of 59 Okla. Stat. §509(8).
 - c. Has engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 Okla. Stat. §509(9) and OAC 435:10-7-4(11).

Count III
Prescribing Without OBN Registration

10. Records at the Oklahoma State Bureau of Narcotics and Dangerous Drugs (OBN) show that OBN registration for Billy Michael Vinson, a/k/a Billy Michael Pershica, lapsed in November 1996 and has not been renewed.

11. After Defendant's OBN registration lapsed, he continued to prescribe controlled dangerous substances to over 200 different patients. Records from pharmacies in Tishomingo, and Ardmore, Oklahoma show the following controlled dangerous substances were prescribed by Defendant during the time he was not registered with OBN:

Substance/Schedule		Substance/Schedule	
AcetaminophenCodene Elixer	C-III	Hydrocodone 7.5/650 MG	C-III
AcetaminophenCodene #3	C-III	Propoxyphene w/APAP	C-IV
AcetaminophenCodene #4	C-III	Lorazepam 1 MG	C-IV
AcetaminophenCodone 60nMG	C-III	Lorazepam 2 MG	C-IV
Adipex - P 37.5 MG Tab	C-IV	Lorcet 10/650 MG	C-III
Alprazolam 0.25 MG	C-IV	Lorcet Plus	C-III
Alprazolam 0.5 MG	C-IV	Lortab 10/500 MG	C-III
Alprazolam 1 MG	C-IV	Lortab 7.5 MG	C-III
Alprazolam 2 MG	C-IV	Lonox	C-V
Ambien 10 MG	C-IV	MeperganFortin	C-II
Ambien 5 MG/C-IV	C-IV	Duragesic-25	C-II
Butalbital Compound	C-III	Oxycodone/Acetaminophen 5/325 G	C-II
Carisoprodol 350 MG	C-IV	Oxycodone/Acetaminophen 5/500 MG	C-II
Clorazepate 3.75 MG	C-IV	Oxycodone/ASA	C-II
Cylert 37.5 MG/C-I'	C-IV	Phentermine 30 MG	C-IV
Dalmane 30 MG	C-IV	Phentermine 37.5 MG	C-IV
Darvocet	C-IV	Temazepam 15 MG	C-IV
Demoral 50 MG	C-II	Poly-Histine CS	C-V
Didrex 50 MG	C-III	Pondimin 20 MG	C-IV
DiethylpropionCr 75 MG	C-IV	Hydrocodone/Acetaminophen 7.5/50 MG	C-III
Dilaudid 4 MG	C-II	PromethCodene Syrup	C-III
Diphenoxyl/ATR	C-V	Propoxy N-Acetaminophen 100/650 MG	C-IV
Endal-HDLiq	C-III	Quindal-Hydrocodone Liquid	C-III
Endocet	C-II	Restoril 30 MG	C-IV
Endodan	C-II	Rindal-HD	C-III
Fiorinal Cap	C-III	Roxilox	C-II
Flurazepam 30 MG	C-IV	Roxiprin	C-II
Guiatuss A.C. Syrup	C-III	MeperdinePrometh 50/25 MG	C-II
Halotussin-ACExp	C-III	Temazepam 30 MG	C-IV
Histinex-HC	C-III	TenuateDosp 75 MG	C-IV
Histussin-HC	C-III	Tussinex Liquid	C-III
Hycodaphen 5/500	C-III	TylenolCodene #3	C-III
Hydrocodone 10/650 MG	C-III	TylenolCodene #4	C-III
Hydrocodone 7.5/APAP	C-III	Valium 5 MG	C-IV
Hydrocodone/Acetaminophen 5/500 MG	C-III	Xanax 1 MG	C-IV

12. Defendant is guilty of unprofessional conduct in that he
- a. Has committed an act which is a violation of the criminal laws of the State when such act is connected with the physician's practice of medicine in violation of 59 Okla. Stat. §509(10).
 - b. Has violated the state law and regulations relating to controlled substances in violation of OAC 435:10-7-4(27).

Conclusion

WHEREFORE, Complainant prays the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,

Stephen Washbourne 12:20 p.m.
 Stephen Washbourne, Investigator
 Oklahoma State Board of Medical
 Licensure and Supervision

STATE OF OKLAHOMA)
) ss:
 COUNTY OF OKLAHOMA)

Subscribed and sworn to before me this 5 day of January, 1999.

Janet Orens
 Notary Public

My Commission expires:

12-20-2000