

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.

MAY 14 1999

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 98-03-1993

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 7, 1999, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel Gamino appeared for the plaintiff and defendant appeared in person and through counsel, Johnny J. Akins.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of Defendant, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

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. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

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

4. 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.

5. 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.

6. 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.

7. 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).

8. On or about March 21, 1998, before 5:00 a.m., Defendant forced his way into his estranged wife's home. 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 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).

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	
Acetaminophen/Codeine Elixir	C-III	Hydrocodone 7.5/650 MG	C-III
Acetaminophen/Codeine #3	C-III	Propoxyphene w/ APAP	C-IV
Acetaminophen/Codeine #4	C-III	Lorazepam 1 MG	C-IV
Acetaminophen/Codeine 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	Mepergan Fortin	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
Demerol 50 MG	C-II	Poly-Histine CS	C-V
Didrex 50 MG	C-III	Pondimin 20 MG	C-IV
Diethylpropion Cr 75 MG	C-IV	Hydrocodone/Acetaminophen 7.5/50 MG	C-III
Dilaudid 4 MG	C-II	Prometh/Codeine Syrup	C-III
Diphenoxyl/ATR	C-V	Propoxy N-Acetaminophen 100/650 MG	C-IV
Endal-HD Liq	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	Meperdine/Prometh 50/25 MG	C-II
Halotussin-AC Exp	C-III	Temazepam 30 MG	C-IV
Histinex-HC	C-III	Tenuate Dosp 75 MG	C-IV
Histussin-HC	C-III	Tussinex Liquid	C-III
Hycodaphen 5/500	C-III	Tylenol/Codeine #3	C-III
Hydrocodone 10/650 MG	C-III	Tylenol/Codeine #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).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and

subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:
 - A. Has violated the provisions of an action, stipulation or agreement of the Board in violation of OAC 435:10-7-4(39);
 - B. Has engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11);
 - C. 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 O.S. §509(10); and
 - D. Has violated the state law and regulations relating to controlled substances in violations of OAC 435:10-7-4(27).


Order

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

1. The license of Defendant, Billy Michael Vinson, a/k/a Billy Michael Pershica, M.D., Oklahoma license no. 12367, is hereby **SUSPENDED** beginning May 7, 1999 and continuing indefinitely pending completion of the following:
 - A. Payment of all fees owed to the Board for all prior actions as well as the present disciplinary proceeding; and
 - B. A full psychiatric examination and treatment coordinated through and approved by the Board.
2. Any reinstatement of Defendant's license will be contingent upon Defendant obtaining a job offer in a structured, controlled, supervised, non-solo environment.
3. In determining whether or not to allow Defendant's license to subsequently be reinstated, the Board will consider the speed at which Defendant pays all fees owed to the Board and obtains his psychiatric treatment.
4. The Defendant must notify the Board immediately upon the conclusion of his appeal of Case No. CF-98-61, originally tried in the District Court of Johnson County, State of Oklahoma, and the outcome of the same.

5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 17 day of May, 1999.


Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

APPROVED:

Daniel Gamino
3315 N.W. 63rd
Oklahoma City, OK 73116

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision

Johnny J. Akins
2424 N.W. 39th Terrace
Oklahoma City, OK 73112

Attorney for the Defendant

CERTIFICATE OF SERVICE

I certify that on the 17 day of May, 1999, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Johnny J. Akins, 2424 N.W. 39th Terrace, Oklahoma City, Oklahoma 73112.

Janet L Owens

Janet Owens