

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

FILED

JUL 29 1999

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.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 98-03-1993

**ORDER GRANTING REINSTATEMENT OF
LICENSE UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on July 23, 1999, at the Board office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

Defendant, Billy Michael Vinson, a/k/a Billy Michael Pershica, M.D., appeared in person and through counsel, Johnny J. Akins.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. Defendant has applied for reinstatement of his Oklahoma medical license no. 12367.

2. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

3. On May 7, 1999, after notice and hearing, the Board entered a Final Order of Suspension whereby the Defendant's license was suspended indefinitely pending completion of the following:

- A. Payment of all fees owed to the Board for prior actions as well as the present disciplinary proceedings; and
- B. A full psychiatric examination and treatment coordinated through and approved by the Board.

4. The Board additionally made the following findings:

- A. Any reinstatement of Defendant's license will be contingent upon Defendant obtaining a job offer in a structured, controlled, supervised, non-solo environment.
- B. 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.
- C. The Defendant must notify the Board immediately upon the conclusion of the 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.
- D. 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.

5. Defendant is now seeking reinstatement of his license in accordance with 59 O.S. §508.1, with said reinstatement to be effective immediately.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to reinstate the license of a physician pursuant to 59 O.S. §508.1 and the Final Order of Suspension previously entered by the Board.

2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §480 *et seq.*

ORDER

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

1. Defendant's medical license shall be reinstated under the following terms and conditions of **PROBATION**, which shall continue indefinitely:

A. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I-V.

B. Defendant will not apply for state and federal registration of controlled dangerous substances until the term of his probation has expired unless authorized to do so by the Board.

C. Defendant will not prescribe, administer or dispense any medications, including any controlled dangerous substances, for personal use.

D. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor him of the Board Order immediately upon initiation or continuation of treatment.

E. Upon request of the Board or its designee, Defendant will request all hospitals in which he anticipates practicing to furnish to the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

F. Defendant will continue psychiatric treatment with C. F. Mynatt, M.D. or any other psychiatrist approved by the Board Secretary, will submit quarterly reports from his psychiatrist and will authorize in writing the release of any and all records of that treatment to the Board.

G. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

H. Defendant will practice in a structured, controlled, supervised, non-solo environment approved in advance by the Board Secretary, and will enter into an agreement with the Board Secretary regarding his hours of practice and his practice location.

I. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board.

J. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating the restrictions imposed by the Board.

K. Defendant will not supervise allied health professionals.

L. Defendant will keep the Board informed of his current address and will submit any required reports and forms on a timely and prompt basis.

M. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.

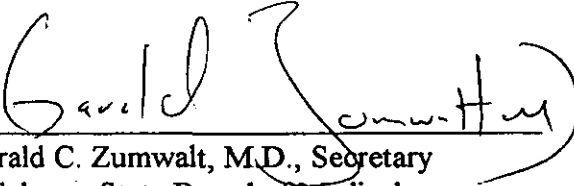
N. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

O. Defendant will appear before the Board or its designee whenever requested to do so.

2. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to revoke Defendant's license, after due notice and hearing.

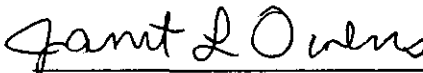
3. A copy of this written order shall be sent to Defendant as soon as it is processed.

Dated this 29 day of July, 1999.


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

Certificate of Service

On the 29 day of July, 1999, a true and correct copy of this order was mailed, postage prepaid, to Johnny J. Akins, 2424 N.W. 39th Terrace, Oklahoma City, OK 73112.


Janet Owens