

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.)
)
WILLIAM G. WIGGS, M.D.,)
LICENSE NO. 14806,)
)
Defendant.)

NOV 12 1998

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 97-01-1874

VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Susan Moebius Henderson, Assistant Attorney General for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, William G. Wiggs, M.D., Oklahoma license no. 14806, who appears in person, and with counsel, Stanley M. Ward and Patrick Chesley, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on June 22, 1998 relating to his conviction for unlawful delivery of controlled dangerous substances and to improper prescribing of controlled substances as set forth, respectively, in paragraphs 3-6 and 14-15. Defendant further acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act"). State dismisses, without prejudice to re-filing, the allegations in paragraphs 7-13 of Complaint.

Defendant, William G. Wiggs, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant further acknowledges that he is entitled to have his interests represented by legal counsel and that he has elected to proceed

with legal representation from Stanley M. Ward and Patrick Chesley. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

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. Defendant, William G. Wiggs, M.D., holds Oklahoma license no. 14806.
3. On January 9, 1997 Defendant was arrested in the Oklahoma District Court of Ponotoc County, Oklahoma on two felony counts of Unlawful Delivery of a Controlled Dangerous Substance (hydrocodone, Schedule C-III). On two separate occasions, a police informant in Ada, Oklahoma obtained a prescription for 100 Lortab pills from Defendant in exchange for \$100 cash.
4. Defendant pleaded not guilty and was bound over for trial. He then entered into a plea agreement, pleading no contest to the charges. On January 16, 1998 Defendant received a deferred sentence of 18 months from the court under the following special conditions:
 - A. Defendant shall not apply or reapply for nor possess a narcotics license for 18 months.
 - B. Defendant shall provide the Board with a copy of any and all prescriptions he writes for 18 months.
 - C. Defendant shall not misrepresent the facts of the criminal case to any agency of the government, including the Board.
 - D. Defendant shall not contest the Board's power to discipline him based on the fact that he received a deferred sentence rather than a conviction in this case.
 - E. Nothing in the criminal case or the plea agreement shall be construed to limit the power of the Board to discipline Defendant.
5. Defendant voluntarily surrendered his state narcotics license to the Oklahoma Bureau of Narcotics and Dangerous Drugs in January 1997 and surrendered his federal narcotics license to the United States Drug Enforcement Agency in February 1998 pursuant to Court order.

6. Defendant did not provide the Board with duplicate prescriptions as required in his Order Deferring Imposition of Judgment and Sentence until June 26, 1998, after the Board's Complaint and Citation were served.

7. Defendant is guilty of unprofessional conduct in that he has:

- A. 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).
- B. Committed an act in 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).
- C. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4 (27).

8. A review of 13 of Defendant's patient charts reveals a pattern of improperly prescribing large numbers of controlled drugs for a number of years. Overall, these charts reflect an initial evaluation by Defendants followed mostly by notations of prescriptions written or authorized with little follow-up and almost no documentation of medical need. More than one patient record shows Defendant continuing to prescribe controlled drug prescriptions even after the patient has been discharged from Defendant's care.

9. Defendant is guilty of unprofessional conduct in that he has:

- A. 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).
- B. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice or without medical need in accordance with published standards in violation of 59 Okla. Stat. §509 (17) and OAC 435:10-7-4 (2) and (6).
- C. Prescribed, dispensed or administered controlled or narcotic drugs in an indiscriminate or excessive manner in violation of OAC 435:10-7-4 (1).

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, William G. Wiggs, Oklahoma medical license 14806, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

- A. 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).
- B. Committed an act in 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).
- C. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4 (27).
- D. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice or without medical need in accordance with published standards in violation of 59 Okla. Stat. §509 (17) and OAC 435:10-7-4 (2) and (6).
- E. Prescribed, dispensed or administered controlled or narcotic drugs in an indiscriminate or excessive manner in violation of OAC 435:10-7-4 (1).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, William G. Wiggs, M.D., holding Oklahoma License No. 14806, is hereby **SUSPENDED** for a minimum period of at least 90 days or until he completes a course approved by the Board or its designee on pain management and record keeping and submits satisfactory evidence to the Board or its designee of such completion.

3. Upon reinstatement, Defendant shall be placed on PROBATION for a period of five (5) years from the date of reinstatement under the following terms and conditions:

A. Defendant shall not prescribe, dispense, administer or possess any drugs in Schedules II-V or any addictive drugs.

B. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said 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 Oklahoma State Board of Medical Licensure and Supervision.

C. 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 sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals.

E. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his/her current address.


F. Defendant will keep current payment of all assessment by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case.

G. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

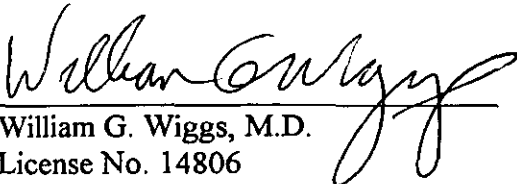
H. Defendant will make himself available upon request for one or more personal appearances before the Board.


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

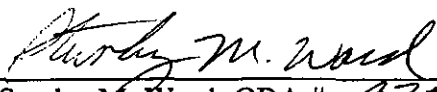
Dated this 12 day of November, 1998.



Eric E. Frische, President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:


William G. Wiggs, M.D.
License No. 14806


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


Stanley M. Ward, OBA # 9351
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Attorney for Defendant,
William G. Wiggs, M.D.,
License No. 14806

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

This is to certify that on this 16th of ^{November} October 1998, a true and correct copy of this order was mailed, postage prepaid to:

William Wiggs, M.D.
1124 North Porter Ave.
Norman, OK 73071

Stan Ward, Attorney
629 24th Ave. S.W.
Norman, OK 73069

Janet Owens
Janet L. Owens, Secretary