

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

FILED

STATE OF OKLAHOMA, ex rel., )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )

FEB 19 1998

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

-vs- )

Case No. 94-05-1617

WILLIAM ISAAC COOPER, M.D., )  
Medical License #15621, )

Defendant. )

ORDER OF REVOCATION

THIS CAUSE came on for hearing before the Oklahoma State Board of Medical  
Licensure and Supervision, (hereinafter "OSBMLS"), en banc on the 22<sup>nd</sup> day of  
January, 1998, at the offices of the OSBMLS, 5104 North Francis, Suite C, Oklahoma  
City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

The plaintiff appeared by and through its attorneys, Gregory J. Ryan and Denis  
P. Rischard; the defendant appeared in person and through his attorneys, Robert H.  
Mitchell and Johnny J. Akins.

The OSBMLS en banc proceeded and heard testimony, reviewed exhibits, heard  
arguments of counsel, and after being fully advised in the premises, finds that there is  
clear and convincing evidence of the following findings of fact and conclusions of law:

## FINDINGS OF FACT

1. That the Defendant William Isaac Cooper, M.D. holds Oklahoma Medical License No. 15621.
2. That a Complaint and Citation were issued in this case on the 11<sup>th</sup> day of March, 1997 and an Amended Complaint was issued on December 22, 1997, charging the defendant with violations of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. Supp. 1995, §509 and the regulations promulgated thereunder in the Oklahoma Administrative Code, O.A.C. Title 435:10-7-4, Subparagraphs (8), (11), (12), (15), (19), (21), (28), (31), (32), (33), (34), (41) and (44).
3. That the OSBMLS has jurisdiction over the defendant and the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
4. That the OSBMLS, without objection, bifurcated the hearing. In Phase I, the Board en banc heard evidence and rendered its decision on the quality of care issues, summarily outlined in Paragraph 15, of the Amended Complaint; thereafter, in Phase II, the Board en banc heard evidence and rendered its decision regarding the remainder of the issues in the case, summarily described in the remaining paragraphs of the Amended Complaint.
5. That regarding the quality of care issues in Phase I, the OSBMLS found by clear and convincing evidence that in April 1996, the Defendant William Isaac Cooper, M.D. performed in-office surgical procedures upon the patient T. H., including laparoscopy and laparotomy, in order to reverse a previous tubal ligation. The retention of the patient, the treatment of the patient, the procedures utilized and the conduct of

the defendant, including the failure to provide proper setting and assistant personnel, constituted unprofessional conduct.

6. As such, based upon clear and convincing evidence, the OSBMLS found in Phase I that the defendant was in violation of 59 O.S. §509 and O.A.C. Title 435: 10-7-4, Subparagraphs (11), (12), (15), (19), (41) and (44).

7. Regarding the remainder of the allegations of the Amended Complaint reviewed in Phase II of the bifurcated hearing, the OSBMLS found by clear and convincing evidence that:

- a) In 1994, the Commonwealth of Pennsylvania took disciplinary action against the defendant involving the surrender of his license on various grounds pertaining to the defendant's inability to practice medicine with reasonable skill and safety, fraud and conduct likely to deceive, defraud or harm the public;
- b) In 1980, the defendant was suspended from his second year residency and relieved of all housestaff duties at Georgia Baptist Medical Center in Atlanta, Georgia;
- c) The defendant failed to disclose complete, accurate and truthful information about the adverse actions taken against him in Pennsylvania and Georgia by repeatedly responding in the negative to various inquiries regarding past discipline, sanction or limitation of practice on applications for membership and/or renewal with the OSBMLS, the Tulsa County Medical Society and Bartlett Memorial Medical Center;
- d) The defendant has been subject to eleven (11) different adverse judgments, awards or settlements arising from medical liability claims related to prohibited acts; and
- e) The defendant utilized false and misleading information concerning his qualifications and certifications for the

purpose of soliciting patients.

8. As a result of the evidence admitted in Phase II of the bifurcation, the OSBMLS found by clear and convincing evidence that the defendant was in violation of 59 O.S. §509 and O.A.C. Title 435:10-7-4, Subparagraphs (8), (31), (32), (33) and (34).

9. After hearing all the evidence contained in both phases of the bifurcated hearing, and after making separate determinations as to the unprofessional conduct violations contained in each bifurcated section, the OSBMLS found the following:

- A. Based upon the Phase I (quality of care) unprofessional conduct violations of 59 O.S. §509 and O.A.C. Title 435:10-7-4, Subparagraphs (11), (12), (15), (19), (41) and (44), the defendant's license should be revoked.
- B. Based upon the Phase II unprofessional conduct violations of 59 O.S. §509 and O.A.C. Title 435:10-7-4, Subparagraphs (8), (31), (32), (33) and (34), the defendant's license should be revoked.

#### CONCLUSIONS OF LAW

10. The OSBMLS has jurisdiction and authority over the defendant and the subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §480 et seq., and the Oklahoma Administrative Code, O.A.C. Title 435:1-1-1 et seq. (Rules of the OSBMLS).

11. Phase I: The OSBMLS holds by clear and convincing evidence that the Defendant William Isaac Cooper, M.D., holding Oklahoma Medical License No. 15621, is guilty of unprofessional conduct in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §509 and the Oklahoma Administrative Code, O.A.C. Title 435:10-7-4, Subparagraphs (11), (12), (15), (19), (41) and (44) to wit:

- (11) Conduct likely to deceive, defraud, or harm the public.
- (12) Making a false or misleading statement regarding skill or the efficacy or value of the medicine, treatment, or remedy prescribed by a physician or at a physician's direction in the treatment of any disease or other condition of the body or mind.
- (15) Gross or repeated negligence in the practice of medicine and surgery.
- (19) The use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery.
- (41) Failure to provide a proper setting and assistive personnel for medical act, including but not limited to examination, surgery, or other treatment. Adequate medical records to support treatment or prescribed medications must be produced and maintained.
- (44) Abuse of physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship.

12. Phase II: The OSBMLS also holds by clear and convincing evidence that the defendant is guilty of unprofessional conduct in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §509 and the Oklahoma Administrative Code, O.A.C. 435:10-7-4, Subparagraphs (8), (31), (32), (33) and (34), to wit:

- (8) Fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license.
- (31) Disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine and surgery based upon acts of conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section, a certified copy of the

record of the action taken by the other state or jurisdiction being conclusive evidence thereof.

(32) Failure to report to the Board any adverse action taken against him or her by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section.

(33) Failure to report to the Board surrender of a license or other authorization to practice medicine and surgery in another state or jurisdiction, or surrender of membership on any medical staff or in any medical or professional association or society while under disciplinary investigation by any of those authorities or bodies for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section.

(34) Any adverse judgment, award, or settlement, or award arising from a medical liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section.

13. The OSBMLS has authority vested in it through 59 O.S. §509.1 to enforce the provisions of said Act and Code and to impose disciplinary action as necessary to protect the public health, safety and welfare.

#### ORDER

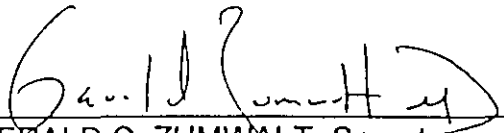
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

14. That Oklahoma Medical License No. 15621 of the Defendant William Isaac Cooper, M.D. should be and the same is hereby REVOKED as of the date of this hearing, January 22, 1998.

15. Pursuant to 59 O.S. §509.1 A. 8., the defendant shall reimburse the Board for all costs expended in the prosecution of this disciplinary action for any legal fees

and costs, and probation and monitoring fees, including but not limited to staff time, salary and travel expenses, witness fees and attorney's fees.

DATED this 19 day of February, 1998.

  
GERALD C. ZUMWALT, Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

CERTIFICATE OF SERVICE

This is to certify that on this 12th day of February 1998 a true and correct copy of the above and foregoing Order of Revocation was mailed to:

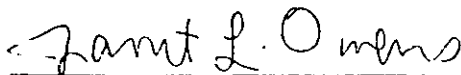
Robert H. Mitchell  
Johnny J. Akins  
2424 N.W. 39<sup>th</sup>  
Oklahoma City, OK 73112

CERTIFICATE OF MAILING

This is to certify that on this 19th day of February 1998, a true and correct copy of this order was mailed, postage prepaid to:

William Cooper, M.D.  
2448 East 81 Suite 1600  
Tulsa, OK 74137

Robert E. Mitchell  
2424 NW 39th  
Oklahoma City, OK 73112

  
Janet L. Owens, Secretary