

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

FILED

NOV 2 2000

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff

Case No. 00-0602206

v.

VIRGINIA VAUGHAN, M.D.,
LICENSE NO. 15704,

Defendant.

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, Elizabeth A. Scott, 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, Virginia Vaughan, M.D., Oklahoma license no. 15704, who appears in person and through her attorney, Jim Kirk, offer 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 August 17, 2000, and 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").

Defendant, Virginia Vaughan, M.D., states that she is of sound mind and is not under the influence of, or impaired by, any medication or drug and that she fully recognizes her right to appear before the Board for evidentiary hearing on the allegations made against her. Defendant hereby voluntarily waives her 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 acknowledges that she has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with her by her legal counsel.

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, Virginia Vaughan, M.D., holds Oklahoma license no. 15704.

3. From August 17, 1999 until April 20, 2000, Defendant wrote four (4) prescriptions to patient TMW, an independent contractor at her home. One of these prescriptions was for Lortab, a controlled dangerous drug, and one was for Viagra. A review of Defendant's records reveals that she failed to make and keep any records of the drugs she was prescribing to TMW and failed to document performing physical examinations on TMW prior to prescribing the drugs to him.

4. Subsequent to and during the time Defendant was prescribing the drugs to TMW, she engaged in a sexual relationship with TMW.

5. Defendant is guilty of unprofessional conduct in that she:

A. 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).

B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).

C. Engaged in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient in violation of 59 O.S. §509(18).

D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

E. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(8), 63 O.S. §2-404 and OAC 475:25-1-3.

F. Committed an act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(10).

G. Committed any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of 435:10-7-4(23).

H. Abused the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship in violation of 435:10-7-4(44).

I. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(19) and 435:10-7-4(41).

J. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27), 63 O.S. §2-404 and OAC 475:25-1-3.

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. Based on the foregoing facts, Defendant, Virginia Vaughan, Oklahoma license 15704, is guilty of the unprofessional conduct set forth below:

A. 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).

B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(14) and OAC 435:10-7-4(39).

C. Engaged in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient in violation of 59 O.S. §509(18).

D. Prescribed a drug without sufficient examination and establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

E. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(8), 63 O.S. §2-404 and OAC 475:25-1-3.

F. Committed an act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(10).

G. Committed any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of 435:10-7-4(23).

H. Abused the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship in violation of 435:10-7-4(44).

I. Failed to maintain an office record for each patient which accurately reflects the evaluation, treatment, and medical necessity of treatment of the patient in violation of 59 O.S. §509(19) and 435:10-7-4(41).

J. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27), 63 O.S. §2-404 and OAC 475:25-1-3.

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, Virginia Vaughan, M.D., holding Oklahoma license No. 15704, is hereby **FORMALLY REPRIMANDED**.

3. Defendant shall be placed on **PROBATION** for a period of one (1) year under the following terms and conditions:

- A.** Defendant will obtain counseling for her depression and anxiety at a counselor to be approved in advance by the Board Secretary. Defendant's treatment shall include not less than twelve (12) visits during the term of her probation. Defendant shall request that her counselor provide quarterly reports of her treatment to the Board Secretary or his designee for his review.
- B.** Defendant will notify the Board or its designee of any entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.
- C.** 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.
- D.** Defendant shall attend a seminar approved in advance by the Board Secretary for a minimum of ten (10) hours on appropriate professional boundaries. Defendant shall provide to the Board Secretary proof of completion of said seminar.
- E.** Defendant will conduct her 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 or this order 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 or its designee.
- F.** Defendant will furnish a copy of this order to each and every state in which she holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which she holds or anticipates holding any form of staff privileges or employment.
- G.** Defendant will not supervise allied health professionals for whom a formal supervisory arrangement is required under

Oklahoma law, e.g., physician assistants or advanced registered nurse practitioners.

H. Defendant will keep duplicate, serially numbered prescriptions of all substances readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.

I. Defendant will keep the Board informed of her current address.

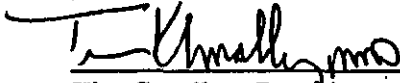
J. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month monitoring fee.

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

L. Defendant shall make herself available for one or more personal appearances before the Board or its designee upon request.

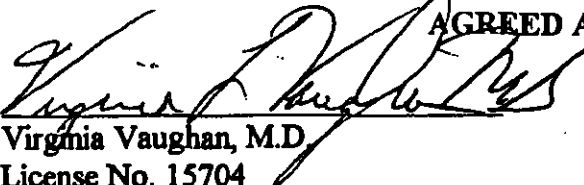
4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 2nd day of November, 2000.

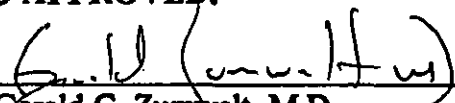


Tim Smalley, President
Oklahoma State Board of
Medical Licensure and Supervision

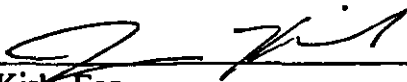
AGREED AND APPROVED:



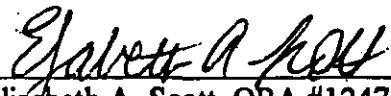
Virginia Vaughan, M.D.
License No. 15704



Gerald C. Zumwalt, M.D.
Secretary & Medical Advisor
Oklahoma State Board of
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License No. 15704

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision