

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,)

JUN 14 2002

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)
)

v.)

Case No. 98-06-2014

WILBUR D. HILST, M.D.,)
LICENSE NO. 20686,)

Defendant.)

COMPLAINT

COMES NOW the 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, and for its Complaint against the Defendant, Wilbur D. Hilst, M.D., alleges and states as follows:

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, Wilbur D. Hilst, M.D., holds Oklahoma license no. 20686, and is authorized to practice as a physician and surgeon under the terms of an Order Granting Licensure Under Terms of Probation entered July 7, 1998, with a five (5) year term of probation. The terms of his probation were subsequently modified on two (2) separate occasions so as to allow him to practice at different locations with the prior approval of the Board Secretary.

3. The Order Granting Licensure Under Terms of Probation sets forth Defendant's terms of probation and provides that Defendant shall be on probation as follows:

- (h) Applicant will not prescribe, administer or dispense any medications for personal use.
- (i) Applicant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Applicant will have the affirmative duty to inform any and every doctor treating him of this Order

prior to the commencement of, or continuation of presently ongoing, treatment.

- (j) Applicant will have the affirmative duty not to ingest any other substance which will cause a body fluid sample to test positive for prohibited substances.

4. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's probation.

5. On or about April 24, 2002, Defendant tested positive for Donnatal on a drug screen obtained on behalf of the Oklahoma State Board of Medical Licensure and Supervision. Defendant admitted that he did not have a prescription for the medication and no physician had authorized it for him.

6. Defendant is guilty of unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation 59 O.S. §509(5) and OAC 435:10-7-4(3).

B. 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. 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).

D. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

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