

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

**FILED**

NOV 27 2002

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

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 98-06-2014

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

Defendant. )

**FINAL ORDER IMPOSING INDEFINITE PROBATION  
AND RESTRICTION ON LICENSE**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 21, 2002, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Daniel Gamino.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***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. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

3. 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.

4. 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.

5. 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.

6. 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.

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

- A. 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).

### *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 is guilty of unprofessional conduct in that he:

A. 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).

3. The Board further found that the Defendant's license should be restricted and that an indefinite probation should be imposed based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (14) and OAC 435:10-7-4 (39).

*Order*

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

1. The license of Defendant, Wilbur D. Hilst, M.D., Oklahoma license no. 20686 is hereby placed on **INDEFINITE PROBATION** as of the date of this hearing, November 21, 2002 under the following terms and conditions:

a. Dr. Hilst will practice in a controlled environment approved by the Board Secretary and must obtain approval from the Board Secretary prior to making any change in his practice or practice location.

b. Dr. Hilst 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 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 Dr. Hilst until clarification of interpretation is received by Dr. Hilst from the Board.

c. Dr. Hilst will request all facilities or employers approved by the Board Secretary to furnish to the Board a written quarterly statement monitoring Dr. Hilst's practice.

d. Dr. Hilst will furnish to each and every state in which he holds licensure or applies for licensure and to each and every hospital, clinic or other institution in which he holds or anticipates holding any form of staff privileges or employment a copy of this Order stipulating sanctions imposed by the Board.

e. Dr. Hilst will not supervise allied health professionals.

f. Dr. Hilst will submit for analysis biological fluid specimens, including but not limited to, blood and urine, upon request of the Board or its designee, and Dr. Hilst will pay the costs attendant thereto.

g. Dr. Hilst will submit his written work schedule to the Board as often as

necessary to keep the Board informed, at all times, of the dates and times that Dr. Hilst will be providing medical services in the State Oklahoma.

h. Dr. Hilst will not prescribe, administer or dispense any medications for personal use.

i. Dr. Hilst will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Dr. Hilst 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. Dr. Hilst will have the affirmative duty not to ingest any other substance which will cause a body fluid sample to test positive for prohibited substances.

k. Dr. Hilst will affiliate with the Oklahoma State Medical Association's Physicians Recovery Committee and AA and will ask those support groups to submit quarterly reports on his progress to the Board. Additionally, Dr. Hilst will submit monthly self-reports on his attendance at AA meetings to the Board. Dr. Hilst will comply with any and all recommendations made by, or contracts entered into with, either of these programs.

l. Dr. Hilst will meet periodically with Gordon H. Deckert, M.D., or another Board Certified psychiatrist approved by the Board or its designee, and shall authorize Dr. Deckert and any other individual treating him to submit written reports to the Board following such consultations. Dr. Hilst will comply with all treatment recommendations made by Dr. Deckert or any other Board Certified psychiatrist who has been approved by the Board or its designee to treat Dr. Hilst.

m. Dr. Hilst will keep the Board informed of his current address.

n. Dr. Hilst will keep current payment of all assessments made by the Board for costs incurred in monitoring his case.

o. Until such time as all indebtedness to the Board has been satisfied, Dr. Hilst will reaffirm such indebtedness in any and all bankruptcy proceedings.

p. Dr. Hilst will execute releases of medical, counseling and psychiatric records for use by the Compliance Consultant or other agents of the Board and will authorize the Compliance Consultant or other agents of the Board to discuss Dr. Hilst's case with Dr. Hilst's treating physicians, counselors and/or other custodians of Dr. Hilst's records.

q. Dr. Hilst 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.

r. Dr. Hilst will present himself for one or more personal appearances before the Board or its designee when requested to do so.

s. Dr. Hilst shall follow all recommendations of the Center for Personalized Education for Physicians ("CPEP"), including, but not limited to, the following:

i. Defendant shall obtain an educational preceptor in family practice, which shall involve regularly scheduled meetings to review cases and documentation, discuss decisions related to those cases, review specific topics, and make plans for future learning.

ii. Defendant shall engage in continuing medical education and self-study to include the topics set forth in the CPEP report.

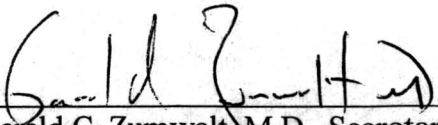
iii. Defendant shall participate in a communications course or one-to-one coaching.

2. Defendant's license shall be **RESTRICTED** in that he shall not be allowed to practice surgery without the prior express approval of the Board.

3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

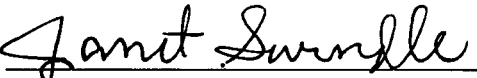
4. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Defendant's medical license, after additional notice and hearing as required by law.

Dated this 27 day of November, 2002.

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

## CERTIFICATE OF SERVICE

I certify that on the 27 day of November, 2002, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Wilbur Hilst, M.D., 1009 S. Indian Rd., Wewoka, OK and to Daniel Gamino, 3315 N.W. 63<sup>rd</sup>, Oklahoma City, OK 73116.

  
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Janet Swindle