



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. 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.

5. On June 14, 2002, the State filed a Complaint against Defendant based upon violation of his probation.

6. On November 21, 2002, the Board conducted a hearing on the Complaint. After considering the evidence, the Board entered a Final Order Imposing Indefinite Probation and Restriction on License. Under this Order, Defendant's practice was limited as follows:

- 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.

7. On September 2, 2004, Defendant was issued a Letter of Concern by the Board Secretary based upon the fact that he had worked at Oklahoma On Call, but had not obtained the prior approval of the Board Secretary. In the written Letter of Concern, Defendant was advised as follows:

You must obtain the Board Secretary's approval prior to any new employment requiring your Oklahoma medical license...You may not begin new employment pending our response to any request for additional employment. Any request to change locations should be made in writing to the Board Secretary's attention.

8. On or about January 20, 2005, Defendant met with the Board Secretary and with Tom Sosbee, Compliance and Education Coordinator. At this meeting, Defendant admitted that he had started the "Wewoka Regional Medical Center" and that he had already seen "a couple" of patients. The Board Secretary had not granted Defendant permission to practice at this location.

9. The November 21, 2002 Final Order Imposing Indefinite Probation and Restriction of License additionally restricted Defendant's license as follows:

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.

10. A review of the medical records of patients treated by Defendant at the Mary Mahoney Memorial Health Center reveals that Defendant performed the following surgical procedures during the time that he was not allowed to perform surgery under his restricted license:

- a. On May 12, 2004, Defendant performed excisional biopsies of three (3) nevus on Patient PHS in the minor surgery room at the Mary Mahoney Memorial Health Center. The pathology report reflected one (1) compound nevus and two (2) intradermal nevus.
- b. On May 24, 2004, Defendant performed the excision of a forehead lesion and nevus on the back of Patient JMS in the minor surgery room at the Mary Mahoney Memorial Health Center. The pathology report reflected actinic keratosis.
- c. On June 20, 2004, Defendant removed a cyst on the left side of the face of Patient EAS in the minor surgery room at the Mary Mahoney Memorial Health Center. The pathology report reflected an epidermal inclusion cyst.
- d. On July 7, 2004, Defendant removed a cyst on the arm of Patient MDS in the minor surgery room at the Mary Mahoney Memorial Health Center. The pathology report reflected keratoacanthoma.
- e. On July 20, 2004, Defendant performed the excision of a lesion on the neck and a lesion on the face of Patient DMS. The pathology report reflected benign inflamed keratosis and intradermal nevus.
- f. On July 28, 2004, Defendant performed the excisional biopsy of a mole on the left thigh of Patient TWS in the minor surgery room at the Mary Mahoney Memorial Health Center. The pathology report reflected a fibro fatty skin tag.
- g. On August 19, 2004, Defendant removed a lesion on the right forearm of Patient TYS. The pathology report reflected squamous cell carcinoma.
- h. On September 16, 2004, Defendant removed a callous on the foot of Patient DBS. The pathology report reflected an epidermal inclusion cyst.

11. According to Board records, Defendant has not been given permission by the Board to perform any type of surgery subsequent to the November 21, 2002 restriction on his license.

12. A review of the medical records of patients treated by Defendant at the Mary Mahoney Memorial Health Center reveals that Defendant additionally performed the following surgical procedure during the time that he was not allowed to perform surgery under his restricted license:

a. On May 12, 2004, Defendant performed the excision of a cyst on the forehead of Patient JWS in the minor surgery room at the Mary Mahoney Memorial Health Center. The tissue removed by Defendant was not sent for pathological examination but was thrown away in the trashcan. The patient returned to Defendant on August 10, 2004 with his chief complaint that the growth on his forehead had returned. Defendant did not address this complaint in his notes. On January 10, 2005, the patient returned and was seen by Dr. Hamilton, an oncologist at Mary Mahoney Memorial Health Center, who diagnosed the patient with malignant melanoma. The malignancy appeared to be in the area previously surgically treated by Defendant.

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

A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

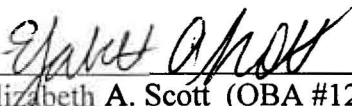
B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

C. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

### ***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)  
Assistant Attorney General  
State of Oklahoma  
5104 N. Francis, Suite C  
Oklahoma City, OK 73118

Attorney for the Plaintiff