

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

FILED

JUN 13 2011

**OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION**

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

Plaintiff,)

v.)

Case No. 11-02-4168

WILLIAM DAVIS JOACHIM, P.A.,)
LICENSE NO. PA242,)

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, William Davis Joachim, P.A., 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 physician assistants in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* and 887.1 *et seq.*

2. Defendant, William Davis Joachim, P.A., holds Oklahoma physician assistant license no. PA242 and at the time of the events in question, practiced in Moore, Oklahoma.

3. On or about February 5, 2011, Patient BWD took her children to the clinic where Defendant worked to get their immunizations. Both Patient BWD and her children were existing patients of Defendant.

4. During the February 5, 2011 office visit for her children, Defendant asked Patient BWD how her back was doing, as he had previously treated her for back pain. She advised Defendant that she continued to have some pain, but was doing well. At that point, Defendant advised Patient BWD that he could "come over and give her a full body oil massage." He then made a sexually explicit comment to Patient BWD and then asked her if he could pay her to "do something sexual" to him. Patient BWD told Defendant "no". Defendant then told Patient BWD not to tell anyone about their conversation, as he could lose his license.

5. During this office visit, Patient BWD had advised Defendant that she was upset due to a funeral of a friend that she was attending later that day. As she was leaving the room, Defendant leaned over Patient BWD, hugged her, then kissed her on the lips. Defendant then left the room.

6. As soon as Defendant left the room, Patient BWD ran out of the exam room visibly upset and told two (2) office staff members what had just happened. Later that day, Patient BWD contacted the Moore Police Department and filed a police report.

7. After Patient BWD left the clinic, clinic employees observed Defendant looking in Patient BWD's chart and typing something into his cell phone. Patient BWD's telephone records reflect that on that same day, Defendant called her three (3) times, but did not leave a message.

8. On or about February 11, 2011, Board investigators interviewed Defendant. During the interview, Defendant admitted that he hugged Patient BWD but admitted only that their lips "might have brushed" as he hugged her. He also admitted that he had asked her if she had someone who could give her a hot oil massage. Defendant additionally admitted that he refilled Patient BWD's prescriptions for controlled dangerous substances early and offered her money to pay for her cell phone. Patient BWD refused the money.

9. Due to inconsistencies in Defendant's initial statement to Board investigators, on or about March 21, 2011, Board investigators interviewed Defendant again. During this interview, he changed his testimony, in that he stated that while he had mentioned hot oil massages in previous visits with Patient BWD, he now claimed that he had not talked about it at the February 5, 2011 visit.

10. When re-questioned about his admission that he might have "brushed her lips" when he hugged Patient BWD, Defendant finally admitted that he had given her a quick kiss on the lips. Defendant claimed that kissing Patient BWD was like kissing his mother. However, at the time of the kiss, Defendant was sixty-nine (69) years old and Patient BWD was only twenty-two (22) years old.

11. Although he had initially denied it, Defendant now admitted that he might have told Patient BWD not to mention the kiss.

12. Based upon these facts, as well as the admissions of Defendant, he submitted to an assessment at Elmhurst on April 7-8, 2011. At the conclusion of the assessment, the assessment team concluded that **"we do not find Mr. Joachim fit to practice as a Physician Assistant with reasonable skill and safety"**. Elmhurst further recommended that Defendant submit to long-term residential treatment and only after he completed that could he be re-evaluated to determine if he was fit to return to work.

13. At this time, Defendant has not obtained the inpatient treatment as recommended by Elmhurst.

14. 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. Is unable to practice medicine with reasonable skill and safety to patient ... as a result of any mental condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
 - D. 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(17).
 - E. Committed any act of sexual abuse, misconduct, or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4(23).
 - F. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).
 - G. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).
 - H. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).
 - I. Abused the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship in violation of OAC 435:10-7-4(44).
 - J. Violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(a)(7).

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 physician assistant license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Dated this 10~~th~~ day of June, 2011.

Respectfully submitted,



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