

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

FILED

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff,

v.

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

Defendant.

Case No. 11-02-4168

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)
)
Oklahoma County)

I, William Davis Joachim, P.A., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma physician assistant license no. PA242.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of an investigation by the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations to which I have plead guilty are as follows:

A. 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.

B. 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.

C. 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.

D. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

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

K. 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.

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

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

i. 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).

ii. 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).

iii. 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).

iv. 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).

v. 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).

vi. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

vii. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

viii. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

ix. 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).

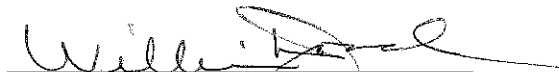
x. Violated a provision of the Medical Practice Act or the rules promulgated by the Board pursuant to OAC 435:15-5-11(a)(7).

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

6. I hereby agree that I will not apply for reinstatement of my Oklahoma physician assistant license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma physician assistant license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 8 day of July, 2011.


William Davis Joachim, P.A.



Subscribed and sworn before me this 8 day of July, 2011.


Notary Public

My commission expires on 8-22-2014



Gerald C. Zumwalt, MD.

Secretary

Oklahoma State Board of Medical
Licensure and Supervision

ACCEPTED:

Date: 7-12-11