

IN THE MATTER OF:) BEFORE THE ALABAMA BOARD
) OF MEDICAL EXAMINERS
WILLIAM SCOTT PENNINGTON, M.D.)

ORDER

This matter is before the Alabama Board of Medical Examiners on an Order to Show Cause requiring the Respondent, William Scott Pennington, M.D., to appear and show cause why his Alabama Controlled Substances Certificate should not be disciplined. A hearing was held on January 21, 2009. Dr. Pennington was present, together with his attorney, Nick Roth, Esq. James R. Cooper, Esq. represented the Board of Medical Examiners. Wayne P. Turner, Esq. served as Hearing Officer.

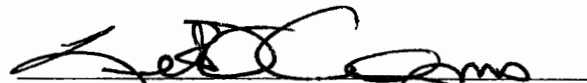
The Board heard expert testimony in support of the allegations set forth in the Order to Show Cause, and also received into evidence numerous patient records. Dr. Pennington testified in his own behalf. Based upon such evidence the Board makes the following findings of fact:

1. Dr. Pennington excessively prescribed or dispensed controlled substances to patients DA, LB, RD, CP, KK, ECP, WP, AR, AWR, BS, VW, JW and JEW.
2. Dr. Pennington dispensed controlled substances for no legitimate medical reason to the following patients: DA, LB, RD, CJ, KK, ECP, WP, AR, AWR, BS, VW and JW.
3. Dr. Pennington dispensed controlled substances in an amount not reasonably related to the proper medical management of those patients' illness or conditions to the following patients: DA, LB, RD, CJ, KK, ECP, WP, AR, AWR, VW and JW.

Based upon the foregoing findings of fact the Board of Medical Examiners concludes that Dr. Pennington has violated the provisions of Ala. Code §20-2-54(a)(5).

Based upon the foregoing findings of fact and conclusions of law, it is the Order of the Board of Medical Examiners that the Alabama Controlled Substances Certificate held by William Scott Pennington, M.D. be and the same is hereby REVOKED.

ENTERED this 21st day of JANUARY, 2009.



KENNETH W. ALDRIDGE, M.D.
Chairman, Alabama Board of
Medical Examiners

IN THE MATTER OF) BEFORE THE ALABAMA BOARD
)
WILLIAM SCOTT PENNINGTON, M. D.) OF MEDICAL EXAMINERS

ORDER TO SHOW CAUSE

TO: William Scott Pennington, M. D.
1108 Wauchula Drive
Athens, Alabama 35611

This Order to Show Cause is directed to William Scott Pennington, M. D., pursuant to the authority of the Alabama Board of Medical Examiners. A hearing will be conducted at 1:00 p.m., CST, on Wednesday, January 21, 2009, at the office of the Alabama State Board of Medical Examiners, 848 Washington Avenue, Montgomery, Alabama.

William Scott Pennington, M. D., is ORDERED and DIRECTED to appear before the Board at the time and place stated above and to show cause, if there be any, why his Alabama Controlled Substances Certificate should not be disciplined. As grounds for discipline, the Board states the following:


1. On April 4, 1960, the Board issued to William Scott Pennington, M. D., medical license number MD.1479. On or about October 29, 2007, there was issued by the Board to William Scott Pennington, M. D. a 2008 Alabama Controlled Substances Certificate, number ACSC.1479.
2. An investigation has shown probable cause to believe that Dr. Pennington has committed the following violations of Ala. Code §20-2-54(a)(5):
 - a. Dr. Pennington excessively prescribed or dispensed controlled substances to at least eight patients herein referred to as: DA, LB, RD, CJ, KK, ECP, WP, AR, AWR, BS, VW, JW and JEW.
 - b. Dr. Pennington dispensed controlled substances for no legitimate medical reason to at least the following eight patients: DA, LB, RD, CJ, KK, ECP, WP, AR, AWR, BS, VW, JW
 - c. Dr. Pennington dispensed controlled substances to the following eight patients: DA, LB, RD, CJ, KK, ECP, WP, AR, AWR, BS, VW, JW , in an amount not reasonably related to the proper medical management of those patients' illnesses or conditions.
3. Pursuant to §§20-2-54 (a) and 34-24-380, *Code of Alabama* (2002), the Board seeks to revoke the Alabama Controlled Substances Certificate of Dr. Pennington and to assess him an administrative fine in the maximum amount.

William Scott Pennington, M. D., is entitled to be present at the hearing, to call witnesses, to present evidence in his behalf, to examine documents offered into evidence and to examine any witnesses called to testify. Dr. Pennington is entitled to be represented by counsel at his own expense.


This hearing shall be considered a contested case under the Alabama Administrative Procedures Act, and the hearing shall be conducted in accordance with Ala. Code §41-22-1, *et seq.*, and Chapter 6 of the Rules and Regulations of the Board of Medical Examiners.

The Honorable Wayne Tuner is hereby appointed as Hearing Officer.

This ORDER TO SHOW CAUSE is entered by direction of the Alabama Board of Medical Examiners this 3rd day of November, 2008.

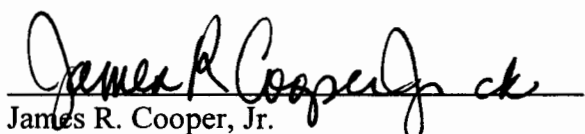


Larry D. Dixon, Executive Director
Alabama Board of Medical Examiners


James R Cooper, Jr, Attorney for the
Alabama Board of Medical Examiners
312 Scott Street
Montgomery, Al 36104
1.334.262.4887
email: jrc@cooperandcooperlaw.com

CERTIFICATE OF SERVICE

I, James R. Cooper, Jr., Attorney for the Alabama Board of Medical Examiners, hereby certify that I have served a copy of the foregoing Order to Show Cause upon William Scott Pennington, M. D., 1108 Wauchula Drive, Athens, Alabama 35611 by Federal Express overnight delivery service, prepaid and properly addressed, this the 3rd day of Nov., 2008.



James R. Cooper, Jr.

IN THE MATTER OF

WILLIAM S. PENNINGTON, SR., M.D.

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BEFORE THE ALABAMA STATE

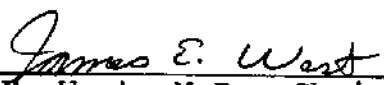
BOARD OF MEDICAL EXAMINERS

ORDER

This matter is before the Alabama State Board of Medical Examiners on the application of William S. Pennington, Sr., M.D. for an unrestricted 1991 Alabama Controlled Substances Registration Certificate. After consideration of the application and all information before the Board, the Alabama State Board of Medical Examiners hereby finds that William S. Pennington, Sr., M.D. is qualified to order and prescribe Schedules II, IIN, III, IIIN, IV and V.

Therefore, it is the ORDER of the Alabama State Board of Medical Examiners that the Alabama Controlled Substances Registration Certificate of William S. Pennington, Sr., M.D., registration certificate number 1479, be reinstated to full unrestricted status and that Dr. Pennington be issued a 1991 Alabama Controlled Substances Registration Certificate authorizing him to order and prescribe Schedules II, IIN, III, IIIN, IV and V.

EXECUTED this 26 day of July, 1991.


James E. West, M.D., Chairman
Alabama Board of Medical Examiners

IN THE MATTER OF) BEFORE THE STATE BOARD OF
WILLIAM S. PENNINGTON, M.D.) MEDICAL EXAMINERS
)

STIPULATION AND CONSENT ORDER

Come now the Respondent, William S. Pennington, M.D., by and through his counsel, and the Alabama State Board of Medical Examiners, and jointly submit this Stipulation and Consent Order.

1. The Respondent, William S. Pennington, M.D. admits allegations of paragraph 2 of the Order to Show Cause to the effect that he is a physician licensed to practice medicine in Alabama, and currently holds Alabama Controlled Substances Registration Certificate No. 1479.

2. The Respondent, William S. Pennington, M.D., admits the allegations of paragraphs 12, 13, 14, 17, and 19 of the Order to Show Cause to the effect that he has excessively dispensed controlled substances to those patients named in the Order to Show Cause for no legitimate medical purpose and/or in amounts not reasonably related to the proper medical management of the patients' illnesses or medical conditions in violation of §20-2-54, Code of Alabama, 1975.

3. The Respondent neither admits nor denies the remaining allegations set forth in the Order to Show Cause and agrees to the submission of this Stipulation and Consent Order without further adjudication of the allegations contained in paragraphs 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 18, 20, 21, 22, 23, 24, 25, 26, 27, 28

of the Order to Show Cause. The Board of Medical Examiners stipulates and agrees that final disposition in accordance with the terms and conditions of the Consent Order set forth herein, if approved, would constitute a fair, just, and reasonable disposition of the allegations set forth in the Order to Show Cause without the necessity of making any further findings of fact or adjudication of facts with respect to these allegations.

4. In lieu of a hearing and formal adjudication by the Alabama State Board of Medical Examiners, the Respondent, William S. Pennington, M.D., stipulates and agrees to the entry and implementation of the Consent Order set forth herein. By so agreeing, the Respondent waives any and all rights to a formal hearing or further proceedings before the Alabama State Board of Medical Examiners in this case prior to the entry of this Consent Order.

5. It is stipulated by the Alabama State Board of Medical Examiners and by the Respondent, William S. Pennington, M.D., that, upon final approval of the Consent Order by the Alabama State Board of Medical Examiners, the Order to Show Cause now pending against William S. Pennington, M.D. be dismissed with prejudice, with the full understanding of each Party that this dismissal will in no way preclude additional proceedings by the Board against the Respondent for acts or omissions committed after the approval of the Consent Order and which are not charged in the Order to Show Cause.

6. It is expressly understood that this Stipulation is subject to the approval of the Alabama Board of Medical Examiners. It is further agreed and understood that the Respondent, William S. Pennington, M.D., has entered into this Stipulation and proposed Consent Order for the purpose of avoiding further proceedings in this cause. In this regard, the Respondent authorizes the Alabama Board of Medical Examiners to review and examine any documentary evidence or materials concerning the Respondent prior to or in conjunction with its consideration of the Stipulation and Consent Order. Furthermore, should this joint Stipulation not be accepted by the Board, it is agreed that presentation to and consideration by the Board of this Stipulation and other documents and matters pertaining thereto shall not unfairly or illegally prejudice the Board or any of its members from further participation or consideration in the resolution of these proceedings. In the event that the Board fails to approve this joint Stipulation and Consent Order, and a hearing pursuant to §20-2-53, Code of Alabama, 1975 is held resulting in a finding that the Respondent is guilty of the violations as alleged, the Respondent hereby waives any defense to the entry of a final order by the Board based upon the Board's consideration of this joint Stipulation or any evidence furnished to it prior to the hearing. However, evidence of Respondent's offer to settle this matter and any admissions associated therewith shall not be admissible, and shall not be considered in any such hearing.

7. Upon the Board's approval and execution of the Consent Order, the Respondent expressly waives all further procedural steps and expressly waives all rights to seek judicial review or to otherwise challenge or contest the validity of the Stipulation and Consent Order, or any of the provisions contained therein.

8. The Respondent, William S. Pennington, M.D., understands and expressly acknowledges that the Consent Order, if approved and executed by the Alabama State Board of Medical Examiners, shall constitute a public record of the Alabama State Board of Medical Examiners, which by state law must be provided, upon request, to any hospital, state or federal regulatory agency, state licensing agency, medical malpractice liability insurance company, or any other like entity or agency.

9-12-88
Date

William S. Pennington
William S. Pennington, M.D.

9-14-88
Date

John Pennington
John Pennington, Attorney for Respondent

9-21-88
Date

Patricia E. Shaner
Wendell R. Morgan or Patricia E. Shaner, Attorneys for the State Board of Medical Examiners

CONSENT ORDER

This matter is presented to the Alabama State Board of Medical Examiners upon the Order to Show Cause filed against William S. Pennington, M.D., and upon the Stipulation of the parties as set forth above. After a review of the allegations contained in the Order to Show Cause and a review of the conditions as set forth in the Stipulation of the parties, the Alabama State Board of Medical Examiners ORDERS the following:

1. The Respondent, William S. Pennington, M.D. shall surrender to the Alabama State Board of Medical Examiners his authority to dispense and prescribe Class II controlled substances except for hospital and nursing home use only; provided however, that the Respondent is authorized to prescribe Class II controlled substances for post-operative surgical patients for a period not to exceed ten (10) days after the date of discharge from the hospital of said surgical patients. The Respondent's Alabama Controlled Substances Registration Certificate No. 1479 shall be reissued to reflect the same.

2. The Respondent, William S. Pennington, M.D. shall submit to the Alabama State Board of Medical Examiners reports of all Class II controlled substances prescribed by him, and reports of all Class III and Class IV analgesics, stimulants, and depressants, including but not limited to the following: Lortab or any similar hydrocodone containing compound; Tylenol #3 or any similar codeine containing compound; Lorcet HD or any

similar hydrocodone containing compound; Lorcet Plus or any similar hydrocodone containing compound; Empirin #4 or any similar codeine containing compound; Valium or any similar Diazepam containing compound; Lorcet or any similar Propoxyphene containing compound; Halcion or any similar Triazolam containing compound; Xanax or any similar Alprazolam containing compound; Darvocet or any similar Propoxyphene containing compound; Darvocet N100 or any similar Propoxyphene containing compound; and Tranxene or any similar Clorazepate containing compound, which he has dispensed and/or prescribed whether in an office, or nursing home setting, said reports to be filed monthly, on or before the tenth day of each month, for a six month period and, thereafter, to be filed on a quarterly basis, and said reports to include a diagnosis of the patient's medical problem.

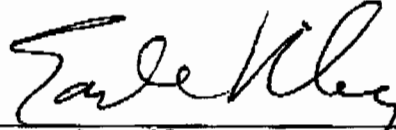
3. The Respondent, William S. Pennington, M.D. is assessed an administrative fine in the amount of \$2,500.00. Such fine is due and payable within thirty (30) days of the date of this Consent Order.

4. The Respondent, William S. Pennington, M.D., is hereby prohibited from registering and practicing as a dispensing doctor under the Rules and Regulations of the Alabama Board of Medical Examiners.

5. It is further ORDERED that the Order to Show Cause heretofore filed in this cause be and the same is hereby dismissed with prejudice.

This Order is entered this 23rd day of September,

1988.



W. Earle Riley, M.D., Chairman
Alabama State Board of Medical
Examiners