

BEFORE THE MISSISSIPPI STATE BOARD OF MEDICAL LICENSURE

IN THE MATTER OF PHYSICIAN'S LICENSE

OF

GAIL R. WILLIAMS, M.D.

DETERMINATION AND ORDER

THIS MATTER came on for hearing on September 21, 1995, before the Mississippi State Board of Medical Licensure pursuant to Miss. Code Ann. § 73-25-27 (1972). The Board initiated these proceedings on October 5, 1994, by issuance of an "Order to Show Cause" charging Gail R. Williams, M.D., hereinafter referred to as "Applicant," with violation of Subsection (9) of Miss. Code Ann. § 73-25-29, as statutory grounds for the denial of his application for a Mississippi medical license. Specifically, Applicant was charged with having had his license revoked, suspended or other restriction posed thereon by the licensing authority of another state.

This matter was originally set for hearing on November 17, 1994. Pursuant to motions duly filed, an Order of Continuance was granted until this date.

The hearing was convened at 3:00 p.m., Applicant appearing in person without counsel. Complaint Counsel retained for the purpose of prosecution was Hon. Stan T. Ingram, Jackson, Mississippi. Sitting as counsel for the Board was Hon. Kim Herring, Special Assistant Attorney General. Evidence and testimony was then presented. Based upon the above, the Board renders the following Findings of Fact, Conclusions of Law, and Order.

FINDINGS OF FACT

1.

On February 22, 1994, Applicant initiated the licensure process in the State of Mississippi by completing and submitting to the Mississippi State Board of Medical Licensure a form questionnaire leading to a full application for a license to practice medicine in the State of Mississippi. In response to the question, "Has any state board suspended, revoked, placed upon probation, or otherwise restricted a license it has granted to you?," applicant answered in the affirmative.

2.

In response to the above questionnaire, the Investigative Staff of the Board conducted an inquiry and has determined:

- (a) On February 19, 1985, an Administrative Complaint was filed against Applicant by the State of Michigan, Department of Licensing and Regulation, Board of Medicine, alleging that between 1982 and 1983 Applicant, then a physician licensed to practice medicine in the State of Michigan, certified as a specialist in psychiatry, engaged in sexual exploitation of a female patient, said exploitation including masturbation, fondling, undressing, intercourse and fellatio. The complaint further alleged that all of the aforementioned sexual acts occurred during therapy sessions for which Applicant billed and collected from the patient's insurance carrier based upon a diagnosis of depressive neurosis. Applicant was charged with violation of his general duty as a practitioner,

incompetency, engaging in unethical business practices and lack of good moral character, all as required under the Michigan Public Health Code.

- (b) On June 19, 1985, Applicant entered into a Consent Order with the State of Michigan, Department of Licensing and Regulation, Board of Medicine, resulting in revocation of his license to practice medicine in that State. In said Consent Order, Applicant acknowledged as true, all of the facts and matters set forth in the Administrative Complaint.
- (c) On April 15, 1987, the Michigan Department of Licensing and Regulation, Board of Medicine, denied Applicant's first petition for reinstatement. On January 3, 1989, the Michigan Department of Licensing and Regulation, Board of Medicine, declined to reconsider. Then on September 19, 1990, the Michigan Department of Licensing and Regulation, Board of Medicine, entered its order denying Applicant's second petition for reinstatement. The April 15, 1987, and September 19, 1990, orders of the Michigan Board of Medicine, followed orders rendered by an administrative law judge denying reinstatement.
- (d) Pursuant to application duly made, the Oklahoma Board of Medical Licensure and Supervision entered an order on September 13, 1990, issuing Applicant a license to practice in that State, subject to certain probationary terms and conditions to run for a period of five (5) years, beginning September 1, 1990. The probationary terms and conditions included practicing only in a supervised setting within a public agency, prohibition against unsupervised private practice, conditions relating to

examination of female patients, and notification of the Board as to his locations of practice.

- (e) On March 31, 1993, a complaint was filed against Applicant by Stephen Washborn Investigator, Oklahoma State Board of Medical Licensure and Supervision, alleging that Applicant, during 1992 and 1993 did sexually batter and harass a female professional staff and support staff member of the Joseph Harp Correctional Center, Lexington, Oklahoma, and that such activity, alleged to be "dishonorable or immoral conduct which is likely to deceive or defraud the public," under the Oklahoma Medical Practice Act, was a continuation of the unprofessional conduct involving Applicant that occurred in the State of Michigan arising out of the sexual relationship with a female patient. Further, the complaint alleged that Applicant engaged in "at least limited, part-time private practice," in performing Medicaid reviews of certain nursing home patients and that in the course of conducting of such reviews, Applicant was not working in a supervised setting as required by the Order of September 13, 1990. Following a hearing before the Oklahoma Board of Medical Licensure on November 19, 1993, an order was rendered by said Board on December 2, 1993, revoking Applicant's license to practice medicine in Oklahoma.
- (f) As a result of Applicant's failure to perfect an appeal of the above decision, his license to practice medicine in the State of Oklahoma remains revoked.

3.

Subsequent to issuance of the Order to Show Cause in this matter, Applicant obtained a license to practice medicine in the State of Alabama. Applicant is currently an employee with Correctional Medical Services, a Spectrum Health Care Services Company. Applicant's responsibilities include the diagnosis and treatment of mentally ill patients in twelve (12) correctional facilities in the State of Alabama. Applicant's license in the State of Alabama is restricted, i.e., limited to the Alabama Correctional System.

4.

More than 12 years has lapsed since Applicant has committed the act of patient sexual exploitation, resulting in revocation of his Michigan medical license. Although Applicant denies sexual exploitation, sexual battery or sexual harassment of female professional staff, as was alleged in the State of Oklahoma, the fact remains that his license remains revoked in Oklahoma with no further right of appeal.

CONCLUSIONS OF LAW

Based on the Findings of Fact as enumerated above, Applicant is guilty of Subsection (9) of Section 73-25-29, Miss. Code Ann. (1972), as a result of the revocation of his licenses to practice medicine in the States of Michigan and Oklahoma. Although sufficient grounds exist to deny licensure, the evidence presented, along with Applicant's testimony and demeanor, indicate that Applicant could serve a useful purpose as a practitioner in the State of Mississippi limited to the correctional system.

ORDER


IT IS HEREBY ORDERED, that based upon the Findings of Fact and Conclusions of Law as enumerated above, Gail R. Williams, M.D., shall be issued a license to practice medicine in the State of Mississippi, subject to the following restrictions:

1. Said license shall be limited solely to the Mississippi Prison System, that is, Gail R. Williams, M.D., cannot practice outside the confines of any one or more of the correctional facilities within the state.
2. At no time shall Gail R. Williams, M.D., attend or treat female patients without presence of a female escort.

IT IS FURTHER ORDERED, that pursuant to Miss. Code Ann. Section 73-25-27 (1972), a copy of this Determination and Order shall be sent by registered mail or personally served upon Applicant.

ORDERED, this the 21st day of September, 1995.

MISSISSIPPI STATE BOARD OF
MEDICAL LICENSURE

BY: 
T. STEVE PARVIN, M.D.
PRESIDENT