

<p>IN THE MATTER OF</p> <p>THE LICENSE OF</p> <p>ROBERT G. WILKERSON, M.D.</p>	<p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p>	<p>BEFORE THE</p> <p>TEXAS STATE BOARD</p> <p>OF MEDICAL EXAMINERS</p>
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AGREED ORDER

On this the 13 day of November 1992, came on for consideration by the Texas State Board of Medical Examiners ("the Board"), duly in session, the proposed settlement agreement pertaining to all pending litigation and claims related to the Complaint, First Amended Complaint, and Second Amended Complaint (collectively referred to as the "Complaint") filed by the Board against Robert G. Wilkerson, M.D. ("Dr. Wilkerson"), on October 30, 1990, December 19, 1990, and March 15, 1991, respectively.

By the signatures below of the Board's President, Dr. Wilkerson, and Dr. Wilkerson's authorized representative, Laura S. Martin, Davis & Davis P.C., the Board and Dr. Wilkerson agree to entry of this Agreed Order and to the following terms based on the considerations cited herein.

It is hereby ORDERED that:

1. Immediately upon the execution of this Agreed Order by the Board's President, Dr. Wilkerson, and Dr. Wilkerson's authorized representative, Laura S. Martin, or as soon thereafter as possible, the Board, through its authorized representative, and Dr. Wilkerson, through his authorized representative, shall cause to be executed and filed any and all paperwork necessary to dismiss with prejudice any claims or causes of action against the Board related to the Complaint, including but not limited to a state court lawsuit, Cause No. 91-17440, and the judgment resulting in the state court action currently in appeal, *Robert G. Wilkerson, M.D. v. Texas State Board of Medical Examiners*, 250th Judicial District Court

of Travis County, Texas, in the Third Court of Appeals, Appeal No. 03-92-00445-CV, *Texas State Board of Medical Examiners v. Robert G. Wilkerson, M.D.* These actions are taken to render null and void the Order entered by the Board on October 10, 1991, in regard to Dr. Wilkerson's Texas medical license.

2. Within sixty (60) days of the execution of this Agreed Order by the Board's President, Dr. Wilkerson, and Dr. Wilkerson's authorized representative, the Board shall cause to be paid by check the sum of Fifteen Thousand Thirty-Four Dollars and Fourteen Cents (\$15,034.14) in the name of "Dr. Robert G. Wilkerson, M.D." and his authorized representative, "Laura S. Martin, Davis & Davis, P.C." This sum shall satisfy all outstanding judgments, interests, costs, fees, or other monetary obligations between Dr. Wilkerson and the Board related to the Board actions, complaints or litigation referenced herein in the preceding paragraphs.

3. Immediately upon the execution of this Agreed Order by the Board's President, Dr. Wilkerson, and Dr. Wilkerson's authorized representative, or as soon thereafter as possible, the Board shall instruct its staff by a written memorandum that inquiries regarding the licensure status of Dr. Wilkerson shall be answered by responding that Dr. Wilkerson is "in good standing with an unrestricted license" so long as no adverse Board action subsequent to this Agreed Order has been taken against Dr. Wilkerson. The Board staff shall be instructed by the memorandum to answer inquiries regarding the existence of any formal complaint against Dr. Wilkerson by responding that "no such complaints are on file with this agency." Additionally, in the event an inquiry is made as to whether or not a formal complaint has ever been filed and the status of any such complaint,

Board staff shall be instructed by this memorandum to respond that a past complaint has been filed but the complaint has been dismissed.

4. In the event that Dr. Wilkerson becomes the subject of another formal complaint filed with the Board subsequent to this Agreed Order and which is not related to the Complaint, identified herein in paragraph no. 1, the Board staff shall be instructed to respond to any inquiries regarding such a complaint in a manner consistent with Board policy and State law.

5. Immediately upon the execution of this Agreed Order by the Board's President, Dr. Wilkerson, and Dr. Wilkerson's authorized representative, or as soon thereafter as possible, the Board shall instruct its staff by a written memorandum to contact in writing the National Practitioner Data Bank ("Data Bank") to notify that agency that Dr. Wilkerson is a physician "in good standing with an unrestricted license". The Board staff shall file with the Data Bank all paperwork necessary to correct Data Bank information on Dr. Wilkerson, including but not limited to expunging any information erroneously reflecting that Dr. Wilkerson has been disciplined by the Board in connection with and relating to the Complaint, the Board's Order of October 10, 1991 or litigation identified in paragraph no. 1 herein.

6. Immediately upon the execution of this Agreed Order by the Board's President, Dr. Wilkerson, and Dr. Wilkerson's authorized representative, or as soon thereafter as possible, the Board shall instruct its staff by a written memorandum to contact in writing any individuals or entities previously contacted by the agency about its October 10, 1991 Order to inform them about the parties' resolution of the Complaint, the October


10, 1991 Order, and the litigation referenced in paragraph no. 1 herein, and that Dr. Wilkerson is a physician in good standing with an unrestricted license. The information and notification identified in this paragraph should include a copy of this Agreed Order.

7. Except for the enforcement of this Agreed Order by specific performance, Dr. Wilkerson and the Board hereby mutually agree to release one another, their representatives, and assigns, from any and all claims, causes of action or appeals related to the pleadings and litigation addressed herein.

8. In regard to the litigation and matters addressed herein, this Agreed Order contains the entire agreement between the Board and Dr. Wilkerson. There are no other agreements either expressed or implied, verbal, written, or otherwise. Any amendments or modifications to this Agreed Order shall be made in writing and executed by Dr. Wilkerson and a duly authorized representative of the Board.

AGREED TO AS TO SUBSTANCE AND FORM:

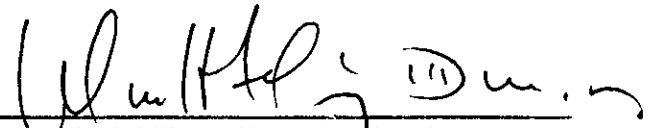
ROBERT G. WILKERSON, M.D.



LAURA S. MARTIN
Attorney/Representative of Robert G. Wilkerson, M.D.

WILLIAM H. FLEMING, III, M.D.
President, Texas State Board of Medical Examiners

SIGNED AND ENTERED this 13 day of November 1992.



WILLIAM H. FLEMING, III, M.D.,
President, Texas State Board
of Medical Examiners