

**STEP II  
CONSENT AGREEMENT  
BETWEEN  
WAYNE MARSHALL WILLIAMS, M.D.,  
AND  
THE STATE MEDICAL BOARD OF OHIO**

This Consent Agreement is entered into by and between Wayne Marshall Williams, M.D., [Dr. Williams], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Williams enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

**BASIS FOR ACTION**

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for a violation of Section 4731.22(B)(26), Ohio Revised Code, for “impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice.”
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in Paragraph E, below, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Consent Agreement.
- C. Dr. Williams is seeking reinstatement of his certificate to practice medicine and surgery, license number 35.045265, which was summarily suspended by an Entry of Order issued by the Board on or about March 10, 2010, and which was subsequently indefinitely suspended for a term of not less than 90 days pursuant to the Step I Consent Agreement Between Wayne Marshall Williams, M.D., and the State Medical Board of Ohio [June 2010 Step I Consent Agreement], effective June 9, 2010, a copy of which is attached hereto and incorporated herein. Dr. Williams states that he was also previously reprimanded by the Board.
- D. Dr. Williams states that he is also licensed to practice medicine and surgery in the state of Georgia.

- E. Dr. Williams admits that after entering treatment for chemical dependency at The Cleveland Clinic [Clinic], a Board-approved treatment provider in Cleveland, Ohio, on or about June 9, 2010, he was discharged treatment complete on or about July 6, 2010, with a diagnosis of alcohol dependence. Dr. Williams states, and the Board acknowledges receipt of information to support, that he has remained compliant with the aftercare contract that he entered into with Talbott Recovery Campus [Talbott], a Board-approved treatment provider in Atlanta, Georgia, signed by him on or about July 21, 2010, and which was amended on or about October 27, 2010, and on or about November 9, 2010. Dr. Williams states, and the Board acknowledges receipt of information to support, that such aftercare contract contains provisions including attending and participating in at least three Twelve Step Meetings per week, attending at least one aftercare meeting per week, and submitting to random drug and alcohol testing, and that such aftercare contract remains in effect.

Dr. Williams states, and the Board acknowledges receipt of information to support, that Gregory B. Collins, M.D., Section Head of the Alcohol and Drug Recovery Center of the Clinic, has provided a written report indicating that Dr. Williams' ability to practice has been assessed, and he has been found capable of practicing according to acceptable and prevailing standards of care. Dr. Williams states, and the Board acknowledges receipt of information to support, that Paul H. Earley, M.D., Medical Director of Talbott, has provided a written report indicating that Dr. Williams' ability to practice has been assessed, and, as relates to his substance abuse, has been found capable of practicing according to acceptable and prevailing standards of care.

Dr. Williams states, and the Board acknowledges receipt of information to support, that he has substantially fulfilled the conditions for reinstatement of his certificate to practice medicine and surgery in the state of Ohio, as established in the June 2010 Step I Consent Agreement between Dr. Williams and the Board.

#### **AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, the certificate of Dr. Williams to practice medicine and surgery in the State of Ohio shall be REINSTATED, and Dr. Williams knowingly and voluntarily agrees with the Board to the following PROBATIONARY terms, conditions and limitations:

1. Dr. Williams shall obey all federal, state, and local laws, all rules governing the practice of medicine in Ohio.
2. Dr. Williams shall submit quarterly declarations under penalty of Board disciplinary action and /or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the date his quarterly declaration would have been

due pursuant to his June 2010 Consent Agreement with the Board, or as otherwise requested by the Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. Dr. Williams shall appear in person for an interview before the full Board or its designated representative. The first such appearance shall take place on the date his appearance would have been scheduled pursuant to his June 2010 Step I Consent Agreement with the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. Dr. Williams shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the probationary terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Williams resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Williams may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Williams is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.
5. In the event Dr. Williams is found by the Secretary of the Board to have failed to comply with any provision of this Consent Agreement, and is so notified of that deficiency in writing, such period(s) of noncompliance will not apply to the reduction of the probationary period under this Consent Agreement.

## **MONITORING OF REHABILITATION AND TREATMENT**

### **Drug Associated Restrictions**

6. Dr. Williams shall keep a log of all controlled substances prescribed. Such log shall be submitted, in the format approved by the Board, on the date upon which Dr. Williams' quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Williams shall make his patient records with regard to such prescribing available for review by an agent of the Board immediately upon request.
7. Dr. Williams shall not, without prior Board approval, administer, personally furnish, or possess (except as allowed under Paragraph 8 below) any controlled substances as defined by state or federal law. In the event that the Board agrees at a future date to modify this Consent Agreement to allow Dr. Williams to administer or personally

furnish controlled substances, Dr. Williams shall keep a log of all controlled substances prescribed, administered or personally furnished. Such log shall be submitted in the format approved by the Board and shall be submitted to the Board no later than the date upon which Dr. Williams' quarterly declaration is due, or as otherwise directed by the Board. Further, Dr. Williams shall make his patient records with regard to such prescribing, administering, or personally furnishing available for review by an agent of the Board immediately upon request.

#### **Sobriety**

8. Dr. Williams shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Williams' history of chemical dependency. Further, in the event that Dr. Williams is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Williams shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Williams received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date said drug is so prescribed, dispensed, or administered to him, Dr. Williams shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.
9. Dr. Williams shall abstain completely from the use of alcohol.

#### **Drug and Alcohol Screens/Drug Testing Facility and Collection Site**

10. Dr. Williams shall submit to random urine screenings for drugs and alcohol at least two times per month, or as otherwise directed by the Board. Dr. Williams shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board, and shall include Dr. Williams' drug(s) of choice.

Dr. Williams shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Williams acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised

Code, and the screening process shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph 11 below, to approve urine screenings to be conducted at an alternative drug testing facility and/or collection site or a supervising physician, such approval shall be expressly contingent upon the Board retaining ultimate control over the urine screening process in a manner that preserves the aforementioned confidentiality of all positive screening results.

Dr. Williams shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Williams shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

Further, within thirty days of the effective date of this Consent Agreement, Dr. Williams shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, Dr. Williams shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Williams and the Board-approved drug testing facility and/or collection site. Dr. Williams' failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement. However, Dr. Williams and the Board further agree that in the event Dr. Williams previously entered into the aforementioned financial and contractual agreements pursuant to the requirements of a prior consent agreement with the Board under which Dr. Williams is currently participating in an ongoing urine screening process, then this requirement shall be waived under the instant consent agreement.

Dr. Williams shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Williams and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Williams shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Williams must immediately notify the Board in writing, and make arrangements acceptable to the Board pursuant to Paragraph 11 below, as soon as practicable. Dr. Williams shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Williams acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

11. Dr. Williams and the Board agree that it is the intent of this Consent Agreement that Dr. Williams shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Dr. Williams, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or collection site, or a supervising physician, to facilitate the urine screening process for Dr. Williams:
  - a. Within thirty days of the date upon which Dr. Williams is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Dr. Williams, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Williams shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Williams' residence or employment location, or to a physician who practices in the same locale as Dr. Williams. Dr. Williams shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Williams acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.
  - b. Dr. Williams shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been

conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

- c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Williams must immediately notify the Board in writing. Dr. Williams shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Williams shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Williams.
  - d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Williams' designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.
  - e. In the event that the Board approved an alternate drug testing facility and/or collection site, or a supervising physician, pursuant to the June 2010 Step I Consent Agreement between Dr. Williams and the Board, Dr. Williams and the Board agree that the entity, facility or person previously approved by the Board to so serve pursuant to the June 2010 Step I Consent Agreement is hereby approved to continue as Dr. Williams' designated alternate drug testing facility and collection site or as his supervising physician under this Consent Agreement.
12. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Williams' quarterly declaration. It is Dr. Williams' responsibility to ensure that reports are timely submitted.
  13. The Board retains the right to require, and Dr. Williams agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Williams, or for any other purpose, at Dr. Williams' expense upon the Board's request and without prior notice. Dr. Williams' refusal to submit a specimen upon request of the

Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

### **Monitoring Physician**

14. Before engaging in any medical practice, Dr. Williams shall submit to the Board in writing the name and curriculum vitae of a monitoring physician for prior written approval by the Secretary or Supervising Member of the Board. In approving an individual to serve in this capacity, the Secretary and Supervising Member will give preference to a physician who practices in the same locale as Dr. Williams and who is engaged in the same or similar practice specialty.

The monitoring physician shall monitor Dr. Williams and his medical practice, and shall review Dr. Williams' patient charts. The chart review may be done on a random basis, with the frequency and number of charts reviewed to be determined by the Board.

Further, the monitoring physician shall provide the Board with reports on the monitoring of Dr. Williams and his medical practice, and on the review of Dr. Williams' patient charts. Dr. Williams shall ensure that the reports are forwarded to the Board on a quarterly basis and are received in the Board's offices no later than the due date for Dr. Williams' quarterly declaration.

In the event that the designated monitoring physician becomes unable or unwilling to serve in this capacity, Dr. Williams must immediately so notify the Board in writing. In addition, Dr. Williams shall make arrangements acceptable to the Board for another monitoring physician within thirty days after the previously designated monitoring physician becomes unable or unwilling to serve, unless otherwise determined by the Board. Furthermore, Dr. Williams shall ensure that the previously designated monitoring physician also notifies the Board directly of his or her inability to continue to serve and the reasons therefore.

The Board expressly reserves the right to disapprove any person proposed to serve as Dr. Williams' designated monitoring physician, or to withdraw approval of any person previously approved to serve as Dr. Williams' designated monitoring physician, in the event that the Secretary and Supervising Member of the Board determine that any such monitoring physician has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

### **Rehabilitation Program**

15. Dr. Williams shall maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Williams shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Williams' quarterly declarations.

#### **Aftercare**

16. Dr. Williams shall contact an appropriate impaired physicians committee, approved by the Board, to arrange for assistance in recovery or aftercare.
17. Dr. Williams shall maintain continued compliance with the terms of the aftercare contract entered into with a Board-approved treatment provider, provided that, where terms of the aftercare contract conflict with terms of this Consent Agreement, the terms of this Consent Agreement shall control.

#### **Releases**

18. Dr. Williams shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Williams' chemical dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Williams further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.

#### **Required Reporting by Licensee**

19. Within thirty days of the effective date of this Consent Agreement, Dr. Williams shall provide a copy of this Consent Agreement to all employers or entities with which he is under contract to provide health care services (including but not limited to third party payors) or is receiving training, and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Williams shall promptly provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. In the event that Dr. Williams provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Williams shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr.

Williams shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

20. Within thirty days of the effective date of this Consent Agreement, Dr. Williams shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Williams further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or for reinstatement of any professional license. Further, Dr. Williams shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
21. Dr. Williams shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Williams chemical dependency treatment or monitoring. Further, Dr. Williams shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

22. Dr. Williams shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Williams appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including, but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

If the Secretary and Supervising Member of the Board determine that there is clear and convincing evidence that Dr. Williams has violated any term, condition or limitation of this Consent Agreement, Dr. Williams agrees that the violation, as alleged, also constitutes clear and convincing evidence that his continued practice presents a danger of immediate and serious harm to the public for purposes of initiating a summary suspension pursuant to Section 4731.22(G), Ohio Revised Code.

#### **DURATION/MODIFICATION OF TERMS**

Dr. Williams shall not request termination of this Consent Agreement for a minimum of five years. In addition, Dr. Williams shall not request modification to the probationary terms, limitations, and conditions contained herein for at least one year, except that Dr. Williams may make such request with the mutual approval and joint recommendation of the Secretary and Supervising Member. Otherwise, the above-described terms, limitations and conditions may be amended or terminated in writing at any time upon the agreement of both parties.

In the event that the Board initiates future formal proceedings against Dr. Williams, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

In the event that any term, limitation, or condition contained in this Consent Agreement is determined to be invalid by a court of competent jurisdiction, Dr. Williams and the Board agree that all other terms, limitations, and conditions contained in this Consent Agreement shall be unaffected.

#### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

Dr. Williams acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

Dr. Williams hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Williams acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

#### EFFECTIVE DATE

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

Wayne Marshall Williams M.D.      Lance A. Talmage M.D.  
WAYNE MARSHALL WILLIAMS, M.D.      LANCE A. TALMAGE, M.D.  
Secretary

November 30, 2010  
DATE

12-8-10  
DATE

Elizabeth Y. Collis Esq.  
ELIZABETH Y. COLLIS, ESQ.  
Attorney for Dr. Williams

Raymond J. Albert  
RAYMOND J. ALBERT  
Supervising Member

12/2/10  
DATE

12/8/10  
DATE

Karen Mortland  
KAREN MORTLAND  
Enforcement Attorney

10/2/10  
DATE

**STEP I  
CONSENT AGREEMENT  
BETWEEN  
WAYNE MARSHALL WILLIAMS, M.D.,  
AND  
THE STATE MEDICAL BOARD OF OHIO**

**CASE RECORD FILE 10-CRF-030**

This Consent Agreement is entered into by and between Wayne Marshall Williams, M.D., [Dr. Williams], and the State Medical Board of Ohio [Board], a state agency charged with enforcing Chapter 4731., Ohio Revised Code.

Dr. Williams enters into this Consent Agreement being fully informed of his rights under Chapter 119., Ohio Revised Code, including the right to representation by counsel and the right to a formal adjudicative hearing on the issues considered herein.

**BASIS FOR ACTION**

This Consent Agreement is entered into on the basis of the following stipulations, admissions and understandings:

- A. The Board is empowered by Section 4731.22(B), Ohio Revised Code, to limit, revoke, suspend a certificate, refuse to register or reinstate an applicant, or reprimand or place on probation the holder of a certificate for violation of Section 4731.22(B)(26), Ohio Revised Code, for "impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice."
- B. The Board enters into this Consent Agreement in lieu of formal proceedings based upon the violation of Section 4731.22(B)(26), Ohio Revised Code, as set forth in the Notice of Summary Suspension and Opportunity for Hearing issued to Dr. Williams by the Board on March 10, 2010, and expressly reserves the right to institute formal proceedings based upon any other violations of Chapter 4731. of the Revised Code, whether occurring before or after the effective date of this Agreement.
- C. Dr. Williams' license to practice medicine and surgery in the State of Ohio, License number 35.045265, was summarily suspended by an Entry of Order issued by the Board on or about March 10, 2010, and currently remains inactive. Further, on or about January 13, 2010, the Board had previously entered an Order granting Dr. Williams'

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WAYNE MARSHALL WILLIAMS, M.D.  
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license subject to certain probationary terms, with said Order additionally reprimanding Dr. Williams.

- D. Dr. Williams states that he is also licensed to practice medicine and surgery in the State of Georgia.
- E. Dr. Williams admits to all the legal and factual allegations contained in the Notice of Summary Suspension and Opportunity for Hearing issued to Dr. Williams by the Board on March 10, 2010. Further, Dr. Williams admits that on June 8, 2010, he self-reported to a Board staff member, through his legal counsel, that he had been admitted to the Cleveland Clinic Foundation, a Board-approved treatment provider, and anticipates completing at least twenty-eight days of residential treatment.

**AGREED CONDITIONS**

Wherefore, in consideration of the foregoing and mutual promises hereinafter set forth, and in lieu of any formal proceedings at this time, Dr. Williams knowingly and voluntarily agrees with the Board to the following terms, conditions and limitations:

**SUSPENSION OF CERTIFICATE**

1. The Order of Summary Suspension issued by the Board on or about March 10, 2010, shall terminate upon this Consent Agreement becoming effective. Additionally, the terms, conditions, and limitations set forth in this Consent Agreement shall supersede the probationary terms set forth in the Order issued by the Board on or about January 13, 2010; however, the existing Reprimand of Dr. Williams will be unaffected. Further, the certificate of Dr. Williams to practice medicine and surgery in the State of Ohio shall be **SUSPENDED** for an indefinite period of time, but not less than ninety days from the effective date of this Consent Agreement.

**Obey all Laws**

2. Dr. Williams shall obey all federal, state, and local laws.

**Sobriety**

3. Dr. Williams shall abstain completely from the personal use or personal possession of drugs, except those prescribed, dispensed or administered to him by another so authorized by law who has full knowledge of Dr. Williams' history of chemical abuse/dependency. Further, in the event that Dr. Williams is so prescribed, dispensed or administered any controlled substance, carisoprodol, or tramadol, Dr. Williams shall notify the Board in writing within seven days, providing the Board with the identity of the prescriber; the name of the drug Dr. Williams received; the medical purpose for which he received said drug; the date such drug was initially received; and the dosage, amount, number of refills, and directions for use. Further, within thirty days of the date

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WAYNE MARSHALL WILLIAMS, M.D.  
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said drug is so prescribed, dispensed, or administered to him, Dr. Williams shall provide the Board with either a copy of the written prescription or other written verification from the prescriber, including the dosage, amount, number of refills, and directions for use.

4. Dr. Williams shall abstain completely from the use of alcohol.

Absences from Ohio

5. Dr. Williams shall obtain permission from the Board for departures or absences from Ohio. Such periods of absence shall not reduce the probationary term, unless otherwise determined by motion of the Board for absences of three months or longer, or by the Secretary or the Supervising Member of the Board for absences of less than three months, in instances where the Board can be assured that probationary monitoring is otherwise being performed. Further, the Secretary and Supervising Member of the Board shall have the discretion to grant a waiver of part or all of the monitoring terms set forth in this Consent Agreement for occasional periods of absence of fourteen days or less. In the event that Dr. Williams resides and/or is employed at a location that is within fifty miles of the geographic border of Ohio and any of its contiguous states, Dr. Williams may travel between Ohio and that contiguous state without seeking prior approval of the Secretary or Supervising Member provided that Dr. Williams is able to otherwise maintain full compliance with all other terms, conditions and limitations set forth in this Consent Agreement.

Releases: Quarterly Declarations and Appearances

6. Dr. Williams shall provide authorization, through appropriate written consent forms, for disclosure of evaluative reports, summaries, and records, of whatever nature, by any and all parties that provide treatment or evaluation for Dr. Williams' chemical abuse/dependency or related conditions, or for purposes of complying with this Consent Agreement, whether such treatment or evaluation occurred before or after the effective date of this Consent Agreement. To the extent permitted by law, the above-mentioned evaluative reports, summaries, and records are considered medical records for purposes of Section 149.43 of the Ohio Revised Code and are confidential pursuant to statute. Dr. Williams further agrees to provide the Board written consent permitting any treatment provider from whom he obtains treatment to notify the Board in the event he fails to agree to or comply with any treatment contract or aftercare contract. Failure to provide such consent, or revocation of such consent, shall constitute a violation of this Consent Agreement.
7. Dr. Williams shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Consent Agreement. The first quarterly declaration must be received in the Board's offices on the first day of the third month following the month in which this Consent Agreement becomes effective, or as otherwise requested by the

STEP I CONSENT AGREEMENT  
WAYNE MARSHALL WILLIAMS, M.D.  
PAGE 4

Board. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

8. Dr. Williams shall appear in person for an interview before the full Board or its designated representative during the third month following the effective date of this Consent Agreement. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.

Drug & Alcohol Screens; Drug Testing Facility and Collection Site

9. Dr. Williams shall submit to random urine screenings for drugs and alcohol at least four times per month, or as otherwise directed by the Board. Dr. Williams shall ensure that all screening reports are forwarded directly to the Board on a quarterly basis. The drug testing panel utilized must be acceptable to the Secretary of the Board, and shall include Dr. Williams' drug(s) of choice.

Dr. Williams shall abstain from the use of any substance and the consumption of poppy seeds or any other food or liquid that may produce a low level positive result in a toxicology screen. Dr. Williams acknowledges that he understands that the consumption or use of such substances, including but not limited to substances such as mouthwash or hand cleaning gel, may cause a positive drug screen that may not be able to be differentiated from intentional ingestion, and therefore such consumption or use is prohibited under this Consent Agreement.

All such urine screenings for drugs and alcohol shall be conducted through a Board-approved drug testing facility and collection site pursuant to the global contract between said facility and the Board, that provides for the Board to maintain ultimate control over the urine screening process and to preserve the confidentiality of all positive screening results in accordance with Section 4731.22(F)(5), Ohio Revised Code, and the screening process shall require a daily call-in procedure. Further, in the event that the Board exercises its discretion, as provided in Paragraph 10 below, to approve urine screenings to be conducted at an alternative drug testing facility and/or collection site or a supervising physician, such approval shall be expressly contingent upon the Board retaining ultimate control over the urine screening process in a manner that preserves the aforementioned confidentiality of all positive screening results.

Dr. Williams shall submit, at his expense and on the day selected, urine specimens for drug and/or alcohol analysis. All specimens submitted by Dr. Williams shall be negative, except for those substances prescribed, administered, or dispensed to him in conformance with the terms, conditions and limitations set forth in this Consent Agreement. Refusal to submit such specimen, or failure to submit such specimen on the day he is selected or in such manner as the Board may request, shall constitute a violation of this Consent Agreement.

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WAYNE MARSHALL WILLIAMS, M.D.  
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Further, within thirty days of the effective date of this Consent Agreement, Dr. Williams shall enter into the necessary financial and/or contractual arrangements with the Board-approved drug testing facility and/or collection site in order to facilitate the urine screening process in the manner required by this Consent Agreement. Further, Dr. Williams shall promptly provide to the Board written documentation of completion of such arrangements, including a copy of any contract entered into between Dr. Williams and the Board-approved drug testing facility and/or collection site. Dr. Williams' failure to timely complete such arrangements, or failure to timely provide written documentation to the Board of completion of such arrangements, shall constitute a violation of this Consent Agreement.

Dr. Williams shall ensure that the urine screening process performed through the Board-approved drug testing facility and/or collection site requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Williams and the Board-approved drug testing facility and collection site shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.

Dr. Williams shall ensure that the Board-approved drug testing facility and/or collection site provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.

In the event that the Board-approved drug testing facility and/or collection site becomes unable or unwilling to serve as required by this Consent Agreement, Dr. Williams must immediately notify the Board in writing, and make arrangements acceptable to the Board, pursuant to Paragraph 10 below, as soon as practicable. Dr. Williams shall further ensure that the Board-approved drug testing facility and/or collection site also notifies the Board directly of its inability to continue to serve and the reasons therefore.

Dr. Williams acknowledges that the Board expressly reserves the right to withdraw its approval of any drug testing facility and/or collection site in the event that the Secretary and Supervising Member of the Board determine that the drug testing facility and/or collection site has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

10. Dr. Williams and the Board agree that it is the intent of this Consent Agreement that Dr. Williams shall submit his urine specimens to the Board-approved drug testing facility and collection site chosen by the Board. However, in the event that utilizing said Board-approved drug testing facility and/or collection site creates an extraordinary hardship upon Dr. Williams, as determined in the sole discretion of the Board, then subject to the following requirements, the Board may approve an alternate drug testing facility and/or

STEP I CONSENT AGREEMENT  
WAYNE MARSHALL WILLIAMS, M.D.  
PAGE 6

collection site, or a supervising physician, to facilitate the urine screening process for Dr. Williams:

- a. Within thirty days of the date upon which Dr. Williams is notified of the Board's determination that utilizing the Board-approved drug testing facility and/or collection site constitutes an extraordinary hardship upon Dr. Williams, he shall submit to the Board in writing for its prior approval the identity of either an alternate drug testing facility and collection site, or the name of a proposed supervising physician, to whom Dr. Williams shall submit the required urine specimens. In approving a facility, entity, or an individual to serve in this capacity, the Board will give preference to a facility located near Dr. Williams' residence or employment location, or to a physician who practices in the same locale as Dr. Williams. Dr. Williams shall ensure that the urine screening process performed through the alternate drug testing facility and/or collection site, or through the supervising physician, requires a daily call-in procedure; that the urine specimens are obtained on a random basis; and that the giving of the specimen is witnessed by a reliable person. In addition, Dr. Williams acknowledges that the alternate drug testing facility and collection site, or the supervising physician, shall assure that appropriate control over the specimen is maintained and shall immediately inform the Board of any positive screening results.
- b. Dr. Williams shall ensure that the alternate drug testing facility and/or collection site, or the supervising physician, provides quarterly reports to the Board, in a format acceptable to the Board, verifying whether all urine screens have been conducted in compliance with this Consent Agreement, and whether all urine screens have been negative.
- c. In the event that the designated alternate drug testing facility and/or collection site, or the supervising physician, becomes unable or unwilling to so serve, Dr. Williams must immediately notify the Board in writing. Dr. Williams shall further ensure that the previously designated alternate drug testing facility and collection site, or the supervising physician, also notifies the Board directly of the inability to continue to serve and the reasons therefore. Further, in order to ensure that there will be no interruption in his urine screening process, upon the previously approved alternate drug testing facility, collection site, or supervising physician becoming unable to serve, Dr. Williams shall immediately commence urine screening at the Board-approved drug testing facility and collection site chosen by the Board, until such time, if any, that the Board approves a subsequent alternate drug testing facility, collection site, or supervising physician, if requested by Dr. Williams.
- d. The Board expressly reserves the right to disapprove any entity or facility proposed to serve as Dr. Williams' designated alternate drug testing facility and/or collection site, or any person proposed to serve as his supervising physician, or to withdraw

STEP 1 CONSENT AGREEMENT  
WAYNE MARSHALL WILLIAMS, M.D.  
PAGE 7

approval of any entity, facility or person previously approved to so serve in the event that the Secretary and Supervising Member of the Board determine that any such entity, facility or person has demonstrated a lack of cooperation in providing information to the Board or for any other reason.

11. All screening reports required under this Consent Agreement from the Board-approved drug testing facility and/or collection site, or from the alternate drug testing facility and/or collection site or supervising physician, must be received in the Board's offices no later than the due date for Dr. Williams' quarterly declaration. It is Dr. Williams' responsibility to ensure that reports are timely submitted.
12. The Board retains the right to require, and Dr. Williams agrees to submit, blood, urine, breath, saliva and/or hair specimens for screening for drugs and alcohol, for analysis of therapeutic levels of medications that may be prescribed for Dr. Williams, or for any other purpose, at Dr. Williams' expense upon the Board's request and without prior notice. Dr. Williams' refusal to submit a specimen upon request of the Board shall result in a minimum of one year of actual license suspension. Further, the collection of such specimens shall be witnessed by a representative of the Board, or another person acceptable to the Secretary or Supervising Member of the Board.

Rehabilitation Program

13. Within thirty days of the effective date of this Consent Agreement, Dr. Williams shall undertake and maintain participation in an alcohol and drug rehabilitation program, such as A.A., N.A., C.A., or Caduceus, no less than three times per week. Substitution of any other specific program must receive prior Board approval.

Dr. Williams shall submit acceptable documentary evidence of continuing compliance with this program, including submission to the Board of meeting attendance logs, which must be received in the Board's offices no later than the due date for Dr. Williams' quarterly declarations.

14. Immediately upon completion of any required treatment for chemical abuse/dependency, Dr. Williams shall enter into an aftercare contract with a Board-approved treatment provider and shall maintain continued compliance with the terms of said aftercare contract, provided that, where the terms of the aftercare contract conflict with the terms of this Consent Agreement, the terms of this Consent Agreement shall control.

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### CONDITIONS FOR REINSTATEMENT

15. The Board shall not consider reinstatement or restoration of Dr. Williams' certificate to practice medicine and surgery until all of the following conditions are met:
  - a. Dr. Williams shall submit an application for reinstatement or restoration, as appropriate, accompanied by appropriate fees, if any.
  - b. Dr. Williams shall demonstrate to the satisfaction of the Board that he can resume practice in compliance with acceptable and prevailing standards of care under the provisions of his certificate. Such demonstration shall include but shall not be limited to the following:
    - i. Certification from a treatment provider approved under Section 4731.25 of the Revised Code that Dr. Williams has successfully completed any required inpatient treatment, including at least twenty-eight days of inpatient or residential treatment for chemical abuse/dependence, as set forth in Rules 4731-16-02 and 4731-16-08, Ohio Administrative Code, completed consecutively.
    - ii. Evidence of continuing full compliance with, or successful completion of, a post-discharge aftercare contract with a treatment provider approved under Section 4731.25 of the Revised Code. Such evidence shall include, but not be limited to, a copy of the signed aftercare contract. The aftercare contract must comply with rule 4731-16-10 of the Administrative Code.
    - iii. Evidence of continuing full compliance with this Consent Agreement.
    - iv. Two written reports indicating that Dr. Williams' ability to practice has been assessed and that he has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by physicians knowledgeable in the area of addictionology and who are either affiliated with a current Board-approved treatment provider or otherwise have been approved in advance by the Board to provide an assessment of Dr. Williams. Further, the two aforementioned physicians shall not be affiliated with the same treatment provider or medical group practice. Prior to the assessments, Dr. Williams shall provide the evaluators with copies of patient records from any evaluations and/or treatment that he has received, and a copy of this Consent Agreement. The reports from the evaluators shall include any recommendations for treatment, monitoring, or supervision of Dr. Williams, and any conditions, restrictions, or limitations that should be imposed on Dr. Williams' practice. The reports shall also describe the basis for the evaluator's determinations.

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All reports required pursuant to this paragraph shall be based upon examinations occurring within the three months immediately preceding any application for reinstatement. Further, at the discretion of the Secretary and Supervising Member of the Board, the Board may request an updated assessment and report if the Secretary and Supervising Member determine that such updated assessment and report is warranted for any reason.

- v. In the event that the Board initiates future formal proceedings against Dr. Williams, including but not limited to issuance of a Notice of Opportunity for Hearing, Dr. Williams shall be ineligible for reinstatement until such proceedings are fully resolved by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.
- c. Dr. Williams shall enter into a written consent agreement including probationary terms, conditions and limitations as determined by the Board within 180 days of the date upon which all the above-specified conditions for reinstatement or restoration have been completed or, if the Board and Dr. Williams are unable to agree on the terms of a written Consent Agreement, then Dr. Williams further agrees to abide by any terms, conditions and limitations imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Ohio Revised Code. The Board shall provide notice to Dr. Williams that said hearing has been scheduled, advising Dr. Williams of his hearing rights, and stating the date, time, and location of the hearing at which the Board will present its evidence, after which the Board will make a determination of the matter by Board Order.

Further, upon reinstatement of Dr. Williams' certificate to practice medicine and surgery in this state, the Board shall require continued monitoring which shall include, but not be limited to, compliance with the written consent agreement entered into before reinstatement or with conditions imposed by Board Order after a hearing conducted pursuant to Chapter 119. of the Revised Code. Moreover, upon termination of the consent agreement or Board Order, Dr. Williams shall submit to the Board for at least two years annual progress reports made under penalty of Board disciplinary action or criminal prosecution stating whether Dr. Williams has maintained sobriety.

- 16. In the event that Dr. Williams has not been engaged in the active practice of medicine and surgery for a period in excess of two years prior to application for reinstatement, the Board may exercise its discretion under Section 4731.222, Ohio Revised Code, to require additional evidence of Dr. Williams' fitness to resume practice.

**REQUIRED REPORTING BY LICENSEE**

- 17. Within thirty days of the effective date of this Consent Agreement, Dr. Williams shall provide a copy of this Consent Agreement to all employers or entities with which he is

STEP 1 CONSENT AGREEMENT  
WAYNE MARSHALL WILLIAMS, M.D.  
PAGE 10

under contract to provide health care services (including but not limited to third party payors) or is receiving training; and the Chief of Staff at each hospital where he has privileges or appointments. Further, Dr. Williams shall promptly provide a copy of this Consent Agreement to all employers or entities with which he contracts to provide health care services, or applies for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. In the event that Dr. Williams provides any health care services or health care direction or medical oversight to any emergency medical services organization or emergency medical services provider, within thirty days of the effective date of this Consent Agreement Dr. Williams shall provide a copy of this Consent Agreement to the Ohio Department of Public Safety, Division of Emergency Medical Services. Further, Dr. Williams shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

18. Within thirty days of the effective date of this Consent Agreement, Dr. Williams shall provide a copy of this Consent Agreement to the proper licensing authority of any state or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate. Dr. Williams further agrees to provide a copy of this Consent Agreement at time of application to the proper licensing authority of any state in which he applies for any professional license or reinstatement of any professional license. Further, Dr. Williams shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.
19. Dr. Williams shall promptly provide a copy of this Consent Agreement to all persons and entities that provide Dr. Williams chemical dependency treatment or monitoring. Further, Dr. Williams shall provide the Board with one of the following documents as proof of each required notification within thirty days of the date of each such

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notification: (1) the return receipt of certified mail within thirty days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Consent Agreement was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the email transmission of a copy of the Consent Agreement to the person or entity to whom a copy of the Consent Agreement was emailed.

20. Dr. Williams shall notify the Board in writing of any change of principal practice address or residence address within thirty days of such change.

#### **DURATION/MODIFICATION OF TERMS**

The above-described terms, conditions and limitations may be amended or terminated in writing at any time upon the agreement of both parties. In the event that the Board initiates future formal proceedings against Dr. Williams, including but not limited to issuance of a Notice of Opportunity for Hearing, this Consent Agreement shall continue in full force and effect until such time that it is superseded by ratification by the Board of a subsequent Consent Agreement or issuance by the Board of a final Board Order.

In the event that any term, limitation, or condition contained in this Consent Agreement is determined to be invalid by a court of competent jurisdiction, Dr. Williams and the Board agree that all other terms, limitations, and conditions contained in this Consent Agreement shall be unaffected.

#### **FAILURE TO COMPLY**

If, in the discretion of the Secretary and Supervising Member of the Board, Dr. Williams appears to have violated or breached any term or condition of this Consent Agreement, the Board reserves the right to institute formal disciplinary proceedings for any and all possible violations or breaches, including but not limited to, alleged violations of the laws of Ohio occurring before the effective date of this Consent Agreement.

#### **ACKNOWLEDGMENTS/LIABILITY RELEASE**

Dr. Williams acknowledges that he has had an opportunity to ask questions concerning the terms of this Consent Agreement and that all questions asked have been answered in a satisfactory manner.

Any action initiated by the Board based on alleged violations of this Consent Agreement shall comply with the Administrative Procedure Act, Chapter 119., Ohio Revised Code.

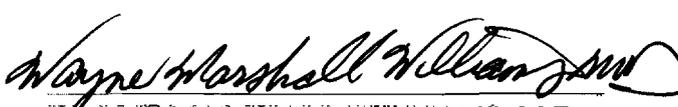
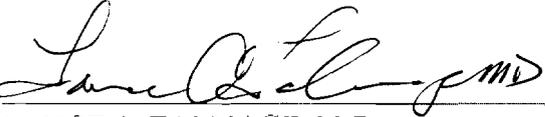
Dr. Williams hereby releases the Board, its members, employees, agents, officers and representatives jointly and severally from any and all liability arising from the within matter.

STEP 1 CONSENT AGREEMENT  
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This Consent Agreement shall be considered a public record as that term is used in Section 149.43, Ohio Revised Code. Further, this information may be reported to appropriate organizations, data banks and governmental bodies. Dr. Williams acknowledges that his social security number will be used if this information is so reported and agrees to provide his social security number to the Board for such purposes.

**EFFECTIVE DATE**

It is expressly understood that this Consent Agreement is subject to ratification by the Board prior to signature by the Secretary and Supervising Member and shall become effective upon the last date of signature below.

	
WAYNE MARSHALL WILLIAMS, M.D.	LANCE A. TALMAGE, M.D. Secretary

June 9, 2010  
DATE

6-9-10  
DATE

	
ELIZABETH COLLIS, ESQ. Attorney for Dr. Williams	JACK C. AMATO, M.D. Acting Supervising Member

6/9/20  
DATE

6-9-10  
DATE

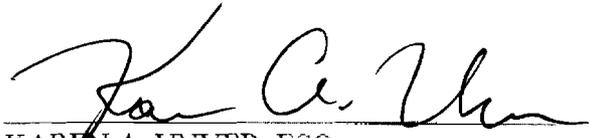
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REBECCA J. MARSHALL, ESQ.  
Chief Enforcement Attorney

June 9, 2010

DATE



KAREN A. UNVER, ESQ.  
Assistant Attorney General

6/9/10

DATE

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

March 10, 2010

Case number: 10-CRF- 030

Wayne M. Williams, M.D.  
438 Kitelake Road  
Fayetteville, GA 30214

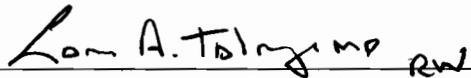
Dear Doctor Williams:

Enclosed please find certified copies of the Entry of Order, the Notice of Summary Suspension and Opportunity for Hearing, and an excerpt of the Minutes of the State Medical Board, meeting in regular session on March 10, 2010, including a Motion adopting the Order of Summary Suspension and issuing the Notice of Summary Suspension and Opportunity for Hearing.

You are advised that continued practice after receipt of this Order shall be considered practicing without a certificate, in violation of Section 4731.41, Ohio Revised Code.

Pursuant to Chapter 119, Ohio Revised Code, you are hereby advised that you are entitled to a hearing on the matters set forth in the Notice of Summary Suspension and Opportunity for Hearing. If you wish to request such hearing, that request must be made in writing and be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice. Further information concerning such hearing is contained within the Notice of Summary Suspension and Opportunity for Hearing.

THE STATE MEDICAL BOARD OF OHIO

  
Lance A. Talmage, M.D., Secretary

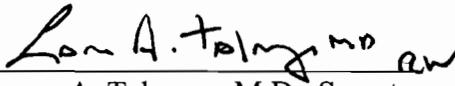
LAT/KHM/fib  
Enclosures

*Mailed 3-11-10*

**CERTIFICATION**

I hereby certify that the attached copies of the Entry of Order of the State Medical Board of Ohio and the Motion by the State Medical Board, meeting in regular session on March 10, 2010, to Adopt the Order of Summary Suspension and to Issue the Notice of Summary Suspension and Opportunity for Hearing, constitute true and complete copies of the Motion and Order in the Matter of Wayne M. Williams, M.D., Case number: 10-CRF- 030 as they appear in the Journal of the State Medical Board of Ohio.

This certification is made under the authority of the State Medical Board of Ohio and in its behalf.

  
Lance A. Talmage, M.D., Secretary

(SEAL)

March 10, 2010  
Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

IN THE MATTER OF :

WAYNE M. WILLIAMS, M.D. :

CASE NUMBER: 10-CRF- 030 :

**ENTRY OF ORDER**

This matter came on for consideration before the State Medical Board of Ohio the 10th day of March, 2010.

Pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member; and

Pursuant to their determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that there is clear and convincing evidence that Wayne M. Williams, M.D., has violated Section 4731.22(B)(26), Ohio Revised Code, as alleged in the Notice of Summary Suspension and Opportunity for Hearing that is enclosed herewith and fully incorporated herein; and,

Pursuant to their further determination, based upon their review of the information supporting the allegations as set forth in the Notice of Summary Suspension and Opportunity for Hearing, that Dr. Williams' continued practice presents a danger of immediate and serious harm to the public;

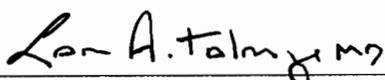
The following Order is hereby entered on the Journal of the State Medical Board of Ohio for the 10th day of March, 2010:

It is hereby ORDERED that the certificate of Wayne M. Williams, M.D., to practice medicine and surgery in the State of Ohio be summarily suspended.

It is hereby ORDERED that Wayne M. Williams, M.D., shall immediately cease the practice of medicine and surgery in Ohio and immediately refer all active patients to other appropriate physicians.

This Order shall become effective immediately.

(SEAL)

  
Lance A. Talmage, M.D., Secretary *RU*

March 10, 2010  
Date

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

## EXCEPRT FROM THE DRAFT MINUTES OF MARCH 10, 2010

### CITATIONS, PROPOSED DENIALS, ORDERS OF SUMMARY SUSPENSION & NOTICES OF IMMEDIATE SUSPENSION

.....

#### WAYNE M. WILLIAMS, M.D. – ORDER OF SUMMARY SUSPENSION AND NOTICE OF OPPORTUNITY FOR HEARING

At this time the Board read and considered the proposed Order of Summary Suspension and Notice of Opportunity for Hearing in the above matter, a copy of which shall be maintained in the exhibits section of this Journal.

**DR. MADIA MOVED TO ENTER AN ORDER OF SUMMARY SUSPENSION IN THE MATTER OF WAYNE M. WILLIAMS, M.D., IN ACCORDANCE WITH SECTION 4731.22(G), OHIO REVISED CODE, AND TO ISSUE THE NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING. DR. VARYANI SECONDED THE MOTION. A vote was taken:**

ROLL CALL:	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Madia	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye
	Dr. Varyani	- aye
	Dr. Suppan	- aye
	Mr. Ogg	- aye

The motion carried.

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

## NOTICE OF SUMMARY SUSPENSION AND OPPORTUNITY FOR HEARING

March 10, 2010

Case number: 10-CRF- 030

Wayne M. Williams, M.D.  
438 Kitelake Road  
Fayetteville, GA 30214

Dear Doctor Williams:

The Secretary and the Supervising Member of the State Medical Board of Ohio [Board] have determined that there is clear and convincing evidence that you have violated Section 4731.22(B)(26), Ohio Revised Code, and have further determined that your continued practice presents a danger of immediate and serious harm to the public, as set forth in paragraphs (1) through (3), below.

Therefore, pursuant to Section 4731.22(G), Ohio Revised Code, and upon recommendation of Lance A. Talmage, M.D., Secretary, and Raymond J. Albert, Supervising Member, you are hereby notified that, as set forth in the attached Entry of Order, your certificate to practice medicine and surgery in the State of Ohio is summarily suspended. Accordingly, at this time, you are no longer authorized to practice medicine and surgery in Ohio.

Furthermore, in accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the Board intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) By letters dated December 2, 2009, and December 22, 2009, the Board notified you of its determination that it had reason to believe that you are in violation of Section 4731.22(B)(26), Ohio Revised Code, and ordered you to undergo a 72-hour inpatient examination to determine if you are in violation of such section. The Board's determination was based upon one or more of the reasons outlined in such letters, which included:

- (a) On or about April 8, 2009, the Board issued to you a Notice of Opportunity for Hearing [Notice], a copy of which is attached hereto and incorporated herein, related to your failure to disclose certain information, including two prior convictions for Driving Under the Influence of Alcohol [DUI].
  - (b) On or about January 25, 2009, in Fayette County, Georgia, you were arrested for offenses including DUI and Failure to Maintain Lane in connection with an accident. On or about September 10, 2009, in the State Court of Fayette County, Georgia, you pled guilty to, and were found guilty of, the charges of DUI and Failure to Maintain Lane. The court ordered that you complete four days in jail; pay fines and costs that totaled \$1501.00; attend drug / alcohol court; undergo substance abuse / mental health evaluation and treatment; undergo drug and/or alcohol tests; complete forty hours of community service; attend DUI / defensive driving school; attend a victim impact panel, and abstain from alcohol consumption.
  - (c) Following the 2009 DUI conviction, you underwent an out-patient chemical dependency consultation conducted by Kenneth Washington, Ph.D., a clinical psychologist. Dr. Washington diagnosed you with Alcohol Abuse Disorder and recommended that you undergo treatment.
- (2) By letter dated January 22, 2010, from Richard M. Whitney, M.D., Medical Director of Addiction Services at Shepherd Hill Hospital, a Board-approved treatment provider, the Board was notified that following the Board-ordered evaluation conducted from on or about January 19, 2010, until on or about January 22, 2010, you were determined to be impaired in your ability to practice according to acceptable and prevailing standards of care and to require residential treatment for chemical abuse/dependence.
  - (3) The Board has not received information that you have entered inpatient or residential treatment as required by Rule 4731-16-02, Ohio Administrative Code. In addition, the Board has not received information that you have been determined to be capable of practicing in accordance with acceptable and prevailing standards of care.

Section 4731.22(B)(26), Ohio Revised Code, provides that if the Board determines that an individual's ability to practice is impaired, the Board shall suspend the individual's certificate and shall require the individual, as a condition for continued, reinstated, or renewed certification to practice, to submit to treatment and, before being eligible to apply for reinstatement, to demonstrate to the Board the ability to resume practice in compliance

with acceptable and prevailing standards of care, including completing required treatment, providing evidence of compliance with an aftercare contract or written consent agreement, and providing written reports indicating that the individual's ability to practice has been assessed by individuals or providers approved by the Board and that the individual has been found capable of practicing according to acceptable and prevailing standards of care.

Further, Rule 4731-16-02(B)(1), Ohio Administrative Code, provides that if an examination discloses impairment, or if the Board has other reliable, substantial and probative evidence demonstrating impairment, the Board shall initiate proceedings to suspend the licensee, and may issue an order of summary suspension as provided in Section 4731.22(G), Ohio Revised Code.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) through (3) above, individually and/or collectively, constitute "[i]mpairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice," as that clause is used in Section 4731.22(B)(26), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, and Chapter 4731., Ohio Revised Code, you are hereby advised that you are entitled to a hearing concerning these matters. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter

Notice of Summary Suspension  
& Opportunity for Hearing  
Wayne M. Williams, M.D.  
Page 4

ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate.”

Copies of the applicable sections are enclosed for your information.

Very truly yours,

Handwritten signature of Lance A. Talmage, M.D. in black ink. The signature is written in a cursive style and includes the initials "L.A. Talmage MD" with "nw" written below it.

Lance A. Talmage, M.D.  
Secretary

LAT/KHM/flb  
Enclosures

CERTIFIED MAIL, RESTRICTED DELIVERY #91 7108 2133 3936 3069 5276  
RETURN RECEIPT REQUESTED

cc: Elizabeth Y. Collis, Esq.  
Collis, Smiles and Collis, LLC  
1650 Lakeshore Drive  
Suite 2  
Columbus, Ohio 43204

CERTIFIED MAIL #91 7108 2133 3936 3069 5269  
RETURN RECEIPT REQUESTED

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

January 13, 2010

Wayne Marshall Williams, M.D.  
438 Kitelake Road  
Fayetteville, GA 30214

RE: Case No. 09-CRF-049

Dear Doctor Williams:

Please find enclosed certified copies of the Entry of Order; the Report and Recommendation of Gretchen L. Petrucci, Attorney Hearing Examiner, State Medical Board of Ohio; and an excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 13, 2010, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order.

Section 119.12, Ohio Revised Code, may authorize an appeal from this Order. Such an appeal must be taken to the Franklin County Court of Common Pleas.

Such an appeal setting forth the Order appealed from and the grounds of the appeal must be commenced by the filing of an original Notice of Appeal with the State Medical Board of Ohio and a copy of the Notice of Appeal with the Franklin County Court of Common Pleas. Any such appeal must be filed within fifteen (15) days after the mailing of this notice and in accordance with the requirements of Section 119.12, Ohio Revised Code.

THE STATE MEDICAL BOARD OF OHIO



Lance A. Talmage, M.D.  
Secretary

LAT:jam  
Enclosures

CERTIFIED MAIL NO. 91 7108 2133 3936 3068 2528  
RETURN RECEIPT REQUESTED

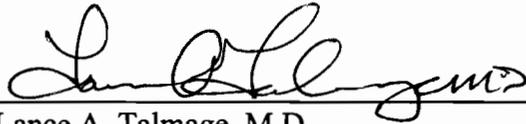
Cc: Elizabeth Y. Collis, Esq.  
CERTIFIED MAIL NO. 91 7108 2133 3936 3068 2535  
RETURN RECEIPT REQUESTED

*Mailed 2-12-10*

CERTIFICATION

I hereby certify that the attached copy of the Entry of Order of the State Medical Board of Ohio; Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner; and excerpt of draft Minutes of the State Medical Board, meeting in regular session on January 13, 2010, including motions approving and confirming the Findings of Fact and Conclusions of the Hearing Examiner, and adopting an amended Order; constitute a true and complete copy of the Findings and Order of the State Medical Board in the matter of Wayne Marshall Williams, M.D., Case No. 09-CRF-049, as it appears in the Journal of the State Medical Board of Ohio.

This certification is made by authority of the State Medical Board of Ohio and in its behalf.



Lance A. Talmage, M.D.  
Secretary

(SEAL)

January 13, 2010

Date

BEFORE THE STATE MEDICAL BOARD OF OHIO

IN THE MATTER OF

\*

\*

CASE NO. 09-CRF-049

WAYNE MARSHALL WILLIAMS, M.D. \*

ENTRY OF ORDER

This matter came on for consideration before the State Medical Board of Ohio on January 13, 2010.

Upon the Report and Recommendation of Gretchen L. Petrucci, State Medical Board Attorney Hearing Examiner, designated in this Matter pursuant to R.C. 4731.23, a true copy of which Report and Recommendation is attached hereto and incorporated herein, and upon the modification, approval and confirmation by vote of the Board on the above date, the following Order is hereby entered on the Journal of the State Medical Board of Ohio for the above date.

It is hereby ORDERED, that:

- A. **APPLICATION TO RESTORE AN OHIO CERTIFICATE:** The application of Wayne Marshall Williams, M.D., to restore his certificate to practice medicine and surgery in the State of Ohio is GRANTED, provided that he otherwise meets all statutory and regulatory requirements, and subject to the probationary conditions that follow.
- B. **REPRIMAND:** Dr. Williams is REPRIMANDED.
- C. **PROBATION:** The certificate of Dr. Williams to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least nine months:
  1. **Obey the Law:** Dr. Williams shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
  2. **Declarations of Compliance:** Dr. Williams shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be

received in the Board's offices on or before the first day of the third month following the month in which Dr. Williams' certificate is restored. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances**: Dr. Williams shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Williams' certificate is restored, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Personal and/or Professional Ethics Course or Courses**: Before the end of probation, or as otherwise approved by the Board, Dr. Williams shall provide acceptable documentation of successful completion of a course or courses dealing with personal and/or professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Williams submits the documentation of successful completion of the course or courses dealing with personal and/or professional ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. Prior to commencing the practice of medicine and surgery in Ohio, Dr. Williams shall notify the Board in writing of the start date, location and name of his Ohio employer.
  6. This probation shall not terminate prior to the completion of Dr. Williams' probation imposed in his 2009 conviction by the Georgia court in criminal case number 2009-SR-0379.
- D. **TERMINATION OF PROBATION**: Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Williams' certificate will be fully restored.
- E. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Williams shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments.

Further, Dr. Williams shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health-care services, or application for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

In the event that Dr. Williams provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, Dr. Williams shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Dr. Williams receives from the Board written notification of the successful completion of probation as set forth in Paragraph D, above.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Williams shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

Dr. Williams further shall provide a copy of this Order at the time of application to the proper licensing authority of any State or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Williams receives from the Board written notification of the successful completion of the probation as set forth in Paragraph D, above.

3. **Required Documentation of the Reporting Required by Paragraph E:** Dr. Williams shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed,

or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

(SEAL)



Lance A. Talmage, M.D.  
Secretary

January 13, 2010

Date

**BEFORE THE STATE MEDICAL BOARD OF OHIO**

**In the Matter of**

\*

**Case No. 09-CRF-049**

**Wayne Marshall Williams, M.D.,**

\*

**Hearing Examiner Petrucci**

**Respondent.**

\*

2009 NOV 30 AM 10:17

STATE MEDICAL BOARD  
OF OHIO

**REPORT AND RECOMMENDATION**

Basis for Hearing

By letter dated April 8, 2009, the State Medical Board of Ohio [Board] notified Wayne Marshall Williams, M.D., that it had proposed to deny his application to restore his certificate to practice medicine and surgery in Ohio or take disciplinary action against him. The Board based its proposed action on the allegation that he had falsely answered two questions on his restoration application. Further, the Board alleged that Dr. Williams' acts, conduct, and/or omissions constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery \* \* \*; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the Board," as set forth in Section 4731.22(B)(5), Ohio Revised Code. Accordingly, the Board advised Dr. Williams of his right to request a hearing in this matter. (State's Exhibit 1 at 1A)

On April 23, 2009, Dr. Williams requested a hearing. (State's Exhibit 1B)

Appearances at the Hearing

Richard Cordray, Attorney General, by Kyle C. Wilcox, Assistant Attorney General, on behalf of the State of Ohio.

Elizabeth Y. Collis, Esq., on behalf of Dr. Williams.

Hearing Date: October 20, 2009

**PROCEDURAL MATTER**

After the hearing, the Hearing Examiner noticed that, inadvertently, a social security number had not been redacted from State's Exhibit 4. She reopened the record, redacted page eight of State's Exhibit 4, and admitted that page as redacted. The record closed on November 20, 2009.

**SUMMARY OF THE EVIDENCE**

All exhibits and the transcript, even if not specifically mentioned, were thoroughly reviewed and considered by the Hearing Examiner prior to preparing this Report and Recommendation.

## **Background**

1. Wayne Marshall Williams, M.D., is an emergency-medicine physician. He graduated in 1976 from Purdue University in West Lafayette, Indiana, with a bachelor's degree in science. In 1979, Dr. Williams earned a medical degree from the University of Cincinnati College of Medicine in Cincinnati, Ohio. Dr. Williams completed a three-year residency program in emergency medicine at Wright State University School of Medicine in 1982. (Hearing Transcript [Tr.] at 20-21, 50; Respondent's Exhibit [Resp. Ex.] A)
2. Dr. Williams moved to Georgia after completing his residency training and has worked in Georgia for the past 27 years. He has worked in and around the Atlanta area for emergency-physician staffing companies, and worked at the following Georgia medical centers: Georgia Baptist Medical Center, Southwest Hospital, Gwinnett Medical Center, Henry General Hospital, Dekalb Medical Center, Rockdale Hospital, South Fulton Medical Center, Newnan West Hospital, West Georgia Medical Center and Doctor's Hospital. He held the position of Medical Director for two of those medical centers: (a) from 2000 to 2002 at the Emergency Department of South Fulton Medical Center, and (b) from 2004 to 2009 at the Emergency Department of Doctor's Hospital. Moreover, he did some work in occupational medicine, when he was the medical Director from 1987-1988 at I.B.M. Corporation. Also, he was instrumental in the decision-making process involved with the construction of a hospital outside of Atlanta, where no hospitals then existed. (State's Exhibit [St. Ex.] 2 at 6, 14, 35, 43-45, 47, 51; Tr. at 21-28; Resp. Ex. A)
3. Dr. Williams has been certified by the American Board of Emergency Medicine since 1991. He has an active medical license in Georgia. He previously held medical licenses in Ohio and South Carolina. (St. Ex. 2 at 3, 33, 39; Tr. at 18-19, 50; Resp. Ex. A)

## **Dr. Williams' Arrests and Convictions between 1998 and 2008**

4. The record reflects that Dr. Williams faced criminal charges on four occasions between 1998 and 2008, when he applied to restore his Ohio certificate. The Board alleged in the instant Notice of Opportunity for Hearing that Dr. Williams falsely answered Questions 15 and 16 on his restoration application because of three incidents, which occurred in 1988, 1992, and 2000 and which resulted in criminal charges and convictions. The Board has *not* alleged that Dr. Williams falsely answered Questions 15 and 16 because of criminal charges related to the four incident, which occurred in 2006. In other words, the 2006 incident is *not* alleged as a basis for contending that Dr. Williams falsely answered Questions 15 and 16. However, evidence regarding the 2006 incident was presented by Dr. Williams because he wished to provide complete disclosure regarding his criminal history and to explain his state of mind at the time he had completed the Ohio restoration application. (Tr. at 12, 36-37) Because it is relevant information for Board consideration, it is appropriate to also include a brief summary of the 2006 incident as well.

5. Below are summaries of the incidents in 1988, 1992, 2000, and 2006:

1988 Arrest and Conviction: On February 21, 1988, Dr. Williams was involved in a multi-car automobile accident. He explained that he was did not cause the accident, but was rear-ended, which caused him to collide into a vehicle in front of him. He was arrested by the Atlanta Police Department, and charged with Driving under the Influence of Alcohol [DUI]. In March 1988, Dr. Williams pleaded *nolo contendere*, and was subsequently convicted in the City Court of Atlanta of DUI in violation of Section 40-6-391(A)(1); Georgia Code. He paid a fine of \$495. (St. Ex. 3 at 5, 7-8, 17; St. Ex. 4 at 7-9; Tr. at 42-43, 54-55)

1992 Arrest and Conviction: On November 9, 1992, Dr. Williams was stopped while driving. He was arrested by the DeKalb County Police Department, and charged with DUI. On or about February 26, 1993, Dr. Williams was convicted in the DeKalb County State Court of DUI in violation of Section 40-6-391(A)(1), Georgia Code. His driver's license was suspended and he was placed on probation for 12 months. (St. Ex. 3 at 5, 9-10; Tr. at 43, 55-56)

2000 Arrest and Conviction: On March 8, 2000, Dr. Williams was having lunch with his oldest son, and words were exchanged between his son and others in the restaurant. Dr. Williams stated that he attempted to finish the meal, but the police were contacted. Dr. Williams testified that there was no violence involved and no alcohol involved. He further stated that, because he did not want his son involved in the legal situation, he "took" the charges made by the restaurant. He was arrested by the Atlanta Police Department, and charged with Criminal Trespass and Disorderly Conduct. On March 6, 2001, Dr. Williams pleaded *nolo contendere* to Criminal Trespass and was convicted in the Fulton County State Court of Criminal Trespass in violation of Section 16-7-21, Georgia Code. The other charge was dismissed. He was sentenced to 12 months of incarceration, given credit for two days of incarceration and the remainder of the incarceration was suspended. (St. Ex. 3 at 5, 11-12, 18-25; St. Ex. 4 at 1-6; Tr. at 40, 43-44, 56-59)

2006 Arrest and Acquittal: The 2006 incident began on August 25, 2006, after Dr. Williams had taken his oldest son to college and when Dr. Williams' wife reported that her car had been stolen. The record does not clearly explain the basis for this report to the police department. The police responded to her call, and came to the Williams residence. Dr. Williams returned home while the police were at the residence, and the police arrested him. The police alleged that, in the course of the arrest, Dr. Williams reached for the police officer's gun. Dr. Williams was charged with attempted removal of a police officer's gun, a felony offense. He pleaded not guilty and the case went to trial. In May 2007, Dr. Williams was found not guilty by a jury. He testified that the arrest was later expunged. (Resp. Ex. L at 1; Tr. at 37-38, 40, 44, 62-65, 102-104)

#### **Dr. Williams' Application to Restore His Ohio Certificate**

6. On March 24, 2008, Dr. Williams filed with the Board an application to restore his certificate to practice medicine and surgery in Ohio. Dr. Williams explained that he is planning to move to Ohio to care for his aging parents, who reside in Cincinnati. (Tr. at 29-30, 81; St. Ex. 3)

7. In the “Additional License Restoration Information” section of his Restoration Application, he answered “No” to Questions 15 and 16, which ask:

[Q]15. Have you ever pled guilty to, been found guilty of a violation of any law, or been granted intervention or treatment in lieu of conviction regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?

[Q]16. Have you ever forfeited collateral, bail or bond for breach or violation of any law, police regulation, or ordinance other than for a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

(St. Ex. 2 at 9)

8. Dr. Williams admitted that he had read the instructions on the application, and he had affirmed the truth of the information in his restoration application, but he had not truthfully answered Questions 15 and 16. (Tr. at 31-35, 41)

#### **Dr. Williams’ Explanation**

9. Regarding his failure to answer truthfully Questions 15 and 16, Dr. Williams testified as follows:

At the time of me filling out this application, there is -- Hindsight’s always 20/20, and I really wanted this. I apologize, not only apologize, but it’s a major lack of usual attention to detail on my part. It was a mistake. It should have been answered yes.

There was a set of unusual circumstances which kind of pushed me into not fully disclosing my criminal background history basically. Personal things that were transpiring in my family at that moment, which to be frank, it was difficult personally and I was going through a difficult period of time, but it was also embarrassing. I plain old didn’t want to deal with it.

(Tr. at 35-36; see also Tr. at 40, 63, 85) Dr. Williams acknowledged that he had believed that, if he disclosed the prior arrests, the licensure process would be slowed down and he did not want that to happen. (Tr. at 45)

10. Dr. Williams clarified the personal/family issues that had led him to falsely answer the two questions on his restoration application. Specifically, he testified that his 2006 arrest and the 2007 trial were very painful and scary events, and they had caused repercussions because his family was “literally petrified and scared of the Fayette County police officers.” Moreover, a stepson was exhibiting behavioral problems and encountering numerous difficulties. Due to those concerns, Dr. Williams moved his family to Rockford, Illinois, in the fall of 2007, while he remained in Georgia. These events led him to desire to return to his parents, who reside in Cincinnati. (Tr. at 38-40, 45, 64-65)

11. Additionally, Dr. Williams stated that when he completed the restoration application, he did not believe the 1992 and 1998 DUIs would be on his criminal record because of their age, and that he had forgotten about the 2000 incident. He also stated that the 2006 arrest had been expunged. (Tr. at 40, 60)

### **Supporting Testimony and Letters**

12. Dr. Williams presented two character witnesses. First, Ceasar Richbow, Esq., testified. He was Dr. Williams' criminal attorney when he was facing the 2006 criminal charges. Mr. Richbow confirmed that the 2006 charges and trial process were devastating and disruptive to Dr. Williams. Moreover, Mr. Richbow stated that, after the acquittal, Dr. Williams filed a civil suit against Fayette County, and is currently involved in depositions associated with that civil suit. Therefore, it has had a lingering, stressful effect on Dr. Williams. With regard to Dr. Williams' character, Mr. Richbow stated that Dr. Williams has an outstanding reputation, and he is very knowledgeable and trustworthy. He stated that Dr. Williams' false answers on his restoration application were completely out of character for him. (Tr. at 95-97, 102-106)

Second, Dr. Williams presented Keith Melvin, M.D, who attended medical school with Dr. Williams. Dr. Melvin practices internal medicine in the Cincinnati area, and treats members of Dr. Williams' family. Dr. Melvin testified that Dr. Williams is a man of integrity, and he is hard-working and diligent. He further stated that he has never known Dr. Williams to not tell the truth. Finally, Dr. Melvin testified that there is a shortage of physicians, including African-American physicians, in the Cincinnati area, and Dr. Williams' return would be very beneficial to the public. (Tr. at 107-113)

13. Dr. Williams also presented letters of support from his wife, his superior, a colleague, two friends, and his minister. They wrote of his high integrity and character. In addition, those letters reflect:

- Dr. Williams' wife pointed out that Dr. Williams has cared for several family members during their illnesses, and his persistence recently helped her father receive the correct medical care. She further noted that Dr. Williams was one of the first 15 African-Americans to complete an emergency medicine residency program in the United States.
- His colleagues described his work as "exemplary," "very competent," and "careful."
- His friends stated that he is hard-working, committed, helpful and supportive.

(Resp. Exs. E-I, K) The State did not have the opportunity to question the authors of these letters.

### **Other information**

14. Dr. Williams also updated the Board regarding an incident that occurred after he had filed his restoration application with the Board. The evidence summarized in this paragraph 14 was

admitted over objection by the State, and allowed for the limited purposes of considering Dr. Williams' restoration application and for complete disclosure of his criminal history and subsequent actions. This evidence was *not* admitted for purposes of determining whether Dr. Williams is impaired. There has been no such allegation made in this matter, and thus the issue of impairment may not be considered by the Board. (Tr. at 68-70, 74-77, 119-120)

In January 2009, Dr. Williams was involved in a single-car accident when he swerved to miss a deer in his neighborhood. He was charged with DUI. Dr. Williams pleaded *nolo contendere* and was convicted. Dr. Williams was: (a) sentenced to four days of incarceration; (b) required to attend "drug court," a Victim Impact Panel class, and DUI/Risk Reduction School; (c) required to complete a substance-abuse evaluation; and (d) placed on probation for a two-year period. Dr. Williams noted that he had completed the first three requirements of his sentence, and was in compliance with his probation, which includes periodic urine screens. (Tr. at 65-67, 73, 88-89; Resp. Ex. L at 1, 5-6)

Dr. Williams explained that, between 1992 and 1998, he did not consume alcohol. He stated that, between 1998 and 2009, he sporadically consumed alcohol ("once a month at most"). He further noted that the court-ordered, substance-abuse evaluation was a two-day evaluation before a clinical psychologist in Cincinnati, Ohio. Dr. Williams stated that he was not sure if the psychologist, Dr. Washington, specialized in addictionology, but he has experience in addictionology. That evaluation was completed in September 2009. The psychologist concluded that Dr. Williams has an alcohol abuse disorder, and "traditional outpatient treatment" was recommended. (Tr. at 70-71, 75-77, 86; Resp. Ex. L at 7-11)

15. Dr. Williams explained that he continues to work in Georgia as a staff physician in the Emergency Department of Doctor's Hospital in Columbus, Georgia. He visits his family in Illinois twice a month. Dr. Williams hopes to relocate himself and his entire family to the Cincinnati area. He further explained that he has received an offer to work for the Springfield Emergency Association, which is a group of physicians providing emergency department staff at three hospitals in the Springfield, Ohio. Dr. Williams has accepted the offer, but it is contingent on receiving an Ohio certificate. He noted that he has fully disclosed the circumstances of the Board's action to his prospective employer. (Tr. at 27, 51-52)
16. Dr. Williams stated that he has learned from the events involved in this proceeding:

It's a humbling experience. I'm an open book, and I'm going to remain an open book. I'm no longer going to allow, if you will, human frailties or the fear of being misunderstood, or allow the historical pressures that exist in my culture and background in African-American experience.

\* \* \* I'm going to accept my humanity and walk a faith walk in the future that I should have adhered to at all times, which I did not when addressing this application, and I regret that. But it won't be made again.

(Tr. at 90)

### FINDINGS OF FACT

1. On March 24, 2008, Wayne Marshall Williams, M.D., submitted an application to restore his certificate to practice medicine and surgery in Ohio. That application remains pending. By signing the Affidavit and Release of Application as part of his Restoration Application, Dr. Williams certified that the information provided therein was true.
2. In the "Additional License Restoration Information" section of his Restoration Application, Dr. Williams answered "No" to Questions 15 and 16, which ask respectively the following:

Have you ever pled guilty to, been found guilty of a violation of any law, or been granted intervention or treatment in lieu of conviction regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?

Have you ever forfeited collateral, bail or bond for breach or violation of any law, police regulation, or ordinance other than for a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

In fact, on February 21, 1988, Dr. Williams was arrested by the Atlanta, Georgia, Police Department, and charged with Driving under the Influence of Alcohol. In March 1988, Dr. Williams pleaded *nolo contendere*, was convicted in the City Court of Atlanta of Driving Under the Influence of Alcohol in violation of Section 40-6-391(A)(1), Georgia Code, and paid a fine of \$495.

In addition, on November 9, 1992, Dr. Williams was arrested by the DeKalb County Police Department, located in DeKalb County, Georgia, and charged with Driving under the Influence of Alcohol. On or about February 26, 1993, Dr. Williams was convicted of Driving Under the Influence of Alcohol in the DeKalb County State Court in violation of Section 40-6-391(A)(1), Georgia Code, had his license suspended and was placed on probation for 12 months.

Finally, on March 8, 2000, Dr. Williams was arrested by the Atlanta Police Department, and charged with Criminal Trespass and Disorderly Conduct. On March 6, 2001, Dr. Williams pleaded *nolo contendere* and was convicted in the Fulton County State Court of Criminal Trespass in violation of Section 16-7-21, Georgia Code, was sentenced to 12 months of incarceration and was given credit for two days of incarceration, with the remainder of the incarceration suspended.

### CONCLUSION OF LAW

As set forth in Findings of Fact 1 and 2, Dr. Williams' acts, conduct, and/or omissions constitute "[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery \* \* \*; or in securing or attempting to

secure any certificate to practice or certificate of registration issued by the Board,” as set forth in Section 4731.22(B)(5), Ohio Revised Code.

### **Rationale for the Proposed Order**

The evidence demonstrates that Dr. Williams has had a successful, lengthy career as an emergency-medicine physician in Georgia. At the same time, he has been involved in a number of incidents that he considers to be embarrassing. On his Ohio restoration application, he purposely chose not to answer questions honestly, which would have required full disclosure of those incidents to the Board.

Dr. Williams frankly explained at the hearing in this matter why he had chosen to answer Questions 15 and 16 falsely. He was cooperative, he acknowledged his wrongdoing, and he expressed remorse for his actions. He appears to fully understand the importance of providing honest answers, even when it may be difficult to do so, and he has since provided his potential employer with full disclosure. He appears to have learned a valuable lesson. Nevertheless, a reprimand is warranted for his improper behavior. Moreover, a period of probation (with quarterly declarations, personal appearances, and an ethics course or courses) is recommended so that the Board can watch over Dr. Williams during the initial period of reestablishing himself in Ohio. (As noted earlier, impairment was not alleged in this matter, and is not an issue considered by the Hearing Examiner in developing the Proposed Order.)

### **PROPOSED ORDER**

It is hereby ORDERED, that:

- A. **APPLICATION TO RESTORE AN OHIO CERTIFICATE:** The application of Wayne Marshall Williams, M.D., to restore his certificate to practice medicine and surgery in the State of Ohio is GRANTED, provided that he otherwise meets all statutory and regulatory requirements, and subject to the probationary conditions that follow.
- B. **REPRIMAND:** Dr. Williams is REPRIMANDED.
- C. **PROBATION:** The certificate of Dr. Williams to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations for a period of at least nine months:
  1. **Obey the Law:** Dr. Williams shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
  2. **Declarations of Compliance:** Dr. Williams shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board’s offices on or before the first day of the third month following the month in which Dr. Williams’

certificate is restored. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.

3. **Personal Appearances:** Dr. Williams shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Williams' certificate is restored, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
4. **Personal and/or Professional Ethics Course or Courses:** Before the end of probation, or as otherwise approved by the Board, Dr. Williams shall provide acceptable documentation of successful completion of a course or courses dealing with personal and/or professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Williams submits the documentation of successful completion of the course or courses dealing with personal and/or professional ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Williams' certificate will be fully restored.

E. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Williams shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments.

Further, Dr. Williams shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health-care services, or application for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments.

In the event that Dr. Williams provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, Dr. Williams shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

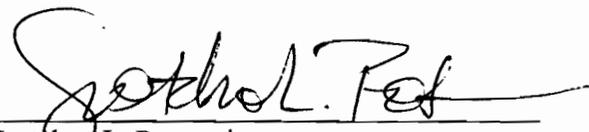
This requirement shall continue until Dr. Williams receives from the Board written notification of the successful completion of probation as set forth in Paragraph D, above.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Williams shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

Dr. Williams further shall provide a copy of this Order at the time of application to the proper licensing authority of any State or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Williams receives from the Board written notification of the successful completion of the probation as set forth in Paragraph D, above.

3. **Required Documentation of the Reporting Required by Paragraph E:** Dr. Williams shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.



Gretchen L. Petrucci  
Hearing Examiner

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127

Richard A. Whitehouse, Esq.  
Executive Director

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## EXCERPT FROM THE DRAFT MINUTES OF JANUARY 13, 2010

### REPORTS AND RECOMMENDATIONS AND PROPOSED FINDINGS AND PROPOSED ORDERS

Dr. Amato announced that the Board would now consider the Reports and Recommendations, and the Proposed Findings and Proposed Order appearing on its agenda.

Dr. Amato asked whether each member of the Board had received, read and considered the hearing records; the Findings of Fact, Conclusions of Law and Proposed Orders, and any objections filed in the matters of: Cherry Lynn Hively, M.T.; William Balint Kerek, M.D.; Donald D. Lanese, D.O.; Wayne Marshall Williams, M.D.; and Megan Marie Xenakis; and the Proposed Finding and Proposed Order in the matter of Nancy Jayne Lisch, M.D. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Amato	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Madia	- aye

Dr. Amato asked whether each member of the Board understands that the disciplinary guidelines do not limit any sanction to be imposed, and that the range of sanctions available in each matter runs from dismissal to permanent revocation. A roll call was taken:

ROLL CALL:	Mr. Albert	- aye
	Dr. Talmage	- aye
	Dr. Suppan	- aye
	Dr. Varyani	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye

Dr. Amato - aye  
Dr. Stephens - aye  
Dr. Mahajan - aye  
Dr. Steinbergh - aye  
Dr. Madia - aye

Dr. Amato noted that, in accordance with the provision in Section 4731.22(F)(2), Revised Code, specifying that no member of the Board who supervises the investigation of a case shall participate in further adjudication of the case, the Secretary and Supervising Member must abstain from further participation in the adjudication of these matters. In the matters before the Board today, Dr. Talmage served as Secretary and Mr. Albert served as Supervising Member.;

Dr. Amato reminded all parties that no oral motions may be made during these proceedings.

The original Reports and Recommendations shall be maintained in the exhibits section of this Journal.

.....

WAYNE MARSHALL WILLIAMS, M.D.

Dr. Amato directed the Board's attention to the matter of Wayne Marshall Williams, M.D. He advised that no objections were filed to Hearing Examiner Petrucci's Report and Recommendation.

Dr. Amato continued that a request to address the Board has been timely filed on behalf of Dr. Williams. Five minutes would be allowed for that address.

Dr. Williams was accompanied by his attorney, Elizabeth Y. Collis, Esq. Ms. Collis stated that she filed no objections to the Report and Recommendation. Ms. Collis stated that the case against Dr. Williams did not involve impairment and that impairment was not part of Ms. Petrucci's Report and Recommendation. Ms. Collis stated that she introduced a report which was sent as part of mitigation to show that that Dr. Williams had had an evaluation. Ms. Collis reminded that Board that Dr. Williams had not been cited for impairment, and therefore impairment could not be the basis of the Board's decision.

Dr. Williams thanked the Board for the opportunity to appear before the Board regarding this matter. Dr. Williams stated that in March 2008, he applied to restore his Ohio medical license. Dr. Williams explained that he was raised in Ohio, attended medical school in Ohio, and completed his residency training in emergency medicine in Ohio. Dr. Williams intends to move his family to Ohio in order to live closer to his elderly parents.

Dr. Williams stated that he sincerely regretted that when he filled out his restoration application, he did not take the time and care to provide clear and accurate responses to the application's questions. Dr. Williams

admitted that this was a major lack of attention to detail on his part. Dr. Williams stated that his failure to answer two questions on the application accurately was out of character for him, as witnesses testified to on his behalf at the hearing.

Dr. Williams stated the he did not wish to excuse his actions, but instead wanted to explain the events in his personal life around the time he completed his Ohio application. Dr. Williams stated that in 2006, he was unlawfully arrested at his home in Atlanta, Georgia. Dr. Williams stated that, in front of his children, he was attacked and beaten by local police, then charged with attempting to take a weapon from a police officer. After a jury trial, Dr. Williams was found not guilty.

Dr. Williams continued that, while the case was dismissed and expunged from his record, the experience had a significant effect on him. Dr. Williams stated that his family was threatened by the local police and he was forced to move his wife and two small children to Illinois to live with his in-laws. Dr. Williams stated that for two years, he has continued to work in Georgia and travel to and from Illinois to see his wife and children.

Dr. Williams stated that when he completed his Ohio application, he thought the 1992 and 1998 DUIs would no longer be on his record because of their age, and therefore he thought he did not have to disclose them. Dr. Williams stated that he had honestly forgotten about a 2000 misdemeanor arrest. Dr. Williams also stated that he did not note his 2006 arrest because it had been expunged. Dr. Williams stated that his failure to note these previous cases was a mistake.

Dr. Williams stated that he would comply with the recommendation of the hearing examiner. If licensed in Ohio, Dr. Williams plans to move to the Dayton area, where he has been offered an emergency medicine position. Dr. Williams intends to move his wife and children to Ohio and live near his parents.

Dr. Williams stated that this was the first and only time he had ever been the subject of discipline in Ohio or any other state. Dr. Williams stated that he has spent a lifetime working to provide excellent care to his patients and would like to bring his practice to Ohio to work near his family, friends, and the place where he was educated and trained.

Dr. Amato asked whether the Assistant Attorney General wished to respond. Mr. Wilcox stated that he did.

Mr. Wilcox stated that this case involves an application for restoration of a license in which there was a lack of disclosure to the Board regarding prior criminal actions and convictions. Mr. Wilcox commented that Ms. Petrucci's Report and Recommendation was a very good summary of the case.

Mr. Wilcox opined that Dr. Williams seemed very forthright and remorseful regarding his lack of disclosure on his application. Mr. Wilcox noted that, during the hearing, Dr. Williams acknowledged that one of the reasons he did not disclose these prior convictions was that he did not want to undergo extra scrutiny by the Board. Mr. Wilcox opined that, while the circumstances in Dr. Williams' life around the time he filled out the application did not excuse his decision to withhold information, it did place things

into context to understand Dr. Williams' thought process at the time.

Mr. Wilcox stated that in many cases of this nature, the applicant or licensee is very evasive in his statements. However, Mr. Wilcox did not feel that Dr. Williams was evasive, but rather was very forthcoming. Dr. Wilcox was impressed with some of the witnesses Dr. Williams brought forth, including his colleague Dr. Melvin.

Mr. Wilcox believed that Ms. Petrucci's recommendation was appropriate in this matter. Mr. Wilcox felt that Dr. Williams was being honest with the Board. Mr. Wilcox expressed support for the proposed order, which would grant Dr. Williams a license, reprimand him, and place him on a short-term probation.

**DR. SUPPAN MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER IN THE MATTER OF WAYNE MARSHALL WILLIAMS, M.D. DR. VARYANI SECONDED THE MOTION.**

Dr. Amato stated that he would now entertain further discussion in the above matter.

Mr. Hairston briefly recounted the allegations that Dr. Williams failed to disclose his convictions for driving under the influence of alcohol and for disorderly conduct. Mr. Hairston stated that he agreed with the Report and Recommendation, providing that Dr. Williams met all licensing requirements. Mr. Hairston characterized the Report and Recommendation as a blessing to Dr. Williams and urged him to make sure he does not have to appear before the Board again.

Dr. Steinbergh stated that she was compelled by Dr. Williams and believed him to be sincere. Dr. Steinbergh noted that Dr. Williams was an emergency medicine physician and probably saw on a daily basis the trauma and death associated with drunken driving. Dr. Williams agreed that that was the case.

Dr. Steinbergh stated that Dr. Williams had lied to the Board about very important things. Dr. Steinbergh stated that as recently as January 2009, Dr. Williams had been involved in a single-car accident when he swerved to miss a deer in his neighborhood in Georgia. Dr. Williams was charged with Driving Under the Influence (DUI), to which Dr. Williams pleaded No Contest. As a result, Dr. Williams was sentenced to four days of incarceration and was required to attend drug court, a victim impact panel class, and a DUI risk-reduction school. Dr. Williams was also required to complete a substance-abuse evaluation. Dr. Williams was also placed on probation for two years, and thus far Dr. Williams was in compliance with the stipulations of that probation, including the requirement of periodic urine screens.

Dr. Steinbergh noted that the Medical Board only charged Dr. Williams with violation of 4731.22(B)(5), Ohio Revised Code, and is silent on the issue of impairment. However, Dr. Steinbergh opined that Dr. Williams' DUI record should not be ignored. Dr. Steinbergh stated that she would not support action that went beyond the 4731.22(B)(5) violation, but opined that Dr. Williams should understand that he put other people's lives at risk every time he drove a car after drinking. Dr. Steinbergh encouraged Dr. Williams to get the help he needs to avoid these types of violations in the future. If not, Dr. Steinbergh stated, the

Board may possibly see Dr. Williams in the future for impairment.

**DR. STEINBERGH MOVED TO AMEND THE PROPOSED ORDER IN THE MATTER OF WAYNE MARSHALL WILLIAMS, M.D., BY SUBSTITUTING THE FOLLOWING:**

It is hereby ORDERED that:

- A. **APPLICATION TO RESTORE AN OHIO CERTIFICATE:** The application of Wayne Marshall Williams, M.D., to restore his certificate to practice medicine and surgery in the State of Ohio is GRANTED, provided that he otherwise meets all statutory and regulatory requirements, and subject to the probationary conditions that follow.
- B. **REPRIMAND:** Dr. Williams is REPRIMANDED.
- C. **PROBATION:** The certificate of Dr. Williams to practice medicine and surgery in the State of Ohio shall be subject to the following PROBATIONARY terms, conditions, and limitations, which shall continue for a period of at least 9 months after the start of Dr. Williams' practice in Ohio:
  1. **Obey the Law:** Dr. Williams shall obey all federal, state, and local laws, and all rules governing the practice of medicine and surgery in the state in which he is practicing.
  2. **Declarations of Compliance:** Dr. Williams shall submit quarterly declarations under penalty of Board disciplinary action and/or criminal prosecution, stating whether there has been in compliance with all the conditions of this Order. The first quarterly declaration must be received in the Board's offices on or before the first day of the third month following the month in which Dr. Williams' certificate is restored. Subsequent quarterly declarations must be received in the Board's offices on or before the first day of every third month.
  3. **Personal Appearances:** Dr. Williams shall appear in person for an interview before the full Board or its designated representative during the third month following the month in which Dr. Williams' certificate is restored, or as otherwise directed by the Board. Subsequent personal appearances must occur every three months thereafter, and/or as otherwise requested by the Board. If an appearance is missed or is rescheduled for any reason, ensuing appearances shall be scheduled based on the appearance date as originally scheduled.
  4. **Personal and/or Professional Ethics Course or Courses:** Before the end of probation, or as otherwise approved by the Board, Dr. Williams shall provide acceptable documentation of successful completion of a course or courses dealing

with personal and/or professional ethics. The exact number of hours and the specific content of the course or courses shall be subject to the prior approval of the Board or its designee. Any courses taken in compliance with this provision shall be in addition to the Continuing Medical Education requirements for relicensure for the Continuing Medical Education period(s) in which they are completed.

In addition, at the time Dr. Williams submits the documentation of successful completion of the course or courses dealing with personal and/or professional ethics, he shall also submit to the Board a written report describing the course(s), setting forth what he learned from the course(s), and identifying with specificity how he will apply what he has learned to his practice of medicine in the future.

5. Prior to commencing the practice of medicine and surgery in Ohio, Dr. Williams shall notify the Board in writing of the start date, location and name of his Ohio employer.
6. This probation shall not terminate prior to the completion of Dr. Williams' probation imposed in his 2009 conviction by the Georgia court in criminal case number 2009SR-0379.

D. **TERMINATION OF PROBATION:** Upon successful completion of probation, as evidenced by a written release from the Board, Dr. Williams' certificate will be fully restored.

E. **REQUIRED REPORTING WITHIN 30 DAYS OF THE EFFECTIVE DATE OF THIS ORDER**

1. **Required Reporting to Employers and Others:** Within 30 days of the effective date of this Order, Dr. Williams shall provide a copy of this Order to all employers or entities with which he is under contract to provide health-care services (including but not limited to third-party payors), or is receiving training, and the chief of staff at each hospital or health-care center where he has privileges or appointments.

Further, Dr. Williams shall promptly provide a copy of this Order to all employers or entities with which he contracts to provide health-care services, or application for or receives training, and the Chief of Staff at each hospital where he applies for or obtains privileges or appointments. In the event that Dr. Williams provides any health-care services or health-care direction or medical oversight to any emergency medical services organization or emergency medical services provider in Ohio, Dr. Williams shall provide a copy of this Order to the Ohio Department of Public Safety, Division of Emergency Medical Services.

This requirement shall continue until Dr. Williams receives from the Board written notification of the successful completion of probation as set forth in Paragraph D, above.

2. **Required Reporting to Other Licensing Authorities:** Within 30 days of the effective date of this Order, Dr. Williams shall provide a copy of this Order to the proper licensing authority of any State or jurisdiction in which he currently holds any professional license, as well as any federal agency or entity, including but not limited to the Drug Enforcement Agency, through which he currently holds any license or certificate.

Dr. Williams further shall provide a copy of this Order at the time of application to the proper licensing authority of any State or jurisdiction in which he applies for any professional license or reinstatement/restoration of any professional license. This requirement shall continue until Dr. Williams receives from the Board written notification of the successful completion of the probation as set forth in Paragraph D, above.

3. **Required Documentation of the Reporting Required by Paragraph E:** Dr. Williams shall provide the Board with one of the following documents as proof of each required notification within 30 days of the date of each such notification: (1) the return receipt of certified mail within 30 days of receiving that return receipt, (2) an acknowledgement of delivery bearing the original ink signature of the person to whom a copy of the Order was hand delivered, (3) the original facsimile-generated report confirming successful transmission of a copy of the Order to the person or entity to whom a copy of the Order was faxed, or (4) an original computer-generated printout of electronic mail communication documenting the e-mail transmission of a copy of the Order to the person or entity to whom a copy of the Order was e-mailed.

This Order shall become effective immediately upon the mailing of the notification of approval by the Board.

Dr. Steinbergh stated that she had intended to propose an alternative order which would have extended the length of Dr. Williams' probation from nine months to eighteen months. However, Dr. Steinbergh stated that she would support keeping the length of probation at nine months, provided that the probation began when Dr. Williams began practicing in Ohio. Dr. Steinbergh wished to leave the stipulations of the probation unchanged, except to add the following: "Prior to commencing the practice of medicine and surgery in Ohio, Dr. Williams will notify the Board in writing of the start date, location, and name of the employer." Dr. Steinbergh also suggested that Dr. Williams' probation shall not terminate prior to the

completion of the probation imposed by the court in Georgia as a result of his 2009 conviction.

Dr. Amato asked if any Board member wished to second Dr. Steinbergh's motion to amend.

Dr. Varyani asked if Dr. Steinbergh's proposed amendment included monitoring. Dr. Steinbergh replied that monitoring was not included because Dr. Williams was not cited for being an impaired physician. Rebecca Marshall, Chief Enforcement Attorney for the Board, addressed the Board and stated that the Board's authority was controlled by the charges in the citation. Ms. Marshall explained that if a physician is suspected of being impaired, the Board's processes and protocols for investigation of impairment would be followed and result in a citation for impairment, and at that point the Board would have authority over that issue. Dr. Varyani thanked Ms. Marshal for the clarification.

**MR. HAIRSTON SECONDED DR. STEINBERGH'S MOTION TO AMEND THE PROPOSED ORDER IN THE MATTER OF WAYNE MARSHALL WILLIAMS, M.D**

A vote was taken on Dr. Steinbergh's motion to amend:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye
	Mr. Ogg	- aye
	Dr. Strafford	- aye
	Mr. Hairston	- aye
	Dr. Madia	- aye
	Dr. Stephens	- aye
	Dr. Mahajan	- aye
	Dr. Steinbergh	- aye
	Dr. Amato	- aye

The motion carried.

**DR. STEINBERGH MOVED TO APPROVE AND CONFIRM MS. PETRUCCI'S FINDINGS OF FACT, CONCLUSIONS OF LAW, AND PROPOSED ORDER, AS AMENDED, IN THE MATTER OF WAYNE MARSHALL WILLIAMS, M.D. MR. HAIRSTON SECONDED THE MOTION.**

A vote was taken:

ROLL CALL:	Mr. Albert	- abstain
	Dr. Varyani	- aye
	Dr. Talmage	- abstain
	Dr. Suppan	- aye

EXCERPT FROM THE DRAFT MINUTES OF JANUARY 13, 2010  
IN THE MATTER OF WAYNE MARSHALL WILLIAMS, M.D.

Mr. Ogg	- aye
Dr. Strafford	- aye
Mr. Hairston	- aye
Dr. Madia	- aye
Dr. Stephens	- aye
Dr. Mahajan	- aye
Dr. Steinbergh	- aye
Dr. Amato	- aye

The motion carried.

# State Medical Board of Ohio

30 E. Broad Street, 3rd Floor, Columbus, OH 43215-6127



Richard A. Whitehouse, Esq.  
Executive Director

(614) 466-3934  
med.ohio.gov

April 8, 2009

Case number: 09-CRF-049

Wayne Marshall Williams, M.D.  
438 Kitelake Road  
Fayetteville, GA 30214

Dear Doctor Williams:

In accordance with Chapter 119., Ohio Revised Code, you are hereby notified that the State Medical Board of Ohio [Board] intends to determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery, or to reprimand you or place you on probation for one or more of the following reasons:

- (1) On or about March 24, 2008, you caused to be submitted an Application for License Restoration – Medicine or Osteopathic Medicine [Restoration Application] to the Board. Your Restoration Application is currently pending. By signing the Affidavit and Release of Applicant as part of your Restoration Application, you certified that the information provided therein was true.
- (2) In the “Additional License Restoration Information” section of your Restoration Application you answered “NO” to questions numbered 15 and 16 which ask, respectively, the following:

Have you ever pled guilty to, been found guilty of a violation of any law, or been granted intervention or treatment in lieu of conviction regardless of the legal jurisdiction in which the act was committed, other than a minor traffic violation?

Have you ever forfeited collateral, bail, or bond for breach or violation of any law, police regulation, or ordinance other than a minor traffic violation; been summoned into court as a defendant or had any lawsuit filed against you (other than a malpractice suit)?

Mailed 4.9.09

- (a) In fact, on or about February 22, 1988, you were arrested by the Atlanta Police Department, located in Atlanta, Georgia and charged with Driving Under the Influence of Alcohol. In or about March 1988, you pled nolo contendere and were subsequently convicted in the Atlanta Traffic Court of Driving Under the Influence of Alcohol in violation of Section 40-6-391(A)(1), Georgia Code, and paid a fine of \$495.00.
- (b) In fact, on or about November 9, 1992, you were arrested by the DeKalb County Police Department, located in DeKalb County, Georgia and charged with Driving Under the Influence of Alcohol. On or about February 26, 1993, you were subsequently convicted in the DeKalb County State Court of Driving Under the Influence of Alcohol in violation of Section 40-6-391(a)(1), Georgia Code, had your license suspended and were placed on probation for twelve months.
- (c) In fact, on or about March 8, 2000, you were arrested by the Atlanta Police Department, located in Atlanta, Georgia and charged with Criminal Trespass and Disorderly Conduct. On or about March 6, 2001, you pled nolo contendere and were subsequently convicted in the Fulton County State Court of Disorderly Conduct in violation of Section 16-7-21, Georgia Code, were sentenced to twelve months of incarceration and given credit for two served days of incarceration with the remainder of the sentence suspended.

Your acts, conduct, and/or omissions as alleged in paragraphs (1) and (2) above, individually and/or collectively, constitute “[m]aking a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any certificate to practice or certificate of registration issued by the board,” as that clause is used in Section 4731.22(B)(5), Ohio Revised Code.

Pursuant to Chapter 119., Ohio Revised Code, you are hereby advised that you are entitled to a hearing in this matter. If you wish to request such hearing, the request must be made in writing and must be received in the offices of the State Medical Board within thirty days of the time of mailing of this notice.

You are further advised that, if you timely request a hearing, you are entitled to appear at such hearing in person, or by your attorney, or by such other representative as is permitted to practice before this agency, or you may present your position, arguments, or contentions in writing, and that at the hearing you may present evidence and examine witnesses appearing for or against you.

In the event that there is no request for such hearing received within thirty days of the time of mailing of this notice, the State Medical Board may, in your absence and upon consideration of this matter, determine whether or not to limit, revoke, permanently revoke, suspend, refuse to register or reinstate your certificate to practice medicine and surgery or to reprimand you or place you on probation.

Please note that, whether or not you request a hearing, Section 4731.22(L), Ohio Revised Code, provides that "[w]hen the board refuses to grant a certificate to an applicant, revokes an individual's certificate to practice, refuses to register an applicant, or refuses to reinstate an individual's certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice and the board shall not accept an application for reinstatement of the certificate or for issuance of a new certificate."

Copies of the applicable sections are enclosed for your information.

Very truly yours,



Lance A. Talmage, M.D.  
Secretary

LAT/DPK/flb  
Enclosures

CERTIFIED MAIL #91 7108 2133 3936 3068 6496  
RETURN RECEIPT REQUESTED

cc: Rolf A. Jones, Esq.  
3355 Lenox Road  
Suite 850  
Atlanta, Georgia 30326

CERTIFIED MAIL #91 7108 2133 3936 3068 6489  
RETURN RECEIPT REQUESTED