

LOUISIANA STATE BOARD OF MEDICAL EXAMINERS

630 Camp Street, New Orleans, LA 70130

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BEFORE THE
LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS

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No. 2022-1-183

IN THE MATTER OF:

VIRGIL WAID MCMILLION, D.O.
(Credential No. 328164),
Respondent

STIPULATION AND AGREEMENT FOR
VOLUNTARY SURRENDER OF MEDICAL
LICENSE

This *Stipulation and Agreement* is made by Virgil Waid McMillion, D.O. ("Dr. McMillion"), a physician licensed by the Louisiana State Board of Medical Examiners (the "Board") to engage in the practice of medicine in the State of Louisiana, as evidenced by Credential No. 328164. Dr. McMillion's Louisiana medical license was first issued on July 26, 2021 and expired on December 31, 2021.¹ Dr. McMillion resides in West Virginia and is licensed to practice medicine in West Virginia. He also holds or has held licenses to practice medicine in over thirty states, including Wyoming, South Dakota, and Idaho.

1. *Acknowledgment and Stipulations.* Dr. McMillion hereby acknowledges, stipulates and agrees that:

- (a) An investigation was initiated by the Board upon the receipt of information indicating that Dr. McMillion (1) entered into a Consent Order with the West Virginia Board of Osteopathic Medicine (the "West Virginia Board") on or about February 3, 2022 (the "West Virginia Order")²; and (2) was summarily suspended by the Wyoming Board of Medicine on or about February 17, 2022 (the "Wyoming Order").³
- (b) The West Virginia Order stated that Dr. McMillion failed to report to the West Virginia Board that he was under criminal investigation by a law enforcement agency in his March 5, 2021 application to renew his Letter of Qualification ("LOQ") for expedited licensure through the Interstate Medical Licensure Compact ("IMCL"). Dr. McMillion was served with a search warrant relating to a criminal investigation on or about

¹ The Board's rules permit a licensee to seek reinstatement of an expired license for a period of four (4) years from the date of expiration. See La. Admin. Code tit. 46, pt. XLV, § 419. The Board therefore retains continuing jurisdiction over Dr. McMillion's expired license to practice medicine in this state.

² Consent Order, *West Virginia Board of Osteopathic Medicine v. Virgil Waid McMillion, D.O.*, No. 2021-26, W. VA. BD. OF OSTEOPATHIC MED. (Feb. 5, 2022).

³ Order of Summary Suspension, *In the Summary Suspension Matter of: Virgil Waid McMillion, D.O.*, No. 1270, WYO. BD. OF MED. (Feb. 17, 2022).

December 22, 2020, which investigation was still pending when Dr. McMillion submitted this LOQ application. The West Virginia Board issued the LOQ on June 4, 2021. Dr. McMillion was indicted for Sexual Assault in the Second Degree in the Circuit Court for Lewis County, West Virginia, on or about July 12, 2021. He likewise failed to disclose this indictment to the West Virginia Board or update his LOQ application, as required.

- (c) The West Virginia Order declared the June 4, 2021 LOQ “null and void” and imposed a reprimand and fine of \$1,000.00.⁴
- (d) The Wyoming Order summarily suspended Dr. McMillion’s license based on his “effort to obtain obtaining a Wyoming physician license through possible misrepresentation while apparently failing to disclose a pending criminal investigation in another state, related to actions in a health care facility where he worked[.]”⁵
- (e) Predicated on these same facts, Dr. McMillion voluntarily surrendered his license to practice medicine in the State of South Dakota.⁶ Other state licensing boards have also suspended Dr. McMillion’s licenses to practice in their respective states.⁷
- (f) Dr. McMillion acknowledges that his license to practice medicine in Louisiana was issued based on the June 4, 2021 LOQ that has been declared “null and void” by the West Virginia Board, that his licenses to practice medicine in other states have been so restricted, and that the foregoing information would provide the Investigating Officer for the Board with probable cause to pursue formal administrative proceedings against him and to revoke or impose restrictions on his Louisiana medical license pursuant to La. R.S. 37:1285(A)(3) and (29).⁸
- (g) Dr. McMillion has stated that he has no further desire to retain a medical license or

⁴ West Virginia Order, at 5.

⁵ Wyoming Order, at 9–10.

⁶ Final Order, *In the Matter of Virgil Waid McMillion, D.O.*, No. 22-146, S.D. DEP’T OF HEALTH, BD. OF MED. & OSTEOPATHIC EXAM’RS (Mar. 14, 2022).

⁷ *See, e.g.*, Order of Emergency Suspension, *In re: Vigil McMillion, D.O.*, No. 2022-MED-006, N.H. BD. OF MED. (Apr. 6, 2022); Order of Immediate Suspension of License, *In the Matter of Virgil McMillion*, No. 2022-BOM-9949, IDAHO STATE BD. OF MED. (Mar. 15, 2022).

⁸ Pursuant to La. R.S. 37:1285(A), the Board may take disciplinary action against a physician’s license based on “(3) Fraud, deceit, or perjury in obtaining any diploma, license, or permit pertaining to this Part” and “(29) The refusal of a licensing authority of another state to issue or renew a license, permit, or certificate to practice medicine in that state or the revocation, suspension, or other restriction imposed on a license, permit, or certificate issued by such licensing authority which prevents or restricts practice in that state, or the surrender of a license, permit, or certificate issued by another state when criminal or administrative charges are pending or threatened against the holder of such license, permit, or certificate.”

otherwise practice medicine in Louisiana. Accordingly, he wishes to resolve these proceedings through a stipulation for voluntary surrender of his medical license rather than undertaking an administrative hearing.

- (h) The Investigating Officer concurs that Dr. McMillion should voluntarily surrender his license to practice medicine in this state pursuant to a public order.
- (i) Pursuant to the Louisiana Medical Practice Act, La. R.S. 37:1261 *et seq.*, and the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.*, Dr. McMillion would be entitled, prior to final disciplinary action against his medical license, to an administrative adjudication of such charges, pursuant to La. R.S. 49:955–58. At such hearing, Dr. McMillion would be entitled to be represented by legal counsel, to have those charges proved against him by evidence, to appear and confront adverse witnesses, to call witnesses and present evidence on his own behalf in defense or in mitigation of the charges made, to a decision thereon by the Board based upon written findings of fact and conclusions of law pursuant to La. R.S. 49:958, and to any other right to which he may be afforded by the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.* or otherwise.

2. ***Voluntary Surrender of License.*** Notwithstanding his right to an administrative hearing and a decision thereon, as provided by La. R.S. 49:951 *et seq.*, in recognition of the stipulations set forth hereinabove toward final disposition of the pending preliminary review, Dr. McMillion, nonetheless, acknowledges the substantial accuracy of the foregoing information and hereby waives his right to formal adjudication and voluntarily surrenders to the Board for cancellation his license to practice medicine in the State of Louisiana, as evidenced by Credential No. 328164. By his subscription hereto, Dr. McMillion also hereby authorizes the Investigating Officer designated by the Board with respect hereto to present this Stipulation and Agreement for Voluntary Surrender of Medical License to the Board for its consideration and to fully disclose to and discuss with the Board the nature and results of the investigation, and he waives any objection to such disclosures under La. R.S. 49:960.

3. ***Effect of Voluntary Surrender of License.*** Dr. McMillion acknowledges, stipulates and agrees that the voluntary surrender of his medical license affected hereby in the presence of an administrative investigation shall have, and shall be deemed by the Board to have, the same effect as if the Board had entered an order of revocation upon the conclusion of formal administrative proceedings. Further, Dr. McMillion acknowledges, stipulates and agrees that reinstatement of such license shall be at the sole discretion of the Board and upon whatever probationary terms, conditions and restrictions that it may then determine to be appropriate. In addition, Dr. McMillion acknowledges, stipulates and agrees that no request for reinstatement shall be considered by the Board until and unless he has: (i) attended a meeting at the Board office with the Director of Investigations; (ii) successfully completed all recommendations by the Director of Investigations to demonstrate to the Board that he is competent to return to the practice of medicine with reasonable skill and safety; and (iii) otherwise complied with all

applicable statutory and regulatory requirements for the reinstatement of an expired license. *See, e.g.,* La. R.S. 37:1280; 37:1281(A)(3)(c); La. Admin. Code tit. 46, pt. XLV, § 419.

4. ***Termination of Proceedings.*** By the voluntary surrender of his medical license, and the attendant dismissal of the proceedings occasioned hereby Dr. McMillion, moreover, acknowledges, stipulates and agrees that he hereby waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act, La. R.S. 49:951 *et seq.* or which otherwise may be afforded to him by any law, to contest his agreement to or the force and effect of this document in any court or other forum relating to the stipulations, agreements, acknowledgments and other matters referred to herein.

5. ***Advice of Counsel.*** Dr. McMillion acknowledges that he has had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation and Agreement for Voluntary Surrender of Medical License and that all of the terms, conditions, restrictions and limitations contained herein have been explained to him and/or that he fully understands them.

6. ***Public Record.*** Dr. McMillion acknowledges, stipulates and agrees that this Stipulation and Agreement for Voluntary Surrender of Medical License shall be, and shall be deemed to be, a **PUBLIC RECORD**.

Stipulation and Agreement on Next Page

**STIPULATION
AND AGREEMENT**

West Virginia

STATE OF _____
PARISH/COUNTY OF Monongalia

I, VIRGIL WAID MCMILLION, D.O., hereby acknowledge that I have had the opportunity to seek the advice and guidance of legal counsel with respect to this Stipulation and Agreement for Voluntary Surrender of Medical License and that all of its terms and conditions have been fully explained to me and/or that I fully understand them. I further acknowledge that I approve, accept and consent to entry of the above and foregoing Stipulation and Agreement without duress and of my own free will and accord, this 23 day of May, 2022.



VIRGIL WAID MCMILLION, D.O.

WITNESSES:



Signature

Kevin T. Tipton

Typed Name

1399 Stewarttown Road, Suite 230

Street Address

Morgantown, WV 26405

City/State/Zip Code



Signature

Brianna McMillion

Typed Name

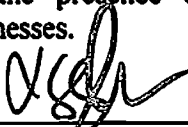
292 Ed Dunn Rd

Street Address

Morgantown WV 26508

City/State/Zip Code

Sworn to and subscribed before me
this 23rd day of May, 2022,
in the presence of the two stated
witnesses.



Notary Public (Signature)

Name: Kevin T. Tipton

Notary/Bar No.: WV 8610

Commission expires: 4-26-2026

ACCEPTANCE

CONSIDERING THE ABOVE AND FOREGOING, the Stipulation and Agreement for Voluntary Surrender of Medical License is hereby **APPROVED AND ACCEPTED** by the Louisiana State Board of Medical Examiners, at New Orleans, Louisiana, on this 27th day of June, 2022.

**LOUISIANA STATE BOARD
OF MEDICAL EXAMINERS**

BY: _____


LESTER W. JOHNSON, M.D.
President