

# LOUISIANA STATE BOARD OF MEDICAL EXAMINERS



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New Orleans, LA 70112-1499

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**In The Matter Of** : **No. 93-I-037-X**  
:  
**WILLIAM P. ZINK, M.D.** :  
**(Certificate No. 014229)** :  
:  
: **CONSENT**  
: **ORDER**  
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The above-entitled proceeding was docketed for investigation by the Louisiana State Board of Medical Examiners (the "Board") following the receipt of apparently reliable information relating to William P. Zink, M.D. ("Dr. Zink"), a physician who at all times material to the facts and matters alleged herein was engaged in the practice of pediatric orthopedics in the state of Florida, but who has been and is also licensed by the Board to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 014229. Such information revealed, more particularly, that by Final Order ("Order") issued on March 3, 1994, the Department of Business and Professional Regulation, Board of Medicine for the state of Florida (the "Florida Board") reprimanded Dr. Zink's license and imposed various terms and conditions on his continued ability to practice medicine in Florida.<sup>1</sup> Such Order was in disposition of charges initially pending before the Florida Board which asserted that Dr. Zink had engaged in sexual misconduct in connection with his treatment of three (3) male patients, who ranged from thirteen (13) to fifteen (15) years of age, by taking photographs which were not consistent with any legitimate medical

<sup>1</sup>Final Order, *Department of Business and Professional Regulation vs. William P. Zink, M. D.*, Case Nos. 90-03274, 90-06095 and 92-02684 (St. of Fla., Dept. of Bus. and Prof. Reg., Bd. of Med., Mar. 3, 1994). Pursuant to such Order, Respondent is required to have either the patient's parent or a licensed nurse present during all examinations and clinical photography sessions; Dr. Zink is to maintain a contract with the Physicians' Recovery Network ("PRN") and comply with all terms of such contract; he is prohibited from performing specified examinations or clinical photography in the practice of medicine unless and until the PRN authorizes the use of such procedures; and Dr. Zink was ordered to pay a fine in the amount of \$25,000.000 within five (5) years of returning to the practice of medicine. In addition to the above, Respondent's license was placed on probation for three (3) years during which his license is subject to a number of additional terms and conditions, including the requirement that he may practice medicine only under the indirect supervision of a monitoring physician, who is to provide written reports to the Florida Board. In addition, Dr. Zink is required to provide six hundred (600) hours of community service, at a rate of two hundred (200) hours per year for each of the next three (3) years.

purpose<sup>2</sup> and by performing an examination, without medical indication, on a thirteen (13) year old male patient without the presence of any other adult in the examining room.<sup>3</sup> Dr. Zink vehemently denied such assertions, which were dismissed upon acceptance of such Order, which was in disposition of substituted charges asserting that action was taken against his license as the result of his failure to practice medicine with that level of care, skill, and treatment which is recognized by a reasonably prudent similar physician as being acceptable under similar conditions and circumstances, in that Dr. Zink failed to obtain informed consent in connection with the taking of clinical photographs of three (3) patients. Finally, such information indicates that in response to Question No. 14 on the applications for renewal of his 1993 and 1994 Louisiana Medical License, Respondent failed to advise the Board of the full extent of the charges which had been asserted against him by the Florida Department of Business and Professional Regulation.<sup>4</sup>

Dr. Zink vehemently denies the allegations made subject of the Order of the Florida Board and the instant investigation, asserts that he has prevailed in the dismissal of criminal charges involving identical allegations in Florida, and contends that the conduct in question was totally and completely in accord with acceptable medical standards of care; nevertheless, he acknowledges the substantial accuracy of the foregoing information as recited hereinabove and, further, that proof of such information upon an administrative evidentiary hearing would establish grounds under the Louisiana Medical Practice Act for the suspension, revocation or imposition of such other terms, conditions or restrictions as the Board might deem appropriate on his license to practice medicine in the state of Louisiana.<sup>5</sup>

Recognizing his right to have notice of such allegations and charges asserted against him, to administrative adjudication of such charges, at which time he would be entitled to be represented by legal counsel, to call witnesses and to present evidence on his own behalf in defense or in mitigation of the charges made, and to a decision thereon by the Board based upon written findings of fact and conclusions of law, pursuant to La. Rev. Stat. §§49:955-965, Dr. Zink, nonetheless, hereby waives his right to notice of charges and formal adjudication and, pursuant to La. Rev. Stat. §49:955(D), consents to entry of the Order set forth hereinafter and acknowledges and waives any right to which he may be entitled pursuant to the Louisiana Administrative Procedure Act or which otherwise may be afforded to him by law, to contest his agreement to or the force and effect of this document in any court relating to the matters referred to herein. By his subscription hereto, Dr. Zink

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<sup>2</sup>Administrative Complaint, *Department of Professional Regulation vs. William P. Zink, M.D.*, Case Nos. 9006095 & 9003274 (St. of Fla. Dept. of Prof. Reg., Bd. of Med., Nov. 6, 1992).

<sup>3</sup>Administrative Complaint, *Department of Professional Regulation vs. William P. Zink, M.D.*, Case No. 9202684 (St. of Fla., Dept. of Prof. Reg., Bd. of Med., Oct 6, 1992); and Amended Complaint, (Jan. 24, 1993).

<sup>4</sup>Applications for License/Certificate Renewal, William P. Zink, M.D., (La. St. Bd. Med. Exam.), 1993 renewal application (Nov. 17, 1992); 1994 renewal application (Dec. 10, 1993).

<sup>5</sup>Pursuant to La. Rev. Stat. §37:1285A(29) and (3), the Board may take action against the license of a physician to practice medicine in Louisiana as the result of (29) '[T]he refusal of a licensing authority of another state to issue or renew a license, or the revocation, suspension, or other restriction imposed on a license . . . which prevents or restricts practice in that state;' and (3) '[F]raud, deceit, or perjury in obtaining any diploma, license, or permit . . .'

also hereby authorizes the Investigating Officer designated by the Board with respect hereto, as well as his legal counsel assisting him in connection herewith, to present this Consent Order 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. Rev. Stat. §49:960. Dr. Zink expressly acknowledges that the disclosure of information to the Board by the Investigating Officer or his legal counsel shall be without prejudice to the Investigating Officer's authority to file a formal Administrative Complaint against him or to the Board's capacity to adjudicate such Complaint, should the Board decline to approve this Consent Order.

Based upon the information provided, accordingly, and upon the recommendation of the Investigating Officer assigned to this matter, the Board has concluded that its responsibility to insure the health, safety and welfare of the citizens of this state pursuant to La. Rev. Stat. §37:1261, will be effectively served by entry of the Order set forth hereinafter, by consent.

Accordingly, in consideration of the foregoing, and pursuant to the authority vested in the Board by La. Rev. Stat. §37:1285 and La. Rev. Stat. §49:955(D);

**IT IS ORDERED** that the license of William P. Zink, M.D., to engage in the practice of medicine in the state of Louisiana, as evidenced by Certificate No. 014229, shall be, and the same is hereby placed **ON PROBATION** for a period of three (3) years from the effective date of this Order; *provided, however*, that Dr. Zink's continuing exercise of the rights and privileges thereunder shall be conditioned upon his acceptance of and strict compliance with the following minimum terms, conditions and restrictions, each of which shall survive the term of Probation ordered herein and remain in force and effect so long as Dr. Zink holds a license to practice medicine in the state of Louisiana:

(a) **Practice of Medicine in Louisiana Prohibited/Compliance with Florida Board's Order.** Dr. Zink shall not engage in the practice of medicine in any form in the state of Louisiana until and unless the Board issues and serves on him a written order authorizing his practice in this state. As express conditions to the issuance of such an order, Dr. Zink shall have successfully completed the three (3) year probationary period imposed herein, all aspects of the Order imposed upon his medical license by the Florida Board and he shall have obtained an unrestricted license to practice medicine in the state of Florida having successfully completed, without violation, each of the terms and conditions imposed upon his Florida medical license by the Florida Board Order of March 3, 1994 and any subsequent Order which may be issued by the Florida Board, all of which are incorporated herein by reference. Dr. Zink shall, and does by his subscription hereto, authorize the Florida Board to provide the Board with written and verbal reports relative the status of his license and his compliance with the terms and conditions of its Orders. Moreover, Dr. Zink shall cause the Florida Board to direct correspondence to the Board advising of his successful completion of, or deviation from, the terms and conditions imposed upon his license by such Order.

**(b) Notice of Relocation to Louisiana and Personal Appearance Before the Board or Designated Committee.** Following the satisfaction of those terms set forth in the paragraph (a) above, should Dr. Zink ever decide to relocate to Louisiana for the purpose of practicing medicine, he shall contact the Board at least sixty (60) days in advance of his desired return to this state to arrange an appearance before the Board or its designee at its next regularly scheduled meeting. At such meeting, Dr. Zink shall demonstrate his compliance with each and all of the terms and conditions imposed upon him by the Florida Board and by this Order, and he shall discuss with the Board his intended plans for the practice of medicine in this state.

**(c) Additional Probationary Terms.** In addition to such other terms and conditions as are placed upon his Louisiana medical license by this Order, Dr. Zink hereby consents to, agrees with and acquiesces in the imposition of any additional probationary terms, conditions or restrictions, as well as the length, nature and tenure thereof which, in the sole discretion of the Board, it may deem necessary or appropriate to impose upon his Louisiana license should he, at any time during his lifetime, decide to relocate to the state of Louisiana for the purpose of engaging in the practice of medicine.

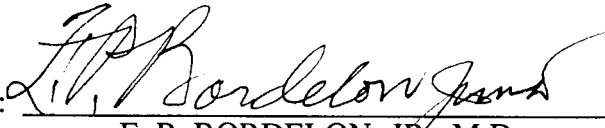
**(d) Verification of Compliance/Probation Officer.** Dr. Zink shall immediately notify the Board's Compliance/Probation Officer of any change in his personal and professional addresses and telephone numbers and he shall direct all matters, requests or inquiries relating to this Order to the attention of the Compliance/Probation Officer.

**IT IS FURTHER ORDERED** that any violation of or failure of strict compliance with any of the terms, conditions or restrictions set forth by the Florida Board Order, or by this Order by Dr. Zink, shall be deemed adequate and sufficient cause, upon proof of such violation or failure, for the revocation and cancellation of Dr. Zink's license to practice medicine in the state of Louisiana, or for such other disciplinary action as the Board deems appropriate, as if such violations were enumerated among the causes provided in La. Rev. Stat. §37:1285.

**IT IS FURTHER ORDERED** that this Consent Order shall be, and shall be deemed to be, a public record.

New Orleans, Louisiana, this 26 day of May, 1995.

LOUISIANA STATE BOARD  
OF MEDICAL EXAMINERS

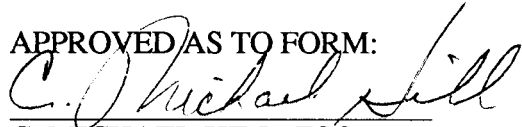
By:   
F. P. BORDELON, JR., M.D.  
President

ACKNOWLEDGMENT  
AND CONSENT

I, WILLIAM P. ZINK, M.D., hereby acknowledge, approve, accept and consent to entry of the above and foregoing Order, this 17 day of May, 1995.

  
WILLIAM P. ZINK, M.D.

APPROVED AS TO FORM:



C. MICHAEL HILL, ESQ.  
Judice, Hill & Adley  
926 Coolidge Blvd.  
Lafayette, La. 70503-2434  
Counsel for William P. Zink, M.D.

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