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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF :
DISCIPLINARY PROCEEDINGS AGAINST : **FINAL DECISION AND ORDER**
:
WILLIAM B. LYLES, M.D., : LS0808201MED
RESPONDENT. :

Division of Enforcement Case #05 MED 175

The parties to this action for the purposes of Wis. Stat. § 227.53, are:

William B. Lyles M.D.
840 Willard Dr Ste 201
Green Bay WI 54304

Wisconsin Medical Examining Board
P.O. Box 8935
Madison, WI 53708-8935

Department of Regulation and Licensing
Division of Enforcement
P.O. Box 8935
Madison, WI 53708-8935

PROCEDURAL HISTORY

A disciplinary proceeding was commenced in this matter by the filing of a Notice of Hearing and Complaint with the Board on August 20, 2008. Prior to the hearing on the Complaint, the parties in this matter agreed to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Board. The Board has reviewed this Stipulation and considers it acceptable.

Accordingly, the Board in this matter adopts the attached Stipulation and makes the following:

FINDINGS OF FACT

1. Respondent William Bradford Lyles, M.D. (dob 3/7/59) is and was at all times relevant to the facts set forth herein a physician and surgeon licensed in the State of Wisconsin pursuant to license #40554, first granted on 11/6/98. Respondent is a child psychiatrist, and is certified by the American Board of Psychiatry & Neurology with a subspecialty certificate in Child & Adolescent Psychiatry. He was licensed in Florida and Virginia.

2. Respondent is a partner in a practice with two clinical social workers (one of whom is his fiancée), and serves as the medical director of the practice. When going on medical leave in November, 2007, he provided the social workers with three blank, signed prescription forms which could be used for patients needing refills of Schedule II stimulants immediately for such conditions as ADHD and ADD, and before the covering physician could review the charts and issue such prescriptions.

3. Respondent did not, on 3/4/08, have complete and accurate records of the receipt of sample medications, nor are there any records of the disposal of such medications by means other than dispensing.

4. Respondent has prescribed both general medical and mental health medications to himself, and to several of his staff, and to relatives of staff members, without keeping charts fully meeting the requirements of Wis. Adm. Code § Med 21.03(2) and (3).

5. Respondent has a number of chronic conditions which have, in the past, affected Respondent's ability to practice. During a period of disability, he received disability payments under a private insurance policy and from the Social Security Administration. Respondent returned to part-time practice in March, 2008.

6. To resolve this matter, Respondent agreed to be evaluated by an experienced psychiatrist, who reviewed all of Respondent's mental health treatment records, and examined him. The examiner has opined that Respondent is presently able to practice, and that such ability is likely to continue as long as Respondent continues in treatment for the conditions referred to, above.

7. Respondent has successfully completed the course: *Prescribing Controlled Drugs: Critical Issues and Common Pitfalls of Misprescribing*, sponsored by the University of South Florida School of Medicine on May 6-8, 2009, and received 24 hours of Category I continuing medical education.

CONCLUSIONS OF LAW

A. The Wisconsin Medical Examining Board has jurisdiction to act in this matter pursuant to Wis. Stat. § 448.02(3), and is authorized to enter into the attached Stipulation pursuant to Wis. Stat. § 227.44(5).

B. The conduct described in ¶2, above, violated Wis. Adm. Code § Med 10.02(2)(p) and (z), Wis. Stat. § 450.11(1) and 21 CFR § 1306.05(a). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

C. The conduct described in ¶3, above, violated Wis. Adm. Code §§ Med 10.02(2)(a) and Med 17.05(1)(a). Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

D. The conduct described in ¶4, above, violated Wis. Adm. Code §§ Med 10.02(2)(a), (h), and (za) and Med 21.03. Such conduct constitutes unprofessional conduct within the meaning of the Code and statutes.

ORDER

NOW, THEREFORE, IT IS HEREBY ORDERED, that the attached Stipulation is accepted.

IT IS FURTHER ORDERED, that William B. Lyles, M.D., is REPRIMANDED for his unprofessional conduct in this matter.

IT IS FURTHER ORDERED, that none of the following shall be deemed a limitation on Respondent's license to practice medicine, but failure to comply with any of the following is a violation of a Board order, and is unprofessional conduct pursuant to Wis. Adm. Code § Med 10.02(2)(b):

1. Respondent shall continue in all treatment recommended by his treating psychiatrist, and take all necessary steps to authorize and request his treating psychiatrist to immediately notify the Board, through the Department Monitor (at telephone 608-267-3817), of any change in his condition which may affect his ability to practice medicine with skill and safety to patient or public, or otherwise be a danger to the health, safety or welfare of patient or public. "Immediately" means within 4 business hours. Respondent shall keep the Department Monitor informed of the identity of, and complete contact information for, his treating psychiatrist, and shall keep authorizations for release of information on file with the Department Monitor. He shall comply with any order under Wis. Stat. § 448.02(3)(b).
2. Respondent shall conform his conduct to AMA Ethics Opinion E-8.19, *Self-Treatment or Treatment of Immediate Family Members*.
3. Respondent shall not practice medicine while an inpatient for any therapy, nor on the day of, or 24 hours after, any outpatient therapy, that may impair his ability to practice medicine.
4. On or before December 31, 2009, Respondent shall take and successfully complete one of the following courses listed below. Respondent shall cause the program sponsors to communicate directly with the Department Monitor or other

designee of the Board, and shall permit the Board, its designee, and Department staff to confer with the course instructors and program sponsors regarding Respondent's performance in the program.

- a. Medical Ethics and Professionalism, Case Western Reserve University, Office of Continuing Medical Education.
- b. Professional Renewal in Medicine through Ethics, University of Medicine and Dentistry of New Jersey.
- c. Professional/Problem Based Ethics (ProBE), The Ethics Group LLC, Summit, NJ.

5. On or before December 31, 2009, Respondent shall demonstrate that he has successfully completed no fewer than 8 hours of Category I continuing medical education in making and keeping a patient health care record, which shall have been pre-approved by the Board or its designee.

IT IS FURTHER ORDERED, that respondent shall pay partial COSTS of investigating and prosecuting this matter of \$6,100, by October 31, 2009. If the assessed Costs are not paid in full by that date, Respondent's license shall be SUSPENDED by staff without further order of the Board, until they are paid in full, together with any accrued interest.

IT IS FURTHER ORDERED, that pursuant to Wis. Stats. §§ 227.51(3) and 448.02(4), violation of any of the terms of this Order may be construed as conduct imperiling public health, safety and welfare and may result in a summary suspension of Respondent's license. The Board in its discretion may in the alternative impose additional conditions and limitations or other additional discipline for a violation of any of the terms of this Order.

Dated this August 19, 2009.

WISCONSIN MEDICAL EXAMINING BOARD

by: Gene Musser, MD
a member of the Board