

WISCONSIN DEPARTMENT OF SAFETY AND PROFESSIONAL SERVICES



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<http://ccap.courts.state.wi.us/InternetCourtAccess> and <http://www.courts.state.wi.us/wscga>

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STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY :
PROCEEDINGS AGAINST :
 :
VIRGIL W. MCMILLION, D.O., : FINAL DECISION AND ORDER
RESPONDENT. :
 : **ORDER 0008122**

Division of Legal Services and Compliance Case Nos. 21 MED 487 and 22 MED 224

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

Virgil W. McMillion, D.O.
Morgantown, WV 26508

Wisconsin Medical Examining Board
P.O. Box 8366
Madison, WI 53708-8366

Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190
Madison, WI 53707-7190

The parties in this matter agree to the terms and conditions of the attached Stipulation as the final disposition of this matter, subject to the approval of the Medical Examining Board (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, Conclusions of Law, and Order.

FINDINGS OF FACT

1. Virgil W. McMillion, D.O. (Respondent), (Year of Birth 1974) is licensed in the state of Wisconsin to practice medicine and surgery having license number 1081-321, first issued on July 27, 2021, with registration current through October 31, 2021. Respondent retains the right to apply for renewal of his license and registration through November 1, 2026, upon payment of a fee, pursuant to Wis. Stat. § 440.08(3). Respondent's most recent address on file with the Wisconsin Department of Safety and Professional Services (Department) is in Morgantown, West Virginia 26508.

2. At all times relevant to this proceeding, Respondent owned and operated a practice focusing on direct patient care and integrative medicine located in Morgantown, West Virginia (Clinic).

3. On July 12, 2021, Respondent was indicted for Sexual Assault in the Second Degree, a felony, in violation of West Virginia Code 61-8B-4. On July 23, 2021, Respondent was arraigned in West Virginia Lewis County Circuit Court on a single count of Sexual Assault in the Second Degree. The alleged sexual assault occurred on August 3, 2019. Respondent pled not guilty and the matter remains pending.

4. On August 4, 2019, Respondent submitted an application for a Letter of Qualification (LOQ) to the West Virginia Board of Osteopathic Medicine (WV Board) as his state of Principal License to seek licensure in other states through the Interstate Medical Licensure Compact (IMLC).

5. On February 26, 2020, the WV Board issued an LOQ (First LOQ) to Respondent. Respondent then applied for and received licenses to practice medicine in four IMLC states using the First LOQ.

6. Via a criminal search warrant dated December 18, 2020, to obtain Respondent's DNA, West Virginia law enforcement collected a sample of Respondent's saliva on December 22, 2020.

7. On February 25, 2021, Respondent's First LOQ expired rendering him unable to obtain additional licenses through the IMLC.

8. On March 25, 2021, Respondent applied for another LOQ (Second LOQ) from the WV Board to seek additional licenses from IMLC member states. The Second LOQ asked the question, "Are you under investigation by a licensing agency or law enforcement authority in any state, federal or foreign jurisdiction?" Despite having been served with a search warrant for his DNA and having four oral swabs taken from him by law enforcement at a police station three months prior, Respondent answered, "No." Respondent also affirmed in the application for the Second LOQ that he would immediately notify the IMLC in writing of any changes to the answers provided in the Second LOQ application.

9. On June 4, 2021, the WV Board issued a Second LOQ to Respondent. Respondent then applied for licensure using the Second LOQ in 25 IMLC states, including Wisconsin. Respondent was granted a license to practice medicine and surgery in Wisconsin in July 2021.

10. On February 5, 2022, the WV Board issued a consent order declaring Respondent's Second LOQ "Null and Void" due to false answer(s) on his Second LOQ application.

11. Due to the order issued by the WV Board on February 5, 2022, various other state boards of medicine have suspended, revoked and/or accepted surrender of Respondent's license.

12. Respondent did not report one or more of the adverse actions identified in paragraph 11 to the Board.

13. In resolution of this matter, Respondent consents to the entry of the following Conclusions of Law and Order.

CONCLUSIONS OF LAW

1. The 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).
2. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(1)(b) by knowingly engaging in fraud or misrepresentation or dishonesty in applying for or procuring a medical license, by examination for a medical license, or in connection with applying for or procuring periodic renewal of a medical license, or in otherwise maintaining such licensure.
3. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(3)(a) by failing, within 30 days, to report to the Board any final adverse action taken against Respondent's authority to practice medicine and surgery by another licensing jurisdiction concerned with the practice of medicine and surgery.
4. By the conduct described in the Findings of Fact, Respondent engaged in unprofessional conduct as defined in Wis. Admin. Code § Med 10.03(3)(c) by having a credential pertaining to the practice of medicine and surgery become the subject to adverse determination by any agency of this or another state, or by any federal agency or authority.
5. As a result of the above violations, Respondent is subject to discipline pursuant to Wis. Stat. § 448.02(3).

ORDER

1. The attached Stipulation is accepted.
2. The VOLUNTARY SURRENDER by Respondent of his license and registration to practice medicine and surgery in the state of Wisconsin (license no. 1081-321), as well as his right to apply for renewal of such license and registration, is accepted.
3. In the event Respondent petitions the Board for reinstatement of his license and registration to practice medicine and surgery in the state of Wisconsin or applies for another credential in the state of Wisconsin under Wis. Stat. chs. 440 through 480, Respondent shall pay the costs of this matter in the amount of \$1,192.00, before any petition or application for a credential will be considered by the applicable board or Department.
4. In the event Respondent petitions the Board for reinstatement as a physician, the Board may enter an order denying such application without further notice or hearing. Whether to grant a license and registration and whether to impose any limitations or restrictions on any license and registration granted shall be in the sole discretion of the Board and such decision is not reviewable.
5. Any requests, petitions, payments of costs (made payable to Department of Safety and Professional Services), and other information required by this Order shall be submitted to:

Department Monitor
Division of Legal Services and Compliance
Department of Safety and Professional Services
P.O. Box 7190, Madison, WI 53707-7190
Telephone (608) 266-2112; Fax (608) 266-2264
DPSMonitoring@wisconsin.gov

Respondent may also submit this information online at: <https://dpsmonitoring.wi.gov>.

6. This Order is effective on the date of its signing.

WISCONSIN MEDICAL EXAMINING BOARD

By: Stephen A. Wasserman, MD
A Member of the Board

8/17/2022
Date

STATE OF WISCONSIN
BEFORE THE MEDICAL EXAMINING BOARD

IN THE MATTER OF DISCIPLINARY
PROCEEDINGS AGAINST

VIRGIL W. MCMILLION, D.O.
RESPONDENT.

:
:
:
:
:

STIPULATION

ORDER 0008122

Division of Legal Services and Compliance Case Nos. 21 MED 487 and 22 MED 224

Virgin W. McMillion, D.O. (Respondent), and the Division of Legal Services and Compliance, Department of Safety and Professional Services, stipulate as follows:

1. This Stipulation is entered into as a result of a pending investigation by the Division of Legal Services and Compliance. Respondent consents to the resolution of this investigation by Stipulation.

2. Respondent understands that by signing this Stipulation, Respondent voluntarily and knowingly waives the following rights:

- the right to a hearing on the allegations against Respondent, at which time the State has the burden of proving those allegations by a preponderance of the evidence;
- the right to confront and cross-examine the witnesses against Respondent;
- the right to call witnesses on Respondent's behalf and to compel their attendance by subpoena;
- the right to testify on Respondent's own behalf;
- the right to file objections to any proposed decision and to present briefs or oral arguments to the officials who are to render the final decision;
- the right to petition for rehearing; and
- all other applicable rights afforded to Respondent under the United States Constitution, the Wisconsin Constitution, the Wisconsin Statutes, the Wisconsin Administrative Code, and other provisions of state or federal law.

3. Respondent is aware of Respondent's right to seek legal representation and has been provided an opportunity to obtain legal counsel before signing this Stipulation. Respondent is represented by Attorney Kevin Tipton.

4. Respondent agrees to the adoption of the attached Final Decision and Order by the Wisconsin Medical Examining Board (Board). The parties to the Stipulation consent to the entry of the attached Final Decision and Order without further notice, pleading, appearance or consent of the parties. Respondent waives all rights to any appeal of the Board's order, if adopted in the form as attached.

5. If the terms of this Stipulation are not acceptable to the Board, the parties shall not be bound by the contents of this Stipulation, and the matter shall then be returned to the Division of Legal Services and Compliance for further proceedings. In the event that the Stipulation is not

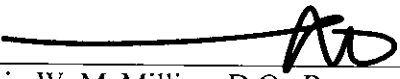
accepted by the Board, the parties agree not to contend that the Board has been prejudiced or biased in any manner by the consideration of this attempted resolution.

6. The parties to this Stipulation agree that the attorney or other agent for the Division of Legal Services and Compliance and any member of the Board ever assigned as an advisor in this investigation may appear before the Board in open or closed session, without the presence of Respondent or Respondent's attorney, for purposes of speaking in support of this agreement and answering questions that any member of the Board may have in connection with deliberations on the Stipulation. Additionally, any such advisor may vote on whether the Board should accept this Stipulation and issue the attached Final Decision and Order.

7. Respondent is informed that should the Board adopt this Stipulation, the Board's Final Decision and Order is a public record and will be published in accordance with standard Department procedure.

8. Respondent is further informed that should the Board adopt this Stipulation, the Board's Final Decision and Order will be reported as required by the National Practitioner Databank (NPDB) Guidebook and as otherwise required by any licensure compact or any other state or federal law.


9. The Division of Legal Services and Compliance joins Respondent in recommending the Board adopt this Stipulation and issue the attached Final Decision and Order.



Virgin W. McMillion, D.O., Respondent
Morgantown, WV 26508
License No. 1081-321

08/4/2022


Date



Kevin Tipton, Attorney for Respondent
Tipton Law Offices
1399 Stewartstown Road, Suite 230
Morgantown, WV 26505

08/04/2022

Date



Gretchen Mrozinski, Prosecuting Attorney
Department of Safety and Professional Services
Division of Legal Services and Compliance
P.O. Box 7190
Madison, WI 53707-7190

August 4, 2022

Date