



**State of Vermont
Office of the Secretary of State**

Office of Professional Regulation
89 Main Street, 3rd Floor
Montpelier, VT 05620-3402
sos.vermont.gov

James C. Condos, Secretary of State
Christopher D. Winters, Deputy Secretary
S. Lauren Hibbert, Director

July 14, 2022

Virgil McMillion
232 Santorini Ave
Morgantown, West Virginia 26508-5986

CASE: In Re Virgil McMillion
Docket No.: 2022-86 & 87

Dear Mr. McMillion:

Enclosed please find a copy of the approved *Stipulation and Consent Order*

For questions about complying with this Order, please contact the Case Manager at 802-828-2875

Sincerely,

DocuSigned by:

S. Lauren Hibbert

9CDAB598B5C54EE...
S. Lauren Hibbert
Director

Enc: *Stipulation and Consent Order*

cc: Rachel Heath, Esq., Prosecuting Attorney
Kristin Donnelly, Case Manager
Virgil McMillion, Respondent, First Class Mail, Registered Mail, Email

**STATE OF VERMONT
SECRETARY OF STATE
OFFICE OF PROFESSIONAL REGULATION
BOARD OF OSTEOPATHIC PHYSICIANS AND SURGEONS**

IN RE:)
Virgil Waid McMillion) **Docket No. 2022-86, 2022-87**
License No.: 162.0000005)

STIPULATION VOLUNTARY SURRENDER OF LICENSE AND CONSENT ORDER

STIPULATION

NOW COMES the State of Vermont, by and through State Prosecuting Attorney Rachel Heath, and Respondent Virgil Waid McMillion who stipulate and agree as follows:

Board Authority

1. The Vermont Board of Osteopathic Physicians and Surgeons (the "Board") has jurisdiction to investigate and adjudicate allegations of unprofessional conduct committed by Osteopathic Physicians and Surgeons pursuant to 3 V.S.A. §§ 129, 129a and 814; 26 V.S.A. Chapter 33; the Administrative Rules of the Board of Osteopathic Physicians and Surgeons; and the Rules of the Office of Professional Regulation ("OPR Rules"); 26 V.S.A. Chapter 23, Subchapter 3A (Interstate Medical Licensure Compact).

Alleged Facts

2. Virgil Waid McMillion ("Respondent") of Morgantown, West Virginia, is licensed in the State of Vermont as an Osteopathic Physician and Surgeon under license number 162.0000005. OPR first issued this license on February 27, 2020 and it expires on September 30, 2022.
3. Respondent obtained his Vermont license through the Interstate Medical Licensure Compact ("IMLC").
4. Respondent has been licensed in West Virginia since July 2004.
5. On or about August 3, 2019, a female health care employee at the hospital in West Virginia where she and Respondent worked, reported to police that on August 1, 2019, Respondent sexually assaulted her in the emergency department by forcibly compelling her to engage in sexual intercourse or sexual intrusion without her consent.
6. The following day, on August 4, 2019, Respondent applied for a Letter of Qualification ("LOQ") from the West Virginia Board of Osteopathic Medicine as his State of Principal License ("SPL").

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7. On February 26, 2020, the West Virginia Board issued the LOQ.
8. On or about February 27, 2020, Respondent applied for licenses in four IMLC states using the LOQ from West Virginia. Vermont was one of these States and OPR granted his license on February 27, 2020.
9. In December 2020, Respondent, who was represented by legal counsel, cooperated in a criminal investigation in West Virginia.
10. On February 10, 2021, Respondent renewed his Vermont license ("2021 Vermont Renewal").
11. In his 2021 Vermont Renewal application, Respondent answered "Yes" to the question, "I attest that I am qualified and eligible to Renew my license through the Compact."
12. This answer was false. As codified in 26 V.S.A. §§ 1420c and 1420b(11)(I), to be eligible for a compact license, the applicant may not be under active investigation by law enforcement authority in any state. As alleged in paragraph 10 above, Respondent was actively involved in criminal investigation in West Virginia.
13. On or about February 25, 2021, Respondent's first LOQ expired, rendering him unable to obtain additional physician licenses through the IMLC.
14. On or about March 25, 2021, Respondent applied for a second LOQ from the West Virginia Board.
15. In the March 2021 LOQ application, Respondent answered "No" to the question: "Are you under investigation by a licensing authority or law enforcement authority in any state, federal or foreign jurisdiction?"
16. Respondent's answer was false, as alleged in paragraph 10, Respondent had cooperated with and was aware of the pending criminal investigation of his sexual assault of a co-worker in West Virginia.
17. Because Respondent lied in his application and West Virginia was unaware of this omission, the West Virginia Board issued the second LOQ on June 4, 2021.
18. With this second LOQ, Respondent applied for physician licenses in 25 IMLC states, of which 24 were issued.
19. In July 2021, Respondent was indicted for and criminally charged with Sexual Assault in the Second Degree, a felony, in Lewis County, West Virginia.
20. On February 5, 2022, Respondent entered a Consent Order with the West Virginia Board of Osteopathic Medicine. This Order declared Respondent's June 2021 LOQ to be null and void. West Virginia reprimanded Respondent's license and fined him \$1,000.

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21. On February 17, 2022, the Wyoming Board of Medicine summarily suspended Respondent's Wyoming license. The Board concluded that Respondent may intend to practice medicine in Wyoming via telehealth or in person and that the public health, safety, or welfare of the people imperatively required Respondent's license be summarily suspended.
22. On February 28, 2022, the Maryland State Board of Physicians suspended Respondent's license to practice medicine in Maryland for 90 days due to the Wyoming suspension.
23. On March 3, 2022, the Virginia Department of Health Professions suspended Respondent's license to practice osteopathic medicine in Virginia due to the Wyoming suspension.
24. On March 10, 2022, the South Dakota Board of Medical and Osteopathic Examiners accepted Respondent's voluntarily surrender of his medical license.
25. On March 15, 2022, the Idaho Board of Medicine suspended Respondent's license to practice until May 19, 2022 due to the Wyoming suspension.
26. On March 16, 2022, the Tennessee Board of Osteopathic Examination suspended Respondent's ability to prescribe Schedule II controlled substances for his indictment for a sexual offense. The suspension remains until he is acquitted or the criminal case is otherwise dismissed.
27. On March 17, 2022, the Maine Board of Osteopathic Licensure suspended Respondent's license to practice osteopathic medicine due to the Wyoming suspension.
28. On April 7, 2022, the Michigan Board of Osteopathic Medicine and Surgery entered a consent order wherein Respondent agreed to voluntarily and permanently surrender his license to practice osteopathic medicine.
29. On April 8, 2022, the New Hampshire Board of Medicine ordered the immediate emergency suspension of Respondent's license as a practicing physician due to Respondent's serious professional misconduct including sexually assaulting a health care worker and obtaining a license by fraud or misrepresentation.
30. As of the date of this filing, Respondent continues to advertise as offering telehealth medical services on his website: <https://www.mcmillionmedical.com/>
31. The State filed a Request for Summary Suspension in this matter in May 2022. The State and Respondent stipulated to a voluntary indefinite suspension on May 26, 2022, which the Board entered as an order on June 7, 2022.

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Violation One: 3 V.S.A. § 129a(a)(28) Engaging in conduct of a character likely to deceive, defraud, or harm the public.

32. Paragraphs 2 through 31 above are incorporated herein.
33. Under Vermont law, an Osteopathic Physician and Surgeon is prohibited from engaging in conduct of a character likely to deceive, defraud, or harm the public.
34. Paragraphs 2 through 31 above demonstrates that Respondent engaged in conduct of a character likely to deceive, defraud, or harm the public when he failed to disclose pending criminal charges in his application to renew his Vermont license and in his application for a second LOQ from West Virginia.
35. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(28).

Violation Two: 26 V.S.A. § 1842(b)(3) Suspension or revocation of the physician's license to practice osteopathic medicine and surgery by competent authority in any state, federal, or foreign jurisdiction.

36. Paragraphs 2 through 31 above are incorporated herein.
37. As a licensed Osteopathic Physician and Surgeon, suspension or revocation of Respondent's license to practice osteopathic medicine and surgery by competent authority in any state, federal, or foreign jurisdiction is unprofessional conduct.
38. Paragraphs 2 through 31 above demonstrate that a variety of state boards have suspended Respondent's license to practice osteopathic medicine and surgery principally on the basis that Wyoming has suspended Respondent's license.
39. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 26 V.S.A. § 1842(b)(3).

Violation Three: 3 V.S.A. § 129a(a)(1) Fraudulent or deceptive procurement or use of a license.

40. Paragraphs 2 through 31 above are incorporated herein.
41. As a licensed Osteopathic Physician and Surgeon, fraudulent or deceptive procurement or use of a license is unprofessional conduct.
42. Paragraphs 2 through 31 above demonstrate that Respondent engaged in fraudulent or deceptive procurement or use of a license when he failed to disclose pending criminal charges in his application to renew his Vermont license and in his application for a second LOQ from West Virginia.

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43. The act(s), omission(s), and/or circumstance(s) described above constitute grounds for discipline because Respondent has committed unprofessional conduct in violation of 3 V.S.A. § 129a(a)(1).

Understandings

44. This Stipulation is neither an admission of facts by Respondent nor a concession by the State of Vermont that its charges are not well-founded. To avoid delay, uncertainty, inconvenience, and the expense of protracted litigation, the parties enter this full and final Stipulation pursuant to these Understandings and the Order below. Respondent does not contest that the State has evidence which, if believed by the fact finder, may establish by a preponderance of the evidence that he engaged in the alleged misconduct.
45. Respondent understands that the Board must review and accept the terms of the Consent Order. If the Board rejects any portion, the entire Voluntary Surrender Stipulation and Consent Order shall be null and void.
46. Respondent specifically waives any claims that any disclosures made to the full Board during its review of this agreement have prejudiced Respondent's rights to a fair and impartial hearing in future hearings if this agreement is not accepted by the Board.
47. Respondent has read and reviewed this entire document and agrees that it contains the entire agreement between the parties.
48. Respondent is not under the influence of any drugs or alcohol at the time of signature of this Stipulation and Consent Order.
49. Respondent voluntarily enters into this agreement after the opportunity to consult with legal counsel and is not being coerced by anyone into signing this Voluntary Surrender and Consent Order.
50. Respondent voluntarily waives the right to a contested hearing before the Board and waives any right to appeal from this Stipulated Voluntary Surrender of License.
51. Respondent agrees that the Voluntary Surrender and Order set forth below may be entered by the Board.

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ACCEPTANCE OF VOLUNTARY SURRENDER AND ORDER

Based on the Stipulation above, it is **ORDERED AND ADJUDGED** as follows:

- A. The Board of Osteopathic Physicians and Surgeons hereby **ACCEPTS** Respondent's **VOLUNTARY SURRENDER** of his license.

- B. Any future application for licensure shall be subject to the licensing requirements of that particular profession. If a future application for licensure in the State of Vermont is approved, that license shall be **CONDITIONED** pursuant to whatever terms are found to be reasonable at the time of Respondent's application for licensure, taking into account the facts above.
- C. This Stipulation and Consent Order is a matter of public record and may be reported to other licensing authorities as provided in 3 V.S.A. §129(a).
- D. This Stipulation and Consent Order will remain part of Respondent's licensing file and may be used for purposes of determining sanctions in any future disciplinary matter.

AGREED TO:

**STATE OF VERMONT
SECRETARY OF STATE**

Dated: 7/6/2022

By:

DocuSigned by:

Rachel Heath

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Rachel Heath
Prosecuting Attorney

RESPONDENT

Dated: 7/6/2022

By:

DocuSigned by:

Virgil Waid McMillion

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Virgil Waid McMillion

APPROVED AND SO ORDERED:

**VERMONT BOARD OF
OSTEOPATHIC PHYSICIANS
AND SURGEONS**

Dated: 7/14/2022

By:

DocuSigned by:

Daniel R. Waid

REC8AB89234241E

Chairperson

Date of Entry: 7/14/2022

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