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**BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING  
OF THE DEPARTMENT OF COMMERCE  
STATE OF UTAH**

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IN THE MATTER OF THE LICENSES OF :  
**DAVID FORD WILSON, MD, TO PRACTICE** : **EMERGENCY ORDER**  
AS A OSTEOPATHIC PHYSICIAN AND TO :  
ADMINISTER AND PRESCRIBE :  
CONTROLLED SUBSTANCES IN THE :  
STATE OF UTAH : Case No. DOPL 2013- 363

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The Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah (the "Division") initiated an Emergency Adjudicative Proceeding pursuant to Utah Code Ann. § 63G-4-502, the Utah Administrative Procedures Act; Utah Code Ann. § 58-1-108(2), the Division of Occupational and Professional Licensing Act; and Utah Administrative Code R156-1-206, of the Division of Occupational and Professional Licensing Act Rules. The Division initiated the Emergency Administrative Proceeding upon evidence that the continued practice of David Ford Wilson (the "Respondent") as an Osteopathic Physician represented an immediate and significant danger to the public health, safety, and welfare; and that the threat required immediate action by the agency.

Before taking this action, the Chair of the Osteopathic Physician Licensing Board appointed a three-member committee to review with the Division the proposed action in this matter, pursuant to Utah Code Ann. § 58-1-108(2).

Pursuant to the Open and Public Meetings Act, Utah Code Ann. § 52-4-1, the Division provided notice of the meeting of the committee for 1:00 p.m. on August 27, 2013, at the Heber M. Wells Building located at 160 East 300 South, Salt Lake City, Utah. Notice of the Emergency Hearing was placed in the lobby of the Heber Wells Building and on the DOPL/public information website on or about August 23, 2013. The committee convened after a thirty minute delay at the appointed date. The meeting of the committee was closed pursuant to Utah Code Ann. § 52-4-205(1) (a) in order to discuss the professional competence and character of an individual. The presiding committee member affirmed under oath that the meeting was closed for that purpose. The committee reviewed the Division's proposed action and considered information in the form of testimony and exhibits. The Division, having considered the committee's recommendations, makes the following Findings of Fact, Conclusions of Law, and Order.

### **FINDINGS OF FACT**

1. On August 9, 2011, the Respondent was first licensed to practice as an Osteopathic Physician and to administer and prescribe controlled substances in the State of Utah, license number 8006131-1204.
2. The Respondent had been working at a hospital in Weber County as a Child Psychiatrist.
3. The ICAC team and the Intermountain Healthcare Security found the following search

terms on Respondent's computer, which by password protection was only available to

Respondent:

- a. Preteen models;
- b. Humping;
- c. Pantie dance;
- d. Little girl models;
- e. Young Russian girls;
- f. Korean models;
- g. Nude photos of princess Kate;
- h. Dancing in underwear;
- i. Pole orgasm;
- j. Hot preteen models;
- k. 4 star young sexy preteen models;
- l. I-like preteen.net; and
- m. Shameless preteens.

4. Since January 2013, a forensic review of Respondent's work computer hard drive revealed that Respondent had looked at, in part, at the following child pornography:

- a. Nude images of what appeared to be preteen girls;
- b. Numerous images of young girls in very little clothing;
- c. Numerous images of young girls in suggestive poses;
- d. Close up shots, with minimal or no clothing from below the waist areas of what appear to be young girls (These images did not show faces);
- e. Images of websites which appear to be offering videos of young models; and
- f. Images of magazine covers/websites entitled "Numphets."

The children appeared to be between the ages of 6 and 12 years old. In addition, there were several hundred images of child erotica, young females approximately ages 8-12 who were scantily clad, posed in a suggestive or sexual manner

5. On or about April 30, 2013 Respondent's employment and hospital privileges as a child psychiatrist were terminated by his employer. Respondent admitted to the Human Resources Director for Intermountain Medical Group, that he had been viewing child pornography and stated

that he has had a problem with it for years.

6. Since being fired from his position at the hospital, the respondent has been working in the patients homes, which may have young children, thereby placing his young children at risk.

7. The Respondent will imminently be charged with unlawful possession of child pornography in Weber County, Utah.

### **CONCLUSIONS FROM THE FACTS**

1. That the Respondent's unlawful and unprofessional conduct as described above poses an immediate and significant danger to the public health, safety, and welfare; and requires immediate action by the Division. In particular, the Respondent has illegally been in possession of various child pornography. The facts presented show further, that the Respondent may continues to be an imminent and significant danger to the public since he has stated that he has looked at child pornography for a long period of time and currently goes into patients homes for his work.

2. All of the previously mentioned behaviors constitutes an immediate threat to the public health, safety, and welfare since the Respondent clearly appears to have a problem with child pornography and he continues to have access to vulnerable children.

3. The Division finds that, pursuant to Utah Code Ann. § 58-1-401(2)(a) and (b), there is a factual basis to conclude that the Respondent has engaged in unprofessional and unlawful conduct, that he poses an immediate and significant danger/threat to the public health, safety, and welfare; and that the Division should take immediate action to suspend his professional licenses.

## CONCLUSIONS OF LAW

1. The Division has jurisdiction and authority to act in this matter and has followed appropriate statutory procedures regarding the initiation of emergency adjudicative actions.
2. Utah Code Ann. § 63G-4-502 provides:
  - (1) An agency may issue an order on an emergency basis without complying with the requirements of this chapter if:
    - (a) the facts known by the agency or presented to the agency show that an immediate and significant danger to the public health, safety, or welfare exists; and
    - (b) the threat requires immediate action by the agency.
  - (2) In issuing its emergency order, the agency shall:
    - (a) limit its order to require only the action necessary to prevent or avoid the danger to the public health, safety, or welfare;
    - (b) issue promptly a written order, effective immediately, that includes a brief statement of findings of fact, conclusions of law, and reasons for the agency's utilization of emergency adjudicative proceedings; and
    - (c) give immediate notice to the persons who are required to comply with the order.
  - (3) If the emergency order issued under this section will result in the continued infringement or impairment of any legal right or interest of any party, the agency shall commence a formal adjudicative proceeding in accordance with the other provisions of this chapter.
3. The actions of the Respondent constitute an immediate and significant danger to the public health, safety, and welfare; and require immediate action to protect the public health, safety, and welfare.
4. That the Respondent, by viewing child pornography while working with young children, has engaged in unprofessional conduct as defined in Utah Code Ann. § 58-1-501(2)(a)

and (b).

5. That the Respondent has worked with and may continue to work with, or be in the presence of, young vulnerable patients whom may be in an impaired state of mind. The Respondent has engaged in unprofessional conduct as defined by Utah Administrative Code R156-67-502.

6. That the Respondent, by possessing child pornography, has engaged in unprofessional conduct as defined in Utah Code Ann. 58-1-501(2)(a) and (b).

7. That the Respondent, by viewing child pornography while working with young children, has shown that he does not possess the good moral character required for licensure under Utah Code Ann. 58-68-302(1)(c).

8. That this Order is necessary to prevent harm to the public pending a formal adjudication of the matters addressed in this proceeding. Immediate action is necessary, and this Order is the least restrictive action needed to prevent or avoid the danger to the public health, safety, or welfare.

9. The Respondent may challenge the Order pursuant to Utah Admin, Code R151-4-111 as follows:

Utah Administrative Code R151-4-111. Emergency Adjudicative Proceedings. Unless otherwise provided by statute or rule:

(1) Upon request for a hearing under this rule, the Division shall conduct a hearing as soon as reasonably practical but not later than 20 days from the receipt of a written request unless the Division and the party requesting the hearing agree in writing to conduct the hearing at a later date.

### **ORDER**

1. The licenses of David Ford Wilson to practice as a Osteopathic Physician, and to administer and prescribe controlled substances in the State of Utah, license number 8006131-1204, will be immediately suspended until a hearing can be convened pursuant to Utah Code Ann. § 63G-4-502 and Utah Admin. Code R151-4-111, and a contravening order is issued. The Division will proceed with a formal adjudicative proceeding to uphold this suspension and/or revoke the Respondent's professional licenses.

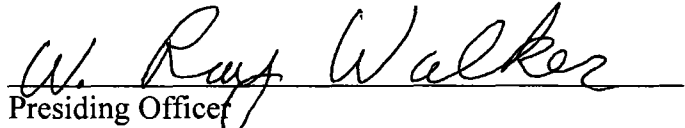
2. The Respondent shall immediately cease and desist from the practice of medicine, and from administering or prescribing controlled substances in the State of Utah until a hearing can be convened pursuant to Utah Code Ann. § 63G-4-502 and Utah Admin. Code R151-4-111, and a contravening order is issued.

### **RIGHT TO REVIEW**

1. In accordance with Utah Admin. Code R151-4-111, the Division will schedule a hearing upon receipt of a written request from the Respondent. At the hearing it will be determined whether this Emergency Order should be affirmed, set aside, or modified, based on the standards set forth in Utah Code Ann. § 63G-4-502. The hearing will be conducted in conformity with Utah Code Ann. § 63G-4-206.

2. Upon receipt of a request for hearing pursuant to Utah Admin Code R151-4-111, the Division will conduct a hearing as soon as reasonably practical, but not later than twenty (20) days from receipt of a written request, unless the Division and the party requesting the hearing agree to conduct the hearing at a later date.

DATED this 27 day of August, 2013.

  
Presiding Officer  
Division of Occupational and Professional Licensing.