

STIPULATION FOR ISSUANCE OF PHYSICIAN'S LICENSE WITH RESTRICTIONS

STIPULATION effective as of the date of the last signature below, by and between the Wyoming Board of Medicine (hereinafter "Board") and Frank Del Real, M.D., (hereinafter "Del Real"):

WITNESSETH:

WHEREAS, the Board is the duly authorized agency of the State of Wyoming charged with the duties and powers set forth in the Wyoming Medical Practices Act, W.S. 33-26-101 *et seq.*, including, but not limited to, the power to issue physician's licenses to qualified applicants and temporary licenses pending further action on an applicant's application for licensure; and

WHEREAS, DEL REAL submitted an application for licensure dated March 11, 2002 to the Board; and

WHEREAS, DEL REAL appeared before the Board for an interview regarding his application on the 11th day of February, 2005; and

WHEREAS, the application contains information regarding impairment problems and boundary violations by DEL REAL in another state; and

WHEREAS, during the interview, DEL REAL responded to questions from members of the Board regarding such impairment problems and boundary violations, his fund of general medical knowledge and knowledge in his specialty of psychiatry and his plans for practicing in this state, including appropriate monitoring of his practice; and

WHEREAS, after such interview, the Board determined that questions existed as to DEL REAL'S plans for practicing in this state, appropriate monitoring of his practice, his fund of knowledge and his understanding of boundary issues that required further evaluation and investigation; and

WHEREAS, due to such concerns, the Board determined that the health and safety of the people of the State of Wyoming dictated that a full and unrestricted license to practice medicine in the State of Wyoming not be granted to DEL REAL at that time, but that that a temporary license be offered to Del Real with conditions and requirements imposed for the purpose of assisting in the determination of whether DEL REAL can safely practice medicine in the State of Wyoming and/or whether DEL REAL presents any additional mental or emotional conditions that would require the imposition of further conditions or restrictions or which mandated denial of licensure; and

WHEREAS, DEL REAL accepted such Temporary License subject to such conditions;
and

WHEREAS, DEL REAL again appeared before the Board at its June 10, 2005, meeting to discuss with the Board his fulfillment with the conditions imposed upon the temporary license, his participation in and compliance with his WPAP contract, his intentions for practicing medicine in this state and his fund of medical knowledge for the purpose of assisting the Board in its decision whether to grant a full and unrestricted license, grant a license with restrictions and/or conditions or to deny the application.

NOW THEREFORE, by and for their mutual covenants and agreements herein contained, the parties agree as follows:

1. The Board is the sole and exclusive regulatory and licensing agency in the State of Wyoming regarding the practice of medicine and surgery. DEL REAL acknowledges and agrees that the Board has jurisdiction and authority to impose the conditions set forth herein and to enter into this Stipulation. By his execution hereof and acceptance of a temporary Wyoming Physician's license under the conditions set forth herein, DEL REAL waives any claims based upon any perceived defects in the manner by which the Board reviewed his application, conducted its interview with him and/or the manner in which the Board has imposed the conditions on temporary licensure set forth herein. DEL REAL agrees that this Stipulation is in accordance with the requirements of law and that the Board is lawfully constituted to consider this matter to include consideration of this Stipulation.

2. DEL REAL agrees that the Wyoming Medical Practice Act, W.S. 33-26-101 et seq., is constitutional on its face and as applied in this application and Stipulation.

3. Under the provisions of W.S. §33-26-202 (b)(i) and W.S. § 33-26-304, the Board has the authority to impose conditions on and review the compliance with any conditions placed upon any physician's license granted by it.

4. Upon execution hereof by all parties, the Board shall issue a Wyoming Physician's license to DEL REAL that shall be subject to conditions and restrictions as follows:

a. DEL REAL must comply with all of the terms and conditions of his contract with the Wyoming Professional Assistance Program;

b. DEL REAL shall only practice in this state pursuant to the terms of that plan of practice submitted by him and approved by the Board;

c. DEL REAL shall not engage in a solo practice. He must practice as part of a treatment team that includes licensed physicians; and

d. DEL REAL shall appear before the Board at the February, 2006, meeting for an interview to discuss his practice, his recovery and his compliance with these restrictions and conditions. DEL REAL shall appear for the same purpose at every other Board meeting thereafter for a period of five (5) years or until further Order of the Board.

5. DEL REAL may not petition to Board for removal or modification of the above conditions and restrictions until after June 15, 2007.

6. This Stipulation and the fact that DEL REAL'S temporary Wyoming physician's license is subject to the conditions set forth herein shall be a final order of the Board subject to disclosure to the National Practitioner's Data Bank, the Federation of State Medical Boards or those federal and state agencies, public and private health care facilities and individuals who are entitled to information about the status of physician's licenses. The Board may determine that any further action on DEL REAL'S application may be reportable as a final order of the Board.

7. DEL REAL acknowledges that this Stipulation is entered into by him freely and voluntarily.

8. This Stipulation constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year set forth below.

WYOMING BOARD OF MEDICINE

By:

John H. Babson
John H. Babson, President

24 June 05
Date

Diane Noton
Diane Noton, M.D., Secretary Date

6-22-05

ACCEPTED AND AGREED:

Frank Del Real
Frank Del Real, M.D.

6-30-05
Date

**BEFORE THE
WYOMING BOARD OF MEDICINE**

IN THE MATTER OF THE)
TEMPORARY LICENSE OF)
Frank Del Real, M.D.)
Temporary License # TL-578)

**ORDER OF SUSPENSION OF TEMPORARY
LICENSE PENDING HEARING FOR REVOCATION**

THE ABOVE CAPTIONED MATTER having come before the Board on the 28th day of November, 2005, at 7:00 o'clock, A.M. upon the Order to Show Cause and Notice of hearing on Order to Show Cause issued by the Board on November 18, 2005, and a quorum of the Board having attended such hearing by telephone conference call and the Respondent, Frank Del Real, M.D., having appeared personally by telephone conference call and the Board having been represented in this matter by Don W. Riske, Special Assistant Attorney General, and the President of the Board having convened the Order to Show Cause hearing and Respondent having addressed the Board and the Board having reviewed and considered the Order to Show Cause, the November 1, 2005, letter to the Board from Cheryl D. Portwood, M.D., the Stipulation for Issuance of Physician's License with Restrictions between the Board and Respondent dated June 30, 2005 (the "Stipulation"), the April 29, 2005, letter to the Board from Respondent and the February 2, 2005, Proctorship Agreement between Respondent and Dr. Portwood, FINDS that Respondent is in violation of ¶4b. of the Stipulation due to the withdrawal of Dr. Portwood from the Proctoring Agreement previously approved by the Board as a condition of Respondent's licensure and FURTHER FINDS that such violation constitutes a violation of W.S. §33-26-402(a)(xxxiv).

IT IS THEREFORE ORDERED, that Respondent immediately cease and desist from the practice of medicine in Wyoming effective as of the date of his receipt of this Order.

IT IS FURTHER ORDERED that a contested case hearing upon the issue of whether Respondent's physician license should be revoked due to such violation shall be held at 1:00PM, February 3, 2006, at United Medical Center, 300 East 23rd Street, Cheyenne, Wyoming.

WYOMING BOARD OF MEDICINE

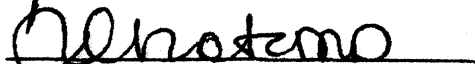
By:



John H. Babson, President

29 Nov 05

Date



Diane Noton, M.D., Secretary

11/28/05

Date

WHEREAS, DELREAL and the Board are parties to a Stipulation for Issuance of Physician's License With Restrictions dated June 30, 2005 (the "2005 Stipulation"); and

WHEREAS, it is the intent of the parties hereto to replace and supplant the 2005 Stipulation with the terms, conditions and restrictions of this Stipulation.

NOW THEREFORE, by and for their mutual covenants and agreements herein contained, the parties agree as follows:

1. The Board is the sole and exclusive regulatory and licensing agency in the State of Wyoming regarding the practice of medicine and surgery. DELREAL acknowledges and agrees that the Board has jurisdiction and authority to impose the conditions set forth herein and to enter into this Stipulation. By his execution hereof, DELREAL waives any claims based upon any perceived defects in the manner by which the Board conducted all proceedings regarding such license prior to the date hereof. DELREAL agrees that this Stipulation is in accordance with the requirements of law and that the Board is lawfully constituted to consider this matter to include consideration of this Stipulation.
2. DELREAL agrees that the Wyoming Medical Practice Act, W.S. 33-26-101 et seq., is constitutional on its face and as applied in this application and Stipulation.
3. Under the provisions of W.S. §33-26-202 (b)(i) and W.S. § 33-26-304, the Board has the authority to impose conditions upon and review the compliance with any conditions placed upon any physician's license granted by it.
4. Upon execution hereof by all parties, the Board shall reinstate DELREAL'S Wyoming Physician's license, subject to conditions as follows:
 - A. WPAP Contract.
 - i. DELREAL shall, within ten (10) days following his execution of this Stipulation, provide written acknowledgement from the Medical Director of the Wyoming Professional Assistance Program ("WPAP") that DELREAL is a party to an ongoing Client Contract with WPAP and that DELREAL has directed WPAP to immediately contact the Board in the event that DELREAL violates any provision of the WPAP Contract.;
 - ii. DELREAL shall comply with each and all of the terms of such WPAP Contract;
 - iii. DELREAL shall direct WPAP to immediately contact the Board in the event that DELREAL violates any provision of the WPAP Contract.

B. PRACTICE PLAN. DELREAL shall only practice medicine in the State of Wyoming consistent and within the terms of the Practice Plan set forth below:

i. Wyoming Recovery Center. DELREAL'S practice at the Wyoming Recovery Center, Casper, Wyoming, ("WRC") shall be monitored and proctored by Dr. Toews and shall include participating in group clinical/teaching sessions, as well as providing individual psychiatric evaluation, treatment and follow up at the WRC offices. DELREAL shall provide individual clinical work in a small office right off the waiting room, with open visibility for entrance and exit from the room. There shall be two other clinicians and two clerical/business staff physically present on the same floor, with sight and to some extent sound contact during working hours. DELREAL'S evaluations are transcribed by Wyoming Recovery Center staff and reviewed by Dr. Toews, WRC Medical Director, who is typically the attending physician and referral source for these evaluations, and who sits in on the evaluations from time to time.

ii. Drs. Arlene Viray Proctorship. DELREAL'S practice at WRC shall be proctored by Drs. Arlene Viray of Lander, Wyoming. The minimum terms of such proctorship plan shall include:

a. Monthly in person proctoring and clinical supervision meetings between Dr. Viray and DELREAL;

b. In addition to such monthly proctoring and clinical supervision meetings, Dr. Viray and Dr. DelReal shall contact each other by phone or electronic mail when DELREAL needs to discuss clinical cases or questions with Dr. Viray.

c. The content of such monthly proctoring and clinical supervision meetings shall be clinically oriented with the purpose of proctoring, supervising and monitoring DELREAL'S ongoing clinical cases. Exchange of clinical information for educational purposes is expected. Written clinical reports will be reviewed by Dr. Viray no less frequently than quarterly. Dr. Viray will observe patient evaluations no less often than quarterly for the purpose of evaluating DELREAL'S conduct during interviews. Confidentiality issues will be addressed before this is undertaken.

d. Dr. Viray will submit reports no less than every ninety (90) days to the Board regarding DELREAL'S compliance to the above requirements. Dr. Viray will address any deficits of DELREAL'S compliance to the Board's requirements and will immediately contact the Board regarding any unmet expectations, concerns or problems that may arise.

6. This Stipulation and the fact that DELREAL'S Wyoming physician's license is subject to the conditions set forth herein shall be a final order of the Board subject to disclosure to the National Practitioner's Data Bank, the Federation of State Medical Boards or those federal and state agencies, public and private health care facilities and individuals who are entitled to information about the status of physician's licenses.

7. Nothing in this Stipulation shall be construed to deny the Board jurisdiction to investigate any other information regarding DELREAL'S license that may come to its attention that is unknown at this time or subsequent acts which are unknown to the Board and to take immediate disciplinary action against DELREAL in the event that it discovers additional information or that may affect DELREAL'S ability to safely and competently practice medicine in the State of Wyoming.

8. DELREAL acknowledges that this Stipulation is entered into by him freely and voluntarily.

9. This Stipulation constitutes the entire agreement between the parties and may only be modified or amended by a subsequent document executed in the same manner by the parties.

IN WITNESS WHEREOF, we have hereunto set our hands and seals the day and year set forth below.

WYOMING BOARD OF MEDICINE

By:

[Signature]
John H. Babson, President

1 March 06
Date

[Signature]
Doris Noton, M.D., Secretary

3-8-06
Date

ACCEPTED AND AGREED:

[Signature]
Frank DelReal, M.D.

3/20/06
Date

[Signature]
Richard J. Barrett
ATTORNEY FOR RESPONDENT

3-20-06
Date

[Signature] M.D.

March 20, 2006
Date

[Signature]
M.D.

3/10/2006
Date

**BEFORE THE
WYOMING BOARD OF MEDICINE**

JOHN H. BABSON, M.D. and
DIANE NOTON, M.D.,

Petitioners,

vs.

FRANK DELREAL, M.D.,

Respondent.

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Docket 06-13

**ORDER AMENDING STIPULATION FOR REINSTATEMENT OF
PHYSICIAN'S LICENSE WITH RESTRICTIONS**

THE ABOVE-CAPTIONED MATTER, having come before the Wyoming Board of Medicine upon the Motion for Order Modifying or Amending that Stipulation for Reinstatement of Physician's License with Restrictions filed herein on October 3, 2006, by Respondent Frank DelReal, M.D., and the Board having considered such Motion and the attachments thereto and being otherwise fully apprised in the premises, finds that such Motion should be granted.

IT IS THEREFORE ORDERED, that the Stipulation for Reinstatement of Physician's License with Restrictions dated March 20, 2006, (the "Stipulation") be, and the same hereby is, amended to permit Respondent to enter into a contract with Central Wyoming Counseling Center, Casper, Wyoming, to provide part-time psychiatric services at clinics in Douglas, Casper, Riverton and Lander, Wyoming.

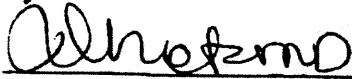
IT IS FURTHER ORDERED that all descriptions and representations of Respondent regarding such services to be provided by him under such contract and the manner in which he shall comply with the terms and conditions of the Stipulation while providing such services set forth in his Motion are incorporated herein by this reference.

IT IS FURTHER ORDERED that all other terms and conditions of the Stipulation not amended by this Order be, and they hereby are, restated herein and shall and do have full force and effect without change by this Order.

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WYOMING BOARD OF MEDICINE

By:



Diane Notch, M.D., President

11-3-06

Date



Ray Johnson, P.A.-C Secretary

11-13-06

Date

**BEFORE THE
WYOMING BOARD OF MEDICINE**

**IN THE MATTER OF THE)
PETITION FOR REINSTATEMENT)
OF LICENSURE OF FRANK) Docket No. 06-13
DEL REAL III, M.D.)**

**FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER
REINSTATING LICENSE WITHOUT CONDITIONS AND RESTRICTIONS**

THE ABOVE-CAPTIONED MATTER, having come before the Wyoming Board of Medicine (hereinafter "Board") on the 8th day of June, 2007, upon the Petition for Reinstatement of License filed herein by Frank Del Real, III, M.D., (hereinafter "Del Real"); and the Board having conducted a contested case hearing on such Petition pursuant to WYO. STAT. §33-26-406 on such date, Del Real having appeared in person and being represented by his attorney, Rich Barrett, and having presented his evidence to the Board in executive session (there having been no request to have a hearing open to the public) in support of such Petition, and the hearing having then been closed; the Board **FINDS, CONCLUDES AND ORDERS** as follows:

A. FINDINGS OF FACT.

1. Del Real submitted an application for licensure to the Board which contained information regarding impairment problems and boundary violations by Del Real in another state.

2. On February 11, 2005, the Board conducted a full Board interview of Del Real to consider his application for licensure. Following the Board's interview with Del Real, he was granted a temporary license subject to conditions and restrictions, which he accepted.

3. On June 10, 2005, Del Real came before the full Board to discuss his fulfillment of the conditions upon his temporary license and to allow the Board to consider whether to grant a full and unrestricted license.

4. Following the June 10, 2005, full Board interview, Del Real and the Board entered into a **STIPULATION FOR ISSUANCE OF PHYSICIAN'S LICENSE WITH RESTRICTIONS (Stipulation)**. Pursuant to the Stipulation, the Board issued a Wyoming Temporary Physician's License to Del Real that was conditioned and restricted as follows:

a. Del Real must comply with all of the terms and conditions of his contract with the Wyoming Professional Assistance Program ("WPAP");

b. Del Real shall only practice in this state pursuant to the terms of that plan of practice submitted by him and approved by the Board;

c. Del Real shall not engage in a solo practice. He must practice as part of a treatment team that includes licensed physicians; and

d. Del Real shall appear before the Board at the February, 2006, meeting for an interview to discuss his practice, his recovery and his compliance with these restrictions and conditions. Del Real shall appear for the same purpose at every other Board meeting thereafter for a period of five (5) years or until further Order of the Board.

5. On November 28, 2005, the Board issued an ORDER OF SUSPENSION OF TEMPORARY LICENSE PENDING HEARING FOR REVOCATION setting a contested case hearing for February 3, 2006, to determine whether Del Real's license should be revoked.

6. During the February 3, 2006, hearing Del Real presented testimony by Drs. Viray and Toews, along with a Proposed Practice plan that included proctoring of Del Real's practice by Drs. Viray and Toews. A formal STIPULATION FOR REINSTATEMENT OF PHYSICIAN'S LICENSE WITH RESTRICTIONS (Stipulation) was entered into with an effective date of March 20, 2006. The Stipulation provided that Del Real would continue to hold a Wyoming Physician's License, with the following conditions to that license:

A. WPAP Contract.

i. Del Real shall, within ten (10) days following his execution of this Stipulation, provide written acknowledgement from the Medical Director of the Wyoming Professional Assistance Program ("WPAP") that Del Real is a party to an ongoing Client Contract with WPAP and that Del Real has directed WPAP to immediately contact the Board in the event that Del Real violates any provision of the WPAP Contract.;

ii. Del Real shall comply with each and all of the terms of such WPAP Contract;

iii. Del Real shall direct WPAP to immediately contact the Board in the event that Del Real violates any provision of the WPAP Contract.

B. PRACTICE PLAN. Del Real shall only practice medicine in the State of Wyoming consistent and within the terms of the Practice Plan set forth below:

i. Wyoming Recovery Center. Del Real practice at the Wyoming Recovery Center, Casper, Wyoming, ("WRC") shall be monitored and proctored by Dr. Toews and shall include participating in group clinical/teaching sessions, as well as providing individual psychiatric evaluation, treatment and follow up at the WRC offices. Del Real shall provide individual clinical work in a small office right off the waiting room, with open visibility for entrance and exit from the room. There shall be two other clinicians and two clerical/business staff physically present on the same floor, with sight and to some extent sound contact during working hours. Del Real's evaluations are transcribed by Wyoming Recovery Center staff and reviewed by Dr. Toews, WRC Medical Director, who is typically the attending physician and referral source for these evaluations, and who sits in on the evaluations from time to time.

ii. Drs. [sic] Arlene Viray Proctorship. Del Real's practice at WRC shall be proctored by Drs. [sic] Arlene Viray of Lander, Wyoming. The minimum terms of such proctorship plan shall include:

a. Monthly in person proctoring and clinical supervision meetings between Dr. Viray and Del Real;

b. In addition to such monthly proctoring and clinical supervision meetings, Dr. Viray and Dr. Del Real shall contact each other by phone or electronic mail when Del Real needs to discuss clinical cases or questions with Dr. Viray.

c. The content of such monthly proctoring and clinical supervision meetings shall be clinically oriented with the purpose of proctoring, supervising and monitoring DEL REAL'S ongoing clinical cases. Exchange of clinical information for educational purposes is expected. Written clinical reports will be reviewed by Dr. Viray no less frequently than quarterly. Dr. Viray will observe patient evaluations no less often than quarterly for the purpose of evaluating Del Real's conduct during interviews. Confidentiality issues will be addressed before this is undertaken.

d. Dr. Viray will submit reports no less than every ninety (90) days to the Board regarding DEL REAL'S compliance to the above requirements. Dr. Viray will address any deficits of Del Real's compliance to the Board's requirements and will immediately contact the Board regarding any unmet expectations, concerns or problems that may arise.

7. On November 13, 2006, an ORDER AMENDING STIPULATION FOR REINSTATEMENT OF PHYSICIAN'S LICENSE WITH RESTRICTIONS (Order) was entered by the Board. The Order provided the Stipulation be amended to allow Del Real to enter into a contract with Central Wyoming Counseling Center, Casper, Wyoming, to provide part-time psychiatric services at clinics in Douglas, Casper, Riverton, and Lander, Wyoming.

8. On March 14, 2007, Del Real filed a PETITION FOR REMOVAL OF LICENSE RESTRICTIONS with the Board. The Petition requested that Del Real's license be reinstated without further restrictions. A contested case hearing on the Petition was set for June 8, 2007.

9. The Board, excepting the initial Petitioners, heard the matter on June 8, 2007, with Hearing Officer Bill Hibbler presiding over the hearing. Del Real presented competent evidence in the form of his personal testimony and stipulated exhibits 1-9 in support of his Petition.

10. Following the hearing, the Board met and voted in public session to grant Del Real an unrestricted license to practice medicine in the state of Wyoming.

B. CONCLUSIONS OF LAW.

1. The Board is the sole and exclusive regulatory and licensing agency in the State of Wyoming regarding the practice of medicine and surgery.

2. The Wyoming Medical Practice Act, WYO. STAT. §§ 33-26-101, *et seq.*, is constitutional on its face and as applied in this proceeding.

3. The administrative contested case hearing on Del Real's PETITION FOR REINSTATEMENT OF LICENSE was conducted pursuant to the Wyoming Administrative Procedure Act, WYO. STAT. §16-3-101 *et seq.* and WYO. STAT. §33-26-406 of the Wyoming Medical Practice Act.

4. The Board has authority, pursuant to WYO. STAT. §33-26-406(d)(i), to enter the Order set forth below.

C. ORDER GRANTING PHYSICIAN'S UNRESTRICTED LICENSE

Based upon the foregoing FINDINGS OF FACT and CONCLUSIONS OF LAW,

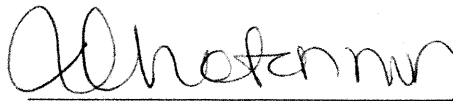
IT IS HEREBY ORDERED that Del Real is hereby granted an unrestricted Physician's License.

IT IS FURTHER ORDERED that these FINDINGS OF FACT, CONCLUSIONS OF LAW, and ORDER shall be a final Order of the Board subject to the reporting and disclosure provisions of Chapter 6, Section 3 of the Rules and Regulations of the Board.

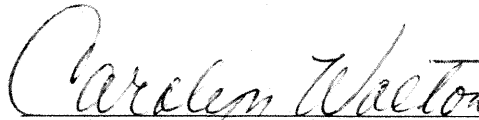
THIS ORDER IS EFFECTIVE June 8, 2007.

WYOMING BOARD OF MEDICINE

By:



Diane Noton, M.D., President



Carolyn Walton, Secretary

