

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the Accusation
Against:**

Dennis Drewe Wilcox, M.D.

**Physician's and Surgeon's
Certificate No. A 44471**

Respondent.

Case No. 800-2018-047736

DECISION

The attached Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on February 18, 2021.

IT IS SO ORDERED January 19, 2021.

MEDICAL BOARD OF CALIFORNIA



**Kristina D. Lawson, J.D., Chair
Panel B**

1 XAVIER BECERRA
Attorney General of California
2 E. A. JONES III
Supervising Deputy Attorney General
3 JOSHUA M. TEMPLET
Deputy Attorney General
4 State Bar No. 267098
California Department of Justice
5 300 So. Spring Street, Suite 1702
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Facsimile: (916) 731-2117
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
MEDICAL BOARD OF CALIFORNIA
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **Dennis Drewe Wilcox, M.D.**
14 **3800 Janes Rd.**
15 **Arcata CA 95521-4742**

16 **Physician's and Surgeon's Certificate**
17 **No. A 44471,**

18 Respondent.

Case No. 800-2018-047736

OAH No. 2020060372

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR
PUBLIC REPRIMAND**

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21 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
22 entitled proceedings that the following matters are true:

23 **PARTIES**

24 1. William Prasifka (Complainant) is the Executive Director of the Medical Board of
25 California (Board). He brought this action solely in his official capacity and is represented in this
26 matter by Xavier Becerra, Attorney General of the State of California, via Joshua M. Templett,
27 Deputy Attorney General.

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1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in the
3 Accusation, if proven at a hearing, constitute cause for imposing discipline upon his Physician's
4 and Surgeon's Certificate.

5 10. Respondent agrees that, at a hearing, Complainant could establish a prima facie case
6 for the charges in the Accusation, and Respondent hereby gives up his right to contest those
7 charges.

8 11. Respondent agrees that his Physician's and Surgeon's Certificate is subject to
9 discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the
10 Disciplinary Order for Public Reprimand below.

11 CONTINGENCY

12 12. This stipulation shall be subject to approval by the Board. Respondent understands
13 and agrees that counsel for Complainant and the staff of the Board may communicate directly
14 with the Board regarding this stipulation and settlement, without notice to or participation by
15 Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he
16 may not withdraw his agreement or seek to rescind the stipulation prior to the time the Board
17 considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order for
18 Public Reprimand, the Stipulated Settlement and Disciplinary Order for Public Reprimand shall
19 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action
20 between the parties, and the Board shall not be disqualified from further action by having
21 considered this matter.

22 13. Respondent agrees that if an accusation and/or petition to revoke probation is filed
23 against him before the Board, all of the charges and allegations contained in the Accusation shall
24 be deemed true, correct, and fully admitted by Respondent for purposes of any such proceeding.

25 14. The parties understand and agree that Portable Document Format (PDF) and facsimile
26 copies of this Stipulated Settlement and Disciplinary Order for Public Reprimand, including PDF
27 and facsimile signatures thereto, shall have the same force and effect as the originals.

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1 15. In consideration of the foregoing admissions and stipulations, the parties agree that
2 the Board may, without further notice or opportunity to be heard by the Respondent, issue and
3 enter the following Disciplinary Order for Public Reprimand:

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that Respondent, Dennis Drewe Wilcox, M.D., holder of
6 Physician's and Surgeon's Certificate No. A 44471 is **publicly reprimanded**, pursuant to
7 Business and Professions Code section 2227. This Public Reprimand is issued as a result of the
8 following conduct by Respondent as set forth in the Accusation:

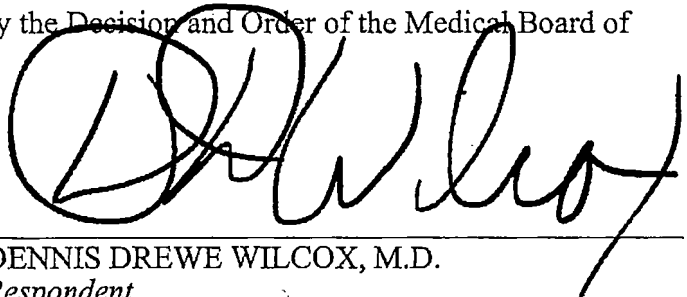
9 An investigation by the Medical Board of California revealed that Respondent failed
10 to offer a chaperone to a patient prior to a rectal examination, and scheduled a
11 subsequent pelvic/vaginal examination for this patient without documentation of the
12 medical indication.

13 These actions constitute a violation of California Business and Professions Code
14 section 2234, subdivision (c) (repeated negligent acts).

15 **ACCEPTANCE**

16 I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
17 Reprimand and have fully discussed it with my attorney, David M. Korrey. I understand the
18 stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into
19 this Stipulated Settlement and Disciplinary Order for Public Reprimand voluntarily, knowingly,
20 and intelligently, and agree to be bound by the Decision and Order of the Medical Board of
21 California.

22 DATED: 1/009/20

23 
24 _____
25 DENNIS DREWE WILCOX, M.D.
26 Respondent

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1 I have read and fully discussed with Respondent Dennis Drewe Wilcox, M.D. the terms and
2 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
3 for Public Reprimand. I approve its form and content.

4 DATED: 10/9/20


5 DAVID M. KORREY, ESQ.
6 Attorney for Respondent

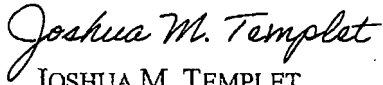
7 **ENDORSEMENT**

8 The foregoing Stipulated Settlement and Disciplinary Order for Public Reprimand is hereby
9 respectfully submitted for consideration by the Medical Board of California.

10 DATED: October 9, 2020

11 Respectfully submitted,

12 XAVIER BECERRA
13 Attorney General of California
14 E. A. JONES III
15 Supervising Deputy Attorney General

16 
17 JOSHUA M. TEMPLET
18 Deputy Attorney General
19 Attorneys for Complainant

20 SF2019201603
21 Stipulated Settlement for Public Reprimand.docx

Exhibit A

Accusation No. 800-2018-047736

1 XAVIER BECERRA
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2 E. A. JONES III
Supervising Deputy Attorney General
3 JOSHUA M. TEMPLET
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Attorneys for Complainant
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9 **BEFORE THE**
10 **MEDICAL BOARD OF CALIFORNIA**
11 **DEPARTMENT OF CONSUMER AFFAIRS**
12 **STATE OF CALIFORNIA**

13 In the Matter of the Accusation Against:

Case No. 800-2018-047736

14 **Dennis Drewe Wilcox, M.D.**
15 **3800 Janes Rd.**
Arcata, CA 95521-4742

A C C U S A T I O N

16 **Physician's and Surgeon's Certificate**
17 **No. A 44471,**

Respondent.

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20 **PARTIES**

21 1. Christine J. Lally (Complainant) brings this Accusation solely in her official capacity
22 as the Interim Executive Director of the Medical Board of California, Department of Consumer
23 Affairs (Board).

24 2. On February 16, 1988, the Board issued Physician's and Surgeon's Certificate
25 Number A 44471 to Dennis Drewe Wilcox, M.D. (Respondent). The Physician's and Surgeon's
26 Certificate was in full force and effect at all times relevant to the charges brought herein and will
27 expire on January 31, 2022, unless renewed.

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1 **JURISDICTION**

2 3. This Accusation is brought before the Board, under the authority of the following
3 laws. All section references are to the Business and Professions Code (Code) unless otherwise
4 indicated.

5 4. Section 2004 provides that the Board shall have the responsibility for the enforcement
6 of the disciplinary and criminal provisions of the Medical Practice Act.

7 5. Section 2227 authorizes the Board to take action against a licensee who has been
8 found guilty under the Medical Practice Act by revoking his or her license, suspending the license
9 for a period not to exceed one year, placing the license on probation and requiring payment of
10 costs of probation monitoring, or taking such other action as the Board deems proper.

11 6. At all times relevant to this matter, Respondent was licensed and practicing medicine
12 in California.

13 **STATUTORY PROVISIONS**

14 7. Section 2234 states:

15 The board shall take action against any licensee who is charged with unprofessional
16 conduct. In addition to other provisions of this article, unprofessional conduct
includes, but is not limited to, the following:

17 (a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the
18 violation of, or conspiring to violate any provision of this chapter.

19 (b) Gross negligence.

20 (c) Repeated negligent acts. To be repeated, there must be two or more negligent acts
21 or omissions. An initial negligent act or omission followed by a separate and distinct
departure from the applicable standard of care shall constitute repeated negligent acts.

22 (1) An initial negligent diagnosis followed by an act or omission medically
23 appropriate for that negligent diagnosis of the patient shall constitute a single
negligent act.

24 (2) When the standard of care requires a change in the diagnosis, act, or omission that
25 constitutes the negligent act described in paragraph (1), including, but not limited to,
26 a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct
27 departs from the applicable standard of care, each departure constitutes a separate and
distinct breach of the standard of care.

28 (d) Incompetence.

...

1 14. Two days after P-1's visit and examination, Respondent electronically signed an
2 operating room surgery scheduling form, confirming that P-1 would undergo the PPH and
3 colonoscopy, on April 24, 2017. The form also stated:

4 OTHER NOTES: ** PLEASE NOTE: DR. WILCOX WOULD LIKE TO
5 PERFORM A VAGINAL EXAM ON THIS PATIENT PRIOR TO THE ABOVE
PROCEDURES/SURGERY**

6 Respondent also electronically signed a pre-operative orders form, on April 13, 2017, reflecting
7 his intent to perform a vaginal examination during P-1's upcoming surgical visit. Respondent did
8 not document any indication for or any discussion with the patient about a vaginal examination.

9 15. The patient did not show for the scheduled procedures.

10 **CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct: Repeated Negligence and Inadequate Recordkeeping)**

12 16. Respondent's failure to provide or offer P-1 a chaperone during her rectal
13 examination, combined with his behavior during her visit, including but not limited to his tugging
14 at her pants rather than verbally explaining his intent to proceed with a physical examination, and
15 his remaining in the room and watching her while she undressed without offering her a gown or
16 sheet to cover herself, was a departure from the standard of care.

17 17. In addition, Respondent's scheduling of a vaginal examination of the patient without
18 documenting any indication for such an examination was a departure from the standard of care.
19 Respondent scheduled P-1 for a vaginal examination by him, without documenting any reason for
20 the examination. Further, there was no reason for referring the patient to a general surgeon like
21 Respondent for such an examination. Rather, to the extent that a vaginal examination was needed,
22 such examination should have been referred to an obstetrician-gynecologist. If there were an
23 indication for a vaginal examination of P-1, Respondent's failure to document it constituted a
24 departure from the standard of care as well as inadequate recordkeeping in violation of Code
25 section 2266 (inadequate recordkeeping).

26 18. Respondent's departures from the standard of care violated Code section 2234,
27 subdivision (c) (repeated negligence).

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DISCIPLINARY CONSIDERATIONS

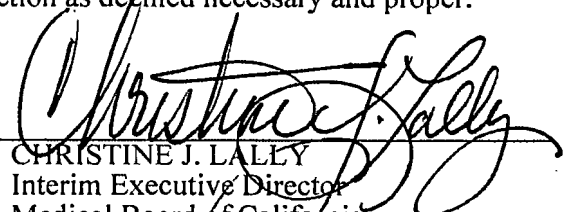
19. To determine the degree of discipline, if any, to be imposed on Respondent, Complainant alleges that, on March 18, 2004, in a prior disciplinary action titled *In the Matter of the Accusation Against Dennis Drewe Wilcox, M.D.*, case number 10-2001-122883, the Board disciplined Respondent for failing to timely operate on a patient with a perforated appendix, in 2001. The Board entered a disciplinary decision against Respondent, placing his Physician's and Surgeon's Certificate on probation for three years. The Board's disciplinary decision is incorporated by reference as if fully set forth herein. On November 27, 2006, the Board granted Respondent's petition to terminate his probation.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Medical Board of California issue a decision:

1. Revoking or suspending Physician's and Surgeon's Certificate Number A 44471, issued to Dennis Drewe Wilcox, M.D.;
2. Revoking, suspending or denying approval of Dennis Drewe Wilcox, M.D.'s authority to supervise physician assistants and advanced practice nurses;
3. Ordering Dennis Drewe Wilcox, M.D., if placed on probation, to pay the Board the costs of probation monitoring; and
4. Taking such other and further action as deemed necessary and proper.

DATED: MAR 27 2020


CHRISTINE J. LALLY
Interim Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant

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