

BEFORE THE WYOMING BOARD OF MEDICINE

IN THE MATTER OF THE)
VOLUNTARY RELINQUISHMENT)
OF THE MEDICAL LICENSE OF)
NICOLA RILEY, M.D., WYOMING)
PHYSICIAN'S LICENSE NO. 8074A)

Docket # 11-10

FILED

APR 15 2011

**Wyoming Board
of Medicine**

**ORDER ACCEPTING VOLUNTARY RELINQUISHMENT OF
THE MEDICAL LICENSE OF NICOLA RILEY, M.D.,
WYOMING PHYSICIAN'S LICENSE NO. 8074A**

THIS MATTER having come before a quorum of the Wyoming Board of Medicine ("Board") consisting of James Anderson, M.D., Jody Holzinger, James Little, M.D., Diane Noton, M.D., and Jane Robinett, D.O., during a regular meeting of the Board on the 15th day of April, 2011 to consider the matter of the Voluntary Relinquishment of the Medical License of Nicola Riley, Wyoming Physician's License Number 8074A; the Board having considered Dr. Riley's request to voluntarily relinquish her Wyoming Physician's License and documentary and other evidence in support thereof; the Board having convened in executive session to consider such evidence and voting thereafter in public session, finds, concludes, and orders as follows:

I. JURISDICTION

The Board is the exclusive licensing and regulatory agency in the State of Wyoming regarding the practice of medicine as authorized by the Wyoming Medical Practice Act., WYO. STAT. ANN. § 33-26-101, *et seq.* Dr. Riley is the holder of Wyoming Physician's License Number 8074A issued by the Board. She is, therefore, subject to the jurisdiction of the Board pursuant to WYO. STAT. ANN. § 33-26-401(e).

II. STATEMENT OF THE CASE

On or about April 1, 2011, the Board office received a written request from Dr. Riley to accept the voluntary relinquishment of her Wyoming Physician's License Number 8074A. The Board convened on April 15, 2011, to consider such request.

III. ISSUES AND CONTENTIONS

The sole issue before the Board is whether it should accept Dr. Riley's offer to relinquish her Wyoming Physician's License Number 8074A.

IV. FINDINGS OF FACT

1. On or about February 25, 2011, the Board appointed Board members Cissy Dillon and Ray Johnson, PA-C as Interviewers in reference to Board of Medicine Complaint # 422 ("Complaint") regarding Dr. Riley.

2. The Complaint concerned information related to Dr. Riley's 2008 application and interview before the Board.

3. Dr. Riley had disclosed on her 2008 application and during her interview that she was dishonorably discharged from the United States Army and was sentenced to one (1) year in Fort Leavenworth for fraternization with an enlisted soldier and conspiracy to commit fraud by not reporting soldiers under her command who were committing credit card fraud.

4. Later information revealed that Dr. Riley was in fact the leader of the credit card fraud.

5. In a letter to the Board Executive Director, Dr. Riley admitted to citing the incorrect military code sections on her 2008 application and admitted that she gave the impression that her involvement in the credit card fraud "was less than it actually was." Dr. Riley acknowledged that she used the term "pled no contest" instead of "pled guilty."

6. The Interviewers communicated to Dr. Riley their belief that her conduct constituted violations of the Wyoming Medical Practice Act at WYO. STAT. ANN. §§ 33-26-404(a)(i) and (a)(xxvii)(F).

7. Interviewers communicated to Dr. Riley that she has the option to request voluntary relinquishment of her Wyoming Physician's License. Interviewers communicated to Dr. Riley that if she does not request voluntary relinquishment of her Wyoming Physician's License, they would file a formal Petition seeking revocation of her license to practice medicine in Wyoming.

8. By type written letter dated April 1, 2011, Dr. Riley requested that the Board accept the voluntary relinquishment of her Wyoming Physician's License.

9. Pursuant to WYO. STAT. ANN. § 33-26-404(a), the Board finds that Dr. Riley's offer to voluntarily relinquish her Wyoming Physician's License should be accepted. The voluntary relinquishment of Dr. Riley's Wyoming Physician's License Number 8074A is effective at 11:00 a.m., April 15, 2011. As of that time and date, Dr. Riley no longer holds privileges to practice as a physician in the State of Wyoming.

V. CONCLUSIONS OF LAW

10. Paragraphs 1 through 9 of the Findings of Fact are fully incorporated herein.

11. The Board is the state agency exclusively charged with regulating the practice of medicine in the State of Wyoming pursuant to WYO. STAT. ANN. § 33-26-202.

12. Statutory enactments, such as the Wyoming Medical Practice Act, are presumed to be constitutional. *Hoem v. State*, 756 P.2d 780, 782 (Wyo. 1988). The Wyoming Medical Practice Act, WYO. STAT. ANN. §§ 33-26-101, *et seq.*, is constitutional on its face and as applied in this proceeding.

13. The Board has jurisdiction in this matter and over Dr. Riley pursuant to WYO. STAT. ANN. § 33-26-401(e).

14. This matter was conducted pursuant to the Wyoming Medical Practice Act, § 33-26-404(a), which provides, in part:

A licensee may request the board, in writing, to accept the voluntary relinquishment, restriction or suspension of his license. The board may, but shall not be required to accept the relinquished license, grant the request for restriction or suspension, attach conditions to the license or waive the commencement of any proceedings under this article.

15. The Board concludes that Dr. Riley's request to voluntarily relinquish her Wyoming Physician's License Number 8074A should be accepted. As of 11:00 a.m., April 15, 2011, Dr. Riley no longer holds privileges to practice as a physician in the State of Wyoming.

16. Pursuant to WYO. STAT. ANN. § 33-26-408(c) and Chapter 6, § 3 of the Board RULES AND REGULATIONS, this Order is a public document. Pursuant to WYO. STAT. ANN. § 33-26-408(d), this Order shall be reported to the chief of the medical staff and hospital administrator of each hospital in which Dr. Riley has medical staff privileges and to all appropriate agencies, including, but not limited to, the Federation of State Medical Boards, the National Practitioner Data Bank, and other state medical boards.

17. This Order is a final agency action. The Wyoming Administrative Procedure Act, WYO. STAT. ANN. §§ 16-3-101, *et seq.*, and the Wyoming Medical Practice Act, WYO. STAT. ANN. §§ 33-26-101, *et seq.*, grant any person aggrieved or adversely

affected by the final decision of an agency to seek judicial review in the district court, as provided in WYO. STAT. ANN. § 16-3-114 and WYO. STAT. ANN. § 33-26-407(a).


ORDER

IT IS HEREBY ORDERED, based upon the foregoing FINDINGS OF FACT AND CONCLUSIONS OF LAW, that Dr. Riley's offer to voluntarily relinquish her Wyoming Physician's License Number 8074A is accepted, and her authority and ability to practice medicine in the State of Wyoming be, and the same hereby are, relinquished as of 11:00 a.m., April 15, 2011

IT IS FURTHER ORDERED that this ORDER ACCEPTING VOLUNTARY RELINQUISHMENT OF THE MEDICAL LICENSE OF NICOLA RILEY, M.D., WYOMING PHYSICIAN'S LICENSE NO. 8074A shall constitute a final order of the Board. Additionally, this ORDER is a public document.

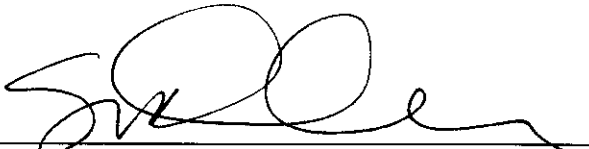
DATED this 15th day of April, 2011.

FOR THE BOARD:



Jane Robinett, D.O., President

APPROVED AS TO FORM:



Sean C. Chambers
Senior Assistant Attorney General, Board Counsel