

**ALABAMA STATE BOARD OF
MEDICAL EXAMINERS,**

Complainant,

vs.

ALAN JOEL WAYNE, M.D.,

Respondent.

**BEFORE THE MEDICAL
LICENSURE COMMISSION
OF ALABAMA**

**CASE NO. 2024-289
2024-324**

**ORDER TEMPORARILY SUSPENDING LICENSE
AND SETTING HEARING**

The Medical Licensure Commission has received the verified Administrative Complaint and Petition for Summary Suspension of License (“the Administrative Complaint”) filed by the Alabama State Board of Medical Examiners in this matter. The Commission has determined that this matter is due to be set down for hearing under the provisions of Ala. Code § 34-24-361(e). This Order shall serve as the Notice of Hearing prescribed in Ala. Admin. Code r. 545-X-3-.03(3), (4). The Commission’s legal authority and jurisdiction to hold the hearing in this matter are granted by Article 8, Chapter 24, Title 34 of the Code of Alabama (1975), and the particular sections of the statutes and rules involved are as set forth in the Administrative Complaint and in this Order.

1. Temporary Suspension of License

Upon the verified Administrative Complaint of the Alabama State Board of Medical Examiners, and pursuant to the legal authority of Ala. Code §§ 34-24-361(f) and 41-22-19(d), it is the ORDER of the Commission that the license to practice medicine or osteopathy, license certificate number MD.13785 of ALAN JOEL WAYNE, M.D. ("Respondent"), be, and the same is hereby, immediately SUSPENDED. Respondent is hereby ORDERED and DIRECTED to surrender the said license certificate to the Medical Licensure Commission, at 848 Washington Avenue, Montgomery, Alabama, 36104. Respondent is further ORDERED immediately to CEASE and DESIST from the practice of medicine in the State of Alabama.

This action is taken consistent with the Rules and Regulations of the Board of Medical Examiners and the Medical Licensure Commission and Ala. Code § 34-24-361(f), based upon the request of the Alabama State Board of Medical Examiners upon the Board's finding and certification that the Board presently has in its possession evidence that the continuance in practice of Respondent may constitute an immediate danger to his patients and the public.

Respondent is reminded that the suspension of his or her license to practice medicine in Alabama triggers certain obligations with regard to patient notification

and patient records. *See* Ala. Admin. Code r. 540-X-9-.10(4)(c); 545-X-4-.08(4)(c). Respondent shall comply with these requirements.

2. Service of the Administrative Complaint

A copy of the Administrative Complaint and a copy of this Order shall be served forthwith upon the Respondent, by personally delivering the same to Respondent if he or she can be found within the State of Alabama, or, by overnight courier, signature required, to Respondent's last known address if he or she cannot be found within the State of Alabama. The Commission further directs that personal service of process shall be made by Bob Steelman, who is designated as the duly authorized agent of the Commission.

3. Initial Hearing Date

This matter is set for a hearing as prescribed in Ala. Code §§ 34-24-360, *et seq.*, and Ala. Admin. Code Chapter 545-X-3, to be held on Wednesday, July 23, 2025, at 10:00 a.m., at 848 Washington Avenue, Montgomery, Alabama, 36104. Unless otherwise specified by the Commission, the hearing will be held in person. All parties and counsel are expected to appear and to be prepared for the hearing at this date, time, and place.

4. Appointment of Hearing Officer

The Commission appoints the Honorable William R. Gordon, Circuit Judge (Ret.) as the Hearing Officer in this matter, pursuant to Ala. Admin. Code r. 545-X-3-.08. The Hearing Officer shall exercise general superintendence over all pre-hearing proceedings in this matter, and shall serve as the presiding officer at the hearing, having and executing all powers described in Ala. Admin. Code r. 545-X-3-.08(1)(a)-(g).

5. Answer

Respondent shall file an Answer, as prescribed in Ala. Admin. Code r. 545-X-3-.03(6), within 20 calendar days of the service of the Administrative Complaint. If Respondent does not file such an Answer, the Hearing Officer shall enter a general denial on Respondent's behalf.

6. Rescheduling/Motions for Continuance

All parties and attorneys are expected to check their schedules immediately for conflicts. Continuances will be granted only upon written motion and only for good cause as determined by the Chairman (or, in his absence, the Vice-Chairman) of the Medical Licensure Commission. Continuances requested on grounds of engagement of legal counsel on the eve of the hearing will not be routinely granted.

7. Case Management Orders

The Hearing Officer is authorized, without further leave of the Commission, to enter such case management orders as he considers appropriate to the particular case. Among any other matters deemed appropriate by the Hearing Officer, the Hearing Officer may enter orders addressing the matters listed in Ala. Admin. Code r. 545-X-3-.03(5)(a)-(f) and/or 545-X-3-.08(1)(a)-(g). All parties will be expected to comply with such orders.

8. Manner of Filing and Serving Pleadings

All pleadings, motions, requests, and other papers in this matter may be filed and served by e-mail. All filings shall be e-mailed to:

- The Hearing Officer, William Gordon (wrgordon@charter.net);
- The Director of Operations of the Medical Licensure Commission, Rebecca Robbins (rrobbins@almlc.gov);
- General Counsel of the Medical Licensure Commission, Aaron Dettling (adettling@almlc.gov);
- General Counsel for the Alabama Board of Medical Examiners, Wilson Hunter (whunter@albme.gov); and
- Respondent/Licensee or his or her counsel, as appropriate.

The Director of Operations of the Medical Licensure Commission shall be the custodian of the official record of the proceedings in this matter.

9. Discovery

Consistent with the administrative quasi-judicial nature of these proceedings, limited discovery is permitted, under the supervision of the Hearing Officer. *See* Ala. Code § 41-22-12(c); Ala. Admin. Code r. 545-X-3-.04. All parties and attorneys shall confer in good faith with one another regarding discovery. If disputes regarding discovery are not resolved informally, a motion may be filed with the Hearing Officer, who is authorized to hold such hearings as appropriate and to make appropriate rulings regarding such disputes.

10. Publicity and Confidentiality

Under Alabama law, the Administrative Complaint and this Order are public documents. The hearing itself is closed and confidential. The Commission's written decision, if any, will also be public. *See* Ala. Code § 34-24-361.1; Ala. Admin. Code r. 545-X-3-.03(10)(h), (11).

11. Stipulations

The parties are encouraged to submit written stipulations of matters as to which there is no basis for good-faith dispute. Stipulations can help to simplify and shorten the hearing, facilitate the Commission's decisional process, and reduce the overall costs of these proceedings. Written stipulations will be most useful to the Commission if they are submitted in writing approximately 10 days preceding the

hearing. The Hearing Officer is authorized to assist the parties with the development and drafting of written stipulations.

12. Judicial Notice

The parties are advised that the Commission may take judicial notice of its prior proceedings, findings of fact, conclusions of law, decisions, orders, and judgments, if any, relating to the Respondent. *See* Ala. Code § 41-22-13(4); Ala. Admin. Code r. 545-X-3-.09(4).

13. Settlement Discussions

The Commission encourages informal resolution of disputes, where possible and consistent with public interest. If a settlement occurs, the parties should notify the Hearing Officer, the Commission's Director of Operations, and Commission's General Counsel. Settlements involving Commission action are subject to the Commission's review and approval. To ensure timely review, such settlements must be presented to the Commission no later than the Commission meeting preceding the hearing date. Hearings will not be continued based on settlements that are not presented in time for the Commission's consideration during a monthly meeting held prior to the hearing date. The Commission Vice-Chairman may assist the parties with the development and/or refinement of settlement proposals.

14. Subpoenas

The Commission has the statutory authority to compel the attendance of witnesses, and the production of books and records, by the issuance of subpoenas. *See* Ala. Code §§ 34-24-363; 41-22-12(c); Ala. Admin. Code r. 545-X-3-.05. The parties may request that the Hearing Officer issue subpoenas for witnesses and/or documents, and the Hearing Officer is authorized to approve and issue such subpoenas on behalf of the Commission. Service of such subpoenas shall be the responsibility of the party requesting such subpoenas.

15. Hearing Exhibits

- A. Parties and attorneys should, if possible, stipulate as to the admissibility of documents prior to the hearing.
- B. The use of electronic technology, USB drives, CD's, DVD's, etc. is acceptable and encouraged for voluminous records. If the Commission members will need their laptop to view documents, please notify the Hearing Officer prior to your hearing.
- C. If providing hard copies, voluminous records need not be copied for everyone but, if portions of records are to be referred to, those portions should be copied for everyone.
- D. If a document is to be referred to in a hearing, copies should be available for each Commission member, the Hearing Officer, the Commission's General Counsel, opposing attorney, and the court reporter (12 copies).
- E. Index exhibits/documents for easy reference.
- F. Distribute exhibit/document packages at the beginning of the hearing to minimize distractions during the hearing.

16. Administrative Costs

The Commission is authorized, pursuant to Ala. Code § 34-24-381(b) and Ala. Admin. Code r. 545-X-3-.08(9) and (10), to assess administrative costs against the Respondent if he or she is found guilty of any of the grounds for discipline set forth in Ala. Code § 34-24-360. The Board of Medical Examiners [**X**]has / []has **not** given written notice of its intent to seek imposition of administrative costs in this matter.

17. Appeals

Appeals from final decisions of the Medical Licensure Commission, where permitted, are governed by Ala. Code §§ 41-22-20 and 34-24-367.

DONE on this the 17th day of April, 2025.

THE MEDICAL LICENSURE
COMMISSION OF ALABAMA

By:

E-SIGNED by Jorge Alsip, M.D.
on 2025-04-17 10:39:42 CDT

Jorge Alsip, M.D.
its Chairman

Distribution:

- Honorable William R. Gordon (incl. Administrative Complaint)
- Rebecca Robbins
- Respondent/Respondent's Attorney
- E. Wilson Hunter
- Aaron L. Dettling

BEFORE THE MEDICAL LICENSURE COMMISSION OF ALABAMA

**ALABAMA STATE BOARD OF
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**CASE NOS.: 2024-289
2024-324**

**ADMINISTRATIVE COMPLAINT AND
PETITION FOR SUMMARY SUSPENSION OF LICENSE**

The Alabama State Board of Medical Examiners (hereinafter “the Board”), by and through its counsel, hereby submits this Administrative Complaint and Petition for Summary Suspension of License seeking to summarily suspend and revoke or sanction the medical license of ALAN JOEL WAYNE, M.D. (“Respondent”) under Ala. Code § 34-24-361(e), and states as follows:

JURISDICTION

1. On or about January 1, 1988, Respondent was issued a license to practice medicine in the State of Alabama, identified as MD.13785. Respondent has maintained an Alabama medical license since 1988 and was licensed at all times material to this complaint.

FACTS

2. Respondent is a family practice physician who practices at 915 S. Broad Street in Scottsboro, Alabama.

Prior History

3. In December 1998, the Jackson County Sheriff’s Department investigated Respondent due to sexual boundary violations and prescribing violations in his practice as a family practice physician. It was alleged that Respondent: (1) dispensed controlled substances without a

license; (2) allowed his office manager to order controlled substances unsupervised; (3) prescribed a controlled substance to his wife; (4) prescribed controlled substances to himself; and (5) failed to accept responsibility and accountability for the handling and prescribing of controlled substances at his practice.

4. On January 19, 1999, the Board interviewed Respondent regarding the information reported by the Jackson County Sheriff's Department.

5. On March 12, 1999, the Board placed restrictions on Respondent's certificate of qualification ("COQ") and entered into a Voluntary Agreement with Respondent wherein the Board restricted his ability to possess, dispense, administer and prescribe controlled substances.

6. On or about December 2, 1999, Respondent requested the Board to terminate the voluntary restriction on his COQ.

7. On December 22, 1999, the Board entered an Order terminating the voluntary restriction on Respondent's COQ.

Sexual Misconduct

8. Respondent served as Patient One's treating physician for more than two years.

9. On August 15, 2024, Patient One filed an Alabama Uniform Incident/Offense Report with the Scottsboro Police Department and alleged that Respondent harassed her at his medical office while providing medical treatment.

10. On or about October 15, 2024, the Board received a complaint from Patient One alleging Respondent engaged in sexual misconduct in the practice of medicine.

11. According to the Board's investigation, during a series of clinical office visits occurring between 2022 and 2024, Respondent engaged in a series of acts that had no legitimate medical purpose and were reasonably interpreted by Patient One as being romantic in nature.

Respondent rubbed Patient One's back, insisted that Patient One hug him before leaving the exam room, told Patient One that she would feel better if she had rough sex, made inappropriate comments about her body, and, after entering the exam room and observing Patient One laying on the exam table, told Patient One he "finally got her laying down and could lock the door."

12. On or about October 24, 2024, the Board informed Respondent of its receipt of the complaint and notified him that he was under investigation.

13. During its investigation, the Board discovered that Respondent engaged in sexual misconduct in the practice of medicine towards Patient Two when, during a medical examination, he slipped his hands under her waistband and lifted up her pants so he could see her pubic area. Respondent also asked Patient Two about her sexual relationship with her fiancé on more than one occasion.

14. During its investigation, the Board also discovered that Respondent had a pattern and practice of making comments to patients which were sexual in nature. This conduct was reported by multiple individuals employed by Respondent as occurring on multiple occasions over the course of their employment.

Prescribing

15. On or about July 29, 2024, Respondent prescribed Soma, a controlled substance, to himself.

16. During its investigation, the Board discovered that Respondent saw approximately 50 to 75 patients per day and often prescribed controlled substances to those patients. Respondent ordered urine drug screens but failed to utilize the urine drug screen results in a medically appropriate fashion in the care and treatment of his patients, including Patients Three, Four, Five, Six, Seven, Eight, Nine, Ten and Eleven.

17. On October 21, 2024, Respondent submitted to the Board an application to renew his Alabama Controlled Substances Certificate for 2025. Respondent checked the box “yes” when asked “[h]as your privilege for dispensing or prescribing controlled substances ever been suspended, restricted, voluntarily surrendered while under investigation, or revoked in any state.”

CHARGES

18. The Board has investigated Respondent and concluded that there is probable cause to believe that he has committed the following violations of Ala. Code § 34-24-360:

COUNT ONE – SEXUAL MISCONDUCT IN THE PRACTICE OF MEDICINE

19. Beginning in January 2022 and continuing to the present, more specific dates being currently unknown to the Board, ALAN JOEL WAYNE, M.D. committed sexual misconduct in the practice of medicine towards Patient One when he rubbed Patient One’s back, insisted that Patient One hug him before leaving the exam room, told Patient One that she would feel better if she had rough sex, made inappropriate comments about her body, and, after entering the exam room and observing Patient One laying on the exam table, told Patient One he “finally got her laying down and could lock the door,” all during a clinical office visit and without a legitimate medical purpose, in violation of Ala. Admin. Code r. 545-X-4-.07 and Ala. Code § 34-24-360(2).

COUNT TWO – SEXUAL MISCONDUCT IN THE PRACTICE OF MEDICINE

20. Between January 2021 and April 2024, more specific dates unknown to the Board, ALAN JOEL WAYNE, M.D. committed sexual misconduct in the practice of medicine towards Patient Two when he slipped his hands under her waistband and lifted up her pants so he could see her pubic area, all during a clinical office visit and without a legitimate medical purpose, in violation of Ala. Admin. Code r. 545-X-4-.07 and Ala. Code § 34-24-360(2).

COUNT THREE – UNPROFESSIONAL CONDUCT

21. Between January 2021 and April 2024, more specific dates unknown to the Board, ALAN JOEL WAYNE, M.D. engaged in unprofessional conduct when he made comments to patients which were sexual in nature and which violated the high standards of honesty, diligence, prudence and ethical integrity demanded from physicians licensed to practice in the State of Alabama, in violation of Ala. Admin. Code r. 545-X-4-.06 and Ala. Code § 34-24-360(2).

COUNT FOUR – UNPROFESSIONAL CONDUCT

22. On or about July 29, 2024, ALAN JOEL WAYNE, M.D. engaged in unprofessional conduct when he prescribed Soma, a controlled substance, to himself, in violation of Ala. Admin. Code r. 545-X-4-.06(12) and Ala. Code § 34-24-360(2).

COUNT FIVE – UNPROFESSIONAL CONDUCT

23. Beginning in or about January 2015 and continuing through the present, ALAN JOEL WAYNE, M.D. distributed by prescribing, dispensing, furnishing, and supplying a controlled substance for any reason other than a legitimate medical purpose when he failed to utilize urine drug screens in a medically appropriate fashion in the care and treatment of his patients, including Patients Three, Four, Five, Six, Seven, Eight, Nine, Ten and Eleven, in violation of Ala. Admin. Code r. 540-X-4-.09 and Ala. Code § 34-24-360(8).

WHEREFORE, the foregoing premises considered, the Alabama State Board of Medical Examiners respectfully requests the Medical Licensure Commission (“the Commission”), pursuant to its authority under Ala. Code § 34-24-361(f) and 41-22-19(d), immediately suspend the license to practice medicine in Alabama of ALAN JOEL WAYNE, M.D. without a hearing, and order that he immediately cease and desist from the practice of medicine in the State of Alabama and surrender to the Commission, or a designated agent, his license to practice medicine.

Further, the Board requests that the Commission set a hearing on this Administrative Complaint and order ALAN JOEL WAYNE, M.D. to appear and answer the allegations contained in this Administrative Complaint. The Board requests that, at the conclusion of the hearing, the Commission revoke the license to practice medicine of Respondent, assess the maximum fine, and/or take such other actions as the Commission may deem appropriate based upon the evidence presented for consideration.

The Board is continuing the investigation of the Respondent and said investigation may result in additional charges being prepared and filed as an amendment to this Administrative Complaint.

The Board requests that administrative costs be assessed against Respondent pursuant to Ala. Code § 34-24-381 and Commission Rule 545-X-3-.08(12)(e).

This Administrative Complaint is executed for and on behalf of the Board by its Executive Director pursuant to the instructions of the Board as contained in its resolution of April 10, 2025, a copy of which is attached hereto and incorporated herein.

EXECUTED this 15th day of April, 2025.

A handwritten signature in black ink, appearing to read "William M. Perkins", is written over a horizontal line.

William M. Perkins, Executive Director
ALABAMA STATE BOARD OF MEDICAL EXAMINERS

Wilson Hunter by AMH

E. Wilson Hunter

General Counsel

ALABAMA STATE BOARD OF MEDICAL EXAMINERS

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STATE OF ALABAMA)

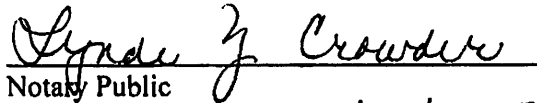
MONTGOMERY COUNTY)

Before me, the undersigned, personally appeared William M. Perkins, who, being by me first duly sworn, deposes and says that he, in his capacity as Executive Director of the Alabama State Board of Medical Examiners, has examined the contents of the foregoing complaint and petition and affirms that the contents thereof are true and correct to the best of his knowledge, information and belief.



William M. Perkins
Executive Director
ALABAMA STATE BOARD OF MEDICAL EXAMINERS

SWORN TO AND SUBSCRIBED before me this the 15th day of April, 2025.



Notary Public

My commission expires: 1/20/2027

STATE OF ALABAMA)
)
MONTGOMERY COUNTY)

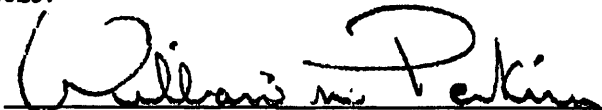
AFFIDAVIT

Before me, the undersigned, personally appeared William M. Perkins, Executive Director of the Alabama State Board of Medical Examiners, who, being by me first duly sworn deposes and says as follows:

The Alabama State Board of Medical Examiners in session on April 10, 2025, a quorum of the members of the Board being present, conducted an investigation into the medical practice of ALAN JOEL WAYNE, M.D. At the conclusion of the discussion, the Board adopted the following resolution:

Alan J. Wayne, M.D., Scottsboro, AL After consideration of an investigative report, the Credentials Committee recommended that an Administrative Complaint with Petition for Summary Suspension of Medical License be filed with the Medical Licensure Commission. The motion was adopted without objection.

I further certify that the foregoing resolution was adopted by the Alabama State Board of Medical Examiners on the 10th day of April, 2025.



William M. Perkins
Executive Director
ALABAMA STATE BOARD OF MEDICAL EXAMINERS

SWORN TO AND SUBSCRIBED before me this the 15th day of April, 2025.



Notary Public

My commission expires: 1/20/2027