

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

JAN 16 2003

STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,

Plaintiff

v.

STANLEY SCOTT HANAN, M.D.,
LICENSE NO. 11542,

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 92-10-1435

VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Stanley Scott Hanan, M.D., Oklahoma license no. 11542, who appears in person and through counsel, Reuben Davis and Gerald L. Hilsher, offer this Agreement effective January 16, 2003 for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant acknowledges that hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and is willing to compromise in order to settle the pending Complaint filed May 3, 2002.

Defendant, Stanley Scott Hanan, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel.

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree that the State alleges the following:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §§ 480 *et seq.*
2. Defendant, Stanley Scott Hanan, M.D, holds Oklahoma medical license no. 11542 under an Agreed Final Order Granting Reinstatement of License and Imposing Probation and Monitoring dated July 23, 1998.
3. On or about November 15, 2001, an envelope was mailed to Gerald Zumwalt, M.D. at the offices of the Oklahoma State Board Medical Licensure and Supervision. The envelope was received at the Board offices on November 19, 2001 and opened by the receptionist. The envelope contained only a single pill and a return address was written on the envelope. At the time the envelope was received at the Board offices, state agencies were operating at a higher level of alert due to the recent and ongoing Anthrax threats. Accordingly, when the envelope was received, Lyle Kelsey, Executive Director for the Board, called "911". An Oklahoma City police officer responded to the call and upon examining the envelope and the pill, advised Mr. Kelsey to dispose of the pill and the envelope. Mr. Kelsey first identified the pill in the Physicians' Desk Reference, made a copy of the envelope, then destroyed the envelope and the pill as directed by the police officer.
4. Subsequently, Board staff examined the return address on the envelope and determined that it was the Defendant's return address, and that it appeared to be written by Defendant, as evidenced by a comparison of prior correspondence received by Board staff from Defendant.
5. On or about November 28, 2001, Elizabeth A. Scott, Assistant Attorney General, sent a letter to Defendant advising him of the Board's receipt of the pill in an envelope containing his return address. Ms. Scott then asked Defendant to provide a written explanation as to why he sent the unidentified pill to Dr. Zumwalt.
6. On or about December 5, 2001, Defendant responded to Ms. Scott's letter wherein he denied sending the pill to Dr. Zumwalt and expressed shock that it was being blamed on him.
7. Board staff subsequently obtained the services of Ernest D. Smith, Forensic Document Examiner, to determine whether or not the envelope containing the pill was addressed by Defendant. On or about April 4, 2002, Mr. Smith concluded that the envelope sent to Dr.

Zumwalt which contained the pill was written by Defendant, as evidenced by a comparison with the Monthly Supervision Self- Reports previously signed by Defendant.

8. Based on the allegations stated above, if proven, Defendant would be guilty of unprofessional conduct as follows:

- A Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Based on the foregoing allegations, if proven, Defendant, Stanley Scott Hanan, Oklahoma license 11542, would be guilty of the unprofessional conduct set forth below:

- A Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

ORDER

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction and approves this in compromise of all claims of the State.

2. The **PROBATED** license of Defendant, Stanley Scott Hanan, M.D., Oklahoma license no. 11542, is hereby **MODIFIED** beginning January 16, 2003 as follows:

- a. Defendant shall enter and continue treatment for anger management with a board certified psychiatrist not currently under probation with experience dealing with professionals and anger management. The psychiatrist shall be approved in advance in writing by the Board Secretary. Defendant's treatment shall include not less than two (2) visits per month until he is discharged by said psychiatrist. Defendant shall continue with said counseling

until both the psychiatrist and the Board approve discontinuance of counseling, which discontinuance shall not be unreasonably denied by the Board. Defendant shall submit monthly reports from his psychiatrist reporting his progress to the Board Secretary for his review until he is discharged by said psychiatrist and the Board. Defendant shall authorize in writing the release of any and all records of this treatment to the Board or its designee.

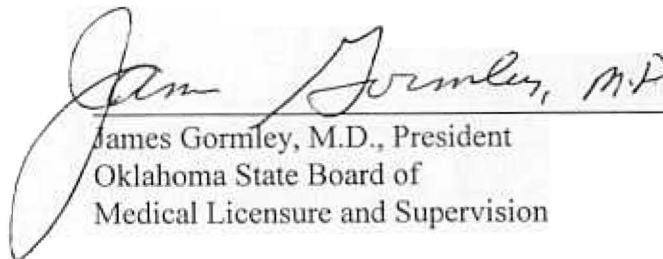
b. Defendant's probation shall continue until he is discharged from treatment by both his psychiatrist and the Board, or until his probation expires under the terms of the July 23, 1998 Agreed Final Order Granting Reinstatement of License and Imposing Probation and Monitoring, whichever occurs last.

c. All remaining terms of Defendant's probation shall continue in full force and effect.

3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

4. Defendant's probated license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs.

Dated this day of January, 2003.


James Gormley, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

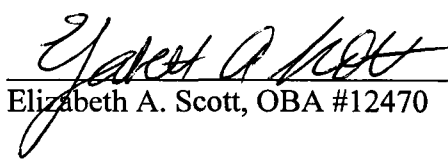
AGREED AND APPROVED:

Stanley Scott Hanan, M.D.
License No. 11542



Reuben Davis
Gerald L. Hilsher
Boone, Smith, Davis, Hurst & Dickman
100 West 5th Street, Suite 500
Tulsa, OK 74103

Attorney for Defendant,
Stanley Scott Hanan, M.D.





Elizabeth A. Scott, OBA #12470

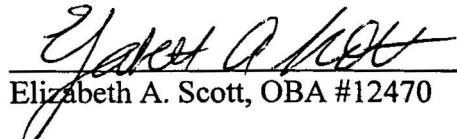
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118
405/848-6841

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

AGREED AND APPROVED:


Stanley Scott Hanan, M.D.
License No. 11542


Reuben Davis
Gerald L. Hilsher
Boone, Smith, Davis, Hurst & Dickman
100 West 5th Street, Suite 500
Tulsa, OK 74103


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118
405/848-6841

Attorney for Defendant,
Stanley Scott Hanan, M.D.

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

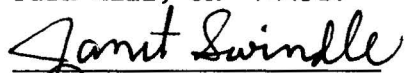
RECEIVED

FEE

BOOKS 88
MARKS 6

CERTIFICATE OF MAILING

I certify that on the 5 day of February, 2003, via first class mail, postage prepaid, a true and correct copy of this Voluntary Submittal to Jurisdiction to Reuben Davis, Attorney, 100 West 5th St. Suite 500, Tulsa, OK 74103 and Stanley Hanan, MD, 22506 East Carters Landing Road, Park Hill, OK 74451.


Janet Swindle, Secretary

RECEIVED
2003 FEB -4 AM 8:29
OK STATE BOARD OF
MEDICAL LICENSURE
AND SUPERVISION