

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

FILED

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

NOV 14 2008

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 08-08-3553

L. SAM MUSALLAM, M.D.,)
LICENSE NO. 11815)

Defendant.)

FINAL ORDER OF SUSPENSION
AND PROBATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on November 6, 2008, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Linda G. Scoggins.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

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.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, L. Sam Musallam, M.D., holds Oklahoma license no. 11815.

3. On or about February 4, 2008, Defendant was pulled over by the Oklahoma City Police for straddling the lane lines. Defendant was subsequently arrested and charged with Driving While Under the Influence of Alcohol, Straddling Lane Lines, and Possession of Marijuana. At the time of his arrest, Defendant refused to submit to a drug test and was placed in jail.

4. Beginning on or around July 14, 2008 and continuing until on or around July 17, 2008 Defendant obtained an assessment at Talbott Recovery Campus. Talbott recommended that Defendant obtain residential treatment for chemical dependence.

5. Defendant subsequently obtained treatment at The Meadows for marijuana dependence, alcohol abuse and posttraumatic stress disorder from August 5, 2008 until September 5, 2008. Defendant admitted to The Meadows that he had been smoking marijuana for the past thirty (30) years and had been smoking it on a daily basis for the past twenty (20) years. He also admitted that he last smoked marijuana on April 29, 2008. Defendant additionally admitted that he drinks three (3) to four (4) drinks in an evening at least two (2) times per week. Defendant further admitted that on the night he was arrested, he had consumed four (4) drinks.

6. Defendant is guilty of unprofessional conduct in that he:

A. Is habitually intemperate or habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

C. Confessed to a crime involving violation of the antinarcotics laws and regulation of the federal government or the laws of this state in violation of 59 O.S. §509(7).

D. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

E. Dispensed, prescribed or administered a Controlled substance or Narcotic drug without medical need in violation of 59 O.S. §509(16) and OAC 435:10-7-4 (2) and (6).

F. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized

as an addictive or dangerous drug to a family member or to himself in violation of OAC 435:10-7-4(26).

G. Violating any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

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. Defendant is guilty of unprofessional conduct in that he:

A. Is habitually intemperate or habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

C. Confessed to a crime involving violation of the antinarcotics laws and regulation of the federal government or the laws of this state in violation of 59 O.S. §509(7).

D. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

E. Dispensed, prescribed or administered a Controlled substance or Narcotic drug without medical need in violation of 59 O.S. §509(16) and OAC 435:10-7-4 (2) and (6).

F. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug to a family member or to himself in violation of OAC 435:10-7-4(26).

G. Violating any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

3. The Board further found that the Defendant's license should be **SUSPENDED** based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (4), (7), (13) and (16), and OAC 435: 10-7-4 (2), (3), (5), (6), (26), (27) and (39).

Order

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

1. The license of Defendant, L. Sam Musallam, M.D., Oklahoma license no. 11815, is hereby **SUSPENDED** for a period of **THIRTY (30) DAYS**, beginning November 6, 2008 and continuing until December 6, 2008.

2. At the conclusion of the term of **SUSPENSION**, Defendant shall be placed on **PROBATION** for a period of **FIVE (5) YEARS** under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.

F. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

G. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

H. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

I. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.

J. Defendant will authorize in writing the release of any and all information regarding his treatment at The Meadows and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

K. Defendant will abide by the terms and recommendations of The Meadows and with all terms of his postcare contracts with The Meadows and the Oklahoma Health Professionals Recovery Program.

L. Defendant will sign a contract with and attend a minimum of one (1) meeting per week of the Health Professionals Recovery Program unless excused by the HPRP.

M. Defendant will attend ninety (90) 12-Step meetings in ninety (90) days, and thereafter, three (3) meetings per week of a local 12-step program, to include the weekly Health Professionals Recovery Program meetings.

N. Defendant shall obtain a neuropsychological examination to evaluate his cognitive abilities within six (6) months of the beginning of his probation. Defendant shall submit the results of his examination to the Board Secretary or his designee for his review.

O. Defendant shall obtain a sponsor.

P. Defendant shall obtain counseling with a therapist approved in advance in writing by the Board Secretary. Defendant shall submit quarterly reports of his treatment from his counselor to the Board Secretary or his designee for his review. Defendant shall continue his counseling until his counselor and the Board Secretary deems it no longer necessary.

Q. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

R. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

S. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

T. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of probation.

U. Until such time as all indebtedness to the Oklahoma State Board of Medial Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

V. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.


W. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

X. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

5. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

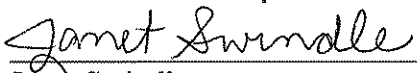
Dated this 14 day of November, 2008.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 14 day of November, 2008, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Linda Scoggins, Scoggins & Cross, PLLC, 204 N. Robinson, Suite 3100, Oklahoma City, OK 73102 and to L. Sam Musallam, 4400 N.W. 63rd Street, Oklahoma City, OK 73116-1545.



Janet Swindle