

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

**FILED**

STATE OF OKLAHOMA, ex rel., )  
OKLAHOMA STATE BOARD OF )  
MEDICAL LICENSURE AND )  
SUPERVISION, )

JUL 10 1997

Plaintiff, )

U. S. DISTRICT COURT  
MEDICAL LICENSURE & SUPERVISION

-vs-

Case No. 96-01-1790

ALICE E. McINNIS, M.D., )  
Medical License No. 11880, )

Defendant. )

**VOLUNTARY SUBMISSION TO JURISDICTION**  
**AND ORDER OF PROBATION**

THIS CAUSE came on for hearing before the Oklahoma State Board of Medical  
Licensure and Supervision, (hereinafter "OSBMLS"), en banc on the 16<sup>th</sup> day of May,  
1997 at the offices of the OSBMLS, 5104 North Francis, Suite C, Oklahoma City,  
Oklahoma, pursuant to notice given as required by law and the rules of the Board.

The plaintiff appears by and through its attorney, Gregory J. Ryan; the defendant  
appears in person and through her attorney, Mitchell D. Blackburn.

The OSBMLS en banc proceeded and heard testimony, reviewed exhibits, heard  
arguments of counsel and after being fully advised in the premises, finds that there is  
clear and convincing evidence of the following findings of fact and conclusions of law:

**FINDINGS OF FACT**

1. That the Defendant Alice E. McInnis, M.D. holds Oklahoma Medical  
License No. 11880.

2. That a Complaint and Citation were issued in this case on May 21, 1996 charging the defendant with violations of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. Supp. 1995, §509(16) and the Oklahoma Administrative Code, O.A.C. Title 435:10-7-4 (17) and (18).

3. That the OSBMLS has jurisdiction over the defendant and the subject matter herein and that notice has been given in all respects as required by law and the Rules of the Board.

4. That the Defendant Alice E. McInnis, M.D. voluntarily submitted herself to the jurisdiction of the Board for appropriate disciplinary action.

5. The Defendant Alice E. McInnis, M.D. is presently of sound mind and not under the influence of any type of mind-altering substance.

6. That the defendant recognizes her right to appear before the Board en banc for full evidentiary hearing with all attendant due process rights and to have the plaintiff prove the allegations in the Complaint by clear and convincing evidence or otherwise be acquitted of said charges.

7. That the defendant, by her own volition and decision, waived her right to said procedures and protections and pleaded guilty to the allegations in the Complaint.

8. That from or about November 1995 through May 1996, the defendant suffered from and was diagnosed with manic/depressive, bipolar mental illness which manifested itself in behavior indicative of impairment at her Great Plains Family Practice Residency Program, Baptist Medical Center, Crown Heights Medical Clinic and Health Care Systems of Oklahoma.

## CONCLUSIONS OF LAW

9. The OSBMLS has jurisdiction and authority over the defendant and the subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. §480 et seq., and the Oklahoma Administrative Code, O.A.C. Title 435:1-1-1 et seq. (Rules of the OSBMLS).

10. The Defendant Alice E. McInnis, M.D., holding Oklahoma Medical License No. 11880, was in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. Supp. 1995, §509, Paragraph 16, to wit:

16. The inability to practice medicine with reasonable skill and safety to patients by reason of . . . or as as result of any mental or physical condition.

and was also in violation of Oklahoma Administrative Code, O.A.C. Title 435:10-7-4, Paragraphs 17 and 18, to wit:

- (17) Being physically or mentally unable to practice medicine and surgery with reasonable skill and safety.
- (18) Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery.

11. The OSBMLS holds by clear and convincing evidence that defendant has pleaded guilty to that which has been defined as unprofessional conduct in violation of the statutory and administrative code provisions set forth above.

12. The OSBMLS has authority vested in it through 59 O.S. §509.1 to enforce the provisions of said Act and Code and to impose disciplinary action as necessary to protect the public health, safety and welfare.

ORDER

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

13. That Oklahoma Medical License No. 11880 of the Defendant Alice E. McInnis, M.D., should be and the same is hereby PROBATED as of the date of this hearing, May 16, 1997.

14. The OSBMLS orders that the TERMS of said PROBATION will be as follows:


- a. The Probation shall be effective for a period of five (5) years, from May 16, 1997 through and including May 15, 2002, for the purpose of monitoring the defendant's medical/mental illness.
- b. The defendant shall not practice more than forty (40) hours per week nor practice at night subject to the discretion of the Board Secretary to further review and modify this provision.
- c. The defendant shall work with a mentor.
- d. The defendant shall regularly receive psychiatric treatment from Dr. John R. Smith, or any other physician of her choice, who will provide a monthly report to the Board regarding the defendant's mental illness for the first six (6) months of this probationary term. Thereafter, reports from the defendant's physician will be submitted to the Board periodically subject to the discretion of the Secretary of the Board.
- e. The defendant's mentor will provide monthly reports to the Board for the first six (6) months of the defendant's probation. Thereafter, the defendant's mentor will provide reports to the Board periodically subject to the discretion of the Secretary of the Board.

- f. The defendant will submit to monthly medication level testing and will timely report the same to the Board.
- g. The defendant will notify the Board of any change in treating physicians.
- h. The defendant shall notify the Board if there is any change in mentors and/or in employment.
- i. The Board and/or its staff shall be allowed to confer with the defendant's mentor at reasonable times as the Board or its staff deems proper.
- j. During the period of probation, the defendant will furnish to the office of the OSBMLS all current legal addresses and any change of address in writing.
- k. The defendant shall appear before the Board or any designated member thereof whenever requested to do so.
- l. During the period of probation, the defendant will submit to the Investigation Division of the OSBMLS any required reports and forms on a timely and prompt basis.
- m. Pursuant to Title 59 O.S. §506, the defendant shall promptly pay within thirty (30) days of receipt of invoice from the Board the costs of investigation, probation and monitoring of this case, unless the defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Secretary of the Board.
- n. During the period of probation, the defendant will keep current payment of all assessments by the Board for investigation, probation and monitoring of the case.
- o. Violation of any of the terms, conditions or requirements of probation shall be grounds for additional charges to be presented to the Board after notice to the defendant.

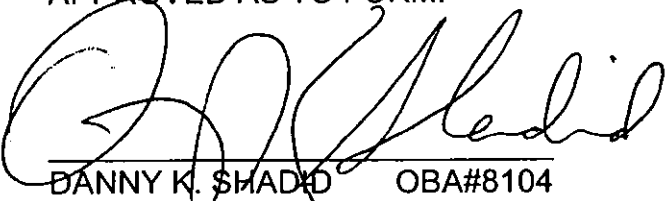
15. The jurisdiction of the OSBMLS in this individual proceeding will continue until the terms, conditions and requirements of probation are modified or lifted by the Board on its own motion or upon the motion of the defendant.

16. The defendant's reinstatement of her unrestricted license to practice medicine after the period of probation shall only take place and become effective after review by the Board and upon proof of compliance and satisfaction of all terms, conditions and requirements.

DATED this 10 day of July, 1997.

  
GERALD C. ZUMWALT, M.D., Secretary  
Oklahoma State Board of Medical  
Licensure and Supervision

APPROVED AS TO FORM:



DANNY K. SHADD OBA#8104  
420 Two Leadership Square  
211 North Robinson  
Oklahoma City, OK 73102  
Phone (405) 232-3400  
Fax (405) 232-3436  
TRIAL EXAMINER



GREGORY J. RYAN OBA #7856  
DeYong, Ryan & Rischard, P.A.  
#9 Lee's Crossing  
1320 East 9<sup>th</sup> Street  
Edmond, Oklahoma 73034  
Phone: (405) 844-4444  
Fax: (405) 844-4443  
ATTORNEY FOR PLAINTIFF



MITCHELL D. BLACKBURN OBA#12217  
1700 One Leadership Square  
211 North Robinson  
Oklahoma City, OK 73102  
Phone (405) 272-5711  
Fax (405) 232-2695  
ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

This is to certify that on this 10 day of July, 1997 a true and correct copy of the above and foregoing Voluntary Submission to Jurisdiction and Order of Probation was mailed to:

MITCHELL D. BLACKBURN  
1700 One Leadership Square  
211 North Robinson  
Oklahoma City, OK 73102

