

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,        )  
OKLAHOMA STATE BOARD OF         )  
MEDICAL LICENSURE AND            )  
SUPERVISION,                     )  
                                  )  
                                  ) Plaintiff,                     )  
                                  )  
v.                                    ) CASE NO. 92-09-1412  
                                  )  
ROBERT LEE CONLEY, M.D.         )  
Medical License No. 12219,        )  
                                  )  
                                  ) Defendant.                    )

ORDER MODIFYING PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on September 16, 1995, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for Plaintiff; and and Robert Lee Conley, M.D., Defendant, appeared in person, pro se, waived his right to legal counsel and agreed to proceed without counsel.

That the Oklahoma Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Robert Lee Conley, M.D., holds Oklahoma Medical License No. 12219.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That following notice and hearing on May 13, 1994, the Board reinstated Defendant's Oklahoma medical license under terms and conditions of probation enumerated at that time.
4. That since that time Defendant has been in compliance with the terms and conditions of probation and presently requests to be allowed to modify his probation to allow him to prescribe Schedules II and III controlled dangerous substances, in addition to Schedules IV and V, only on serially-numbered, duplicate prescription pads with copies made available on request by any Investigator or agent of the Oklahoma Board of Medical Licensure and Supervision.
5. That the requested modification regarding Schedules II and III controlled dangerous substances may be made with no danger to public health, safety and welfare.
6. That in all other respects the terms and conditions of indefinite probation imposed by the Board following notice and hearing on May 13, 1994, should remain in full force and effect.

CONCLUSIONS OF LAW

1. That the Oklahoma Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1994, Sec. 481 et seq., and by its previous Orders entered herein.

ORDER

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

1. That the application of Robert Lee Conley, M.D., holding Oklahoma Medical License No. 12219, to modify his probation by adding Schedules II and III to be prescribed, along with Schedules IV and V, only on serially-numbered, duplicate prescription pads with copies available to Investigators and agents of the Oklahoma Board of Medical Licensure and supervision upon request should be and is hereby GRANTED.

2. That Robert Lee Conley, M.D., is otherwise RETAINED on a term of probation for an indefinite time to the Oklahoma Board of Medical Licensure and Supervision until modified by the Board, on its own motion or on the motion of the Defendant, under the following terms and conditions:

- (a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous substance abuse.
- (c) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (d) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens. During the period of probation, Applicant assumes the responsibility for insuring that drug and alcohol screening will produce only negative results.
- (e) During the period of probation Defendant has the affirmative duty to not engage in any activity or to ingest any medication unless ordered by a treating physician for legitimate cause, or substance of any nature that will test positive for alcohol or any controlled dangerous substance.

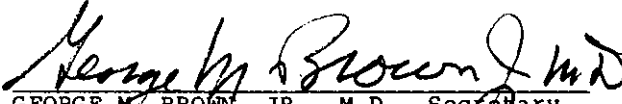
- (f) During the period of probation Defendant will maintain a program of abstinence through participation in and/or association with any and all organizations, groups or individuals selected by the Board or its designee and deemed appropriate for assessment, treatment or support. Defendant is required to attend the weekly meeting of the Physicians Recovery Committee in Oklahoma City; one Narcotics Anonymous meeting per week; and one Alcoholics Anonymous meeting per week. Defendant further agrees to provide proof thereof to the Board or its designee.
- (g) Defendant shall sign a Release to allow Investigators or other representatives of the Board of Medical Licensure and Supervision to obtain relevant documents including periodic reports from the Physicians Recovery Committee, and any other program or group assisting in the maintenance of recovery or sobriety.
- (h) During the period of probation Defendant shall not receive, accept, or sign for in any manner any samples of any controlled dangerous substances.
- (i) During the period of probation Defendant shall not administer or dispense any controlled dangerous substances in Schedules II, III, IV and V. He may prescribe Schedules II, III, IV and V only on serially-numbered, duplicate prescription pads, with copies made available on request by Investigators or agents of the Oklahoma Board of Medical Licensure and Supervision.
- (j) During the period of probation Defendant will practice in a controlled environment approved by the Oklahoma State Board of Medical Licensure and Supervision or its designee.
- (k) During the period of probation Defendant will not authorize any personnel under his supervision to initiate an order for a prescription to be issued.
- (l) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (m) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (n) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (o) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation 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 Board Secretary.

- (p) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Order and supply a copy thereof.
- (q) During the period of probation the Defendant shall not supervise a Physician Assistant.
- (r) Defendant will complete 20 hours of continuing medical education and pharmacology and related issues and shall be successfully completed during the first year of probation and every year thereafter.
- (s) That Defendant will conduct his practice in compliance with the Oklahoma Medical Practice 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 the interpretation is received by Defendant from the Board.
- (t) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

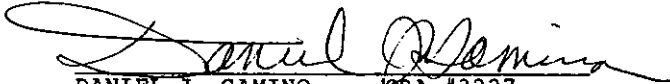
3. That jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

4. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 2<sup>nd</sup> day of October 1995.

  
GEORGE M. BROWN, JR., M.D., Secretary  
State Board of Medical Licensure  
and Supervision

APPROVED AS TO FORM:

  
DANIEL J. GAMINO OBA #3227  
Daniel J. Gamino & Associates, P.C.  
3315 NW 63  
Oklahoma City, OK 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 3 day of Oct., 1995, to:

ROBERT LEE CONLEY, M.D.  
6143 South Kingston  
Inland 74136

Jamie Owens