

IN AND BEFORE THE OKLAHOMA BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA ex rel.)
OKLAHOMA BOARD OF MEDICAL)
LICENSURE AND SUPERVISION,)
)
Plaintiff,)
)
vs.)
)
TIMOTHY W. GRODE, M.D.,)
MEDICAL LICENSE NO. 12230,)
)
Defendant.)

Case No. 94-08-1642

VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER

NOW ON this 2 day of ~~November~~^{December} 1994, there comes on before the Oklahoma Board of Medical Licensure and Supervision, the above styled and numbered cause of action. The defendant, Timothy w. Grode, M.D., the undersigned, states that he is of sound mind and not under the influence of any medication or drug or impaired thereby and that the defendant fully recognizes his right to appear before the Oklahoma Board of Medical Licensure and Supervision, en banc, for evidentiary hearing on the allegations against the defendant herein. Of his own volition and decision, the defendant waives his right to appear before the Board for a full hearing inasmuch as the defendant believes a controversy exists as to whether the Board should invoke some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and further the defendant hereby voluntarily and of his own volition submits to the jurisdiction of the Board in the following Conclusions of Law and Order of the Board which are based on the allegations in this matter:

ALLEGATIONS

1. During a period of time from approximately 2-1-94 through 6-28-94, the defendant prescribed, administered, took or used himself without medical necessity controlled dangerous substances contrary to the provisions of OAC 435:10-7-4 paragraphs (2), (3) and (26).
2. As a result of the above-described use of controlled dangerous substances, the defendant was unable to practice medicine with reasonable skill and safety.

Defendant submits to the jurisdiction of the Board and admits to the allegations set forth above.

CONCLUSIONS OF LAW

1. The Oklahoma Board of Medical Licensure and Supervision has jurisdiction in this matter by virtue of the provisions of the Oklahoma Medical Practice Act, 59 O.S.1991, §§ 481 et seq., as amended;
2. By virtue of the provisions of the Oklahoma Medical Practice Act, the Board has the power and jurisdiction to enforce the provisions of the Oklahoma Medical Practice Act as the Board deems necessary to protect the public health, safety and welfare;
3. The defendant, by reason of the above facts, is in violation of the 59 O.S.Supp.1993, § 509, paragraph 16 and OAC 435:10-7-4.

ORDER

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

1. The defendant, Timothy W. Grode, M.D. holding medical license number 12230, is hereby **SUSPENDED** by the Board for the

period of time during the defendant was in in-patient treatment.

2. The defendant is placed on a term of probation to the Board for a period of five (5) years beginning ~~November~~ ^{December} 2, 1994, under the following terms and conditions: TLF

a. During the period of probation the 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 the defendant will take no medication except that which is authorized by a physician treating the defendant for a legitimate medical need, and the defendant shall have the affirmative duty to inform any physician treating him of the defendant's previous substance abuse;

c. During the period of probation the defendant will abstain from consuming any substance which adversely affects his ability to practice medicine and surgery with reasonable skill and safety;

d. During the period of probation the defendant will submit biological fluid specimens to include, but not be limited to, blood and urine for analysis, upon request of any investigator or other person representing the Board, the cost of which analysis shall be paid by the defendant;

e. During the period of probation the defendant shall have the affirmative duty not to engage in any activity or to ingest any medication or substance that will test positive for any controlled dangerous substance except for medication properly prescribed by a physician for a legitimate medical need documented to the Board;

f. During he period of probation the defendant shall maintain a program of abstinence through participation in and/or association with any or all organizations, groups or individuals selected by the Board. The defendant is required to attend weekly meetings of the Physician's Recovery Committee. The defendant agrees to provide proof of attendance to the Board;

g. The defendant shall comply with and fulfill all terms and conditions of his after-care programs of his in-patient treatment;

h. During the period of probation the defendant shall prescribe controlled dangerous substances only under circumstances which legitimately require such prescriptions. All such prescriptions shall be written upon duplicate, sequentially numbered prescription forms. The defendant shall not call in any prescriptions nor administer or dispense controlled dangerous substances;

i. During the period of probation the defendant shall not accept, receive, or sign for in any manner any samples of any drugs, except those drugs approved by the Board Secretary;

j. During the period of probation the defendant shall appear before the Board or the Secretary of the Board whenever requested to do so;

k. During the period of probation the defendant shall submit to the Investigative Division of the Board any required reports and forms on a timely basis;

l. The defendant shall promptly pay within thirty (30) days of receipt of an invoice from the Board all costs of the investigation, prosecution and probation of this case. Costs of probation which are incurred on a monthly basis shall be paid by the defendant within thirty (30) of invoice therefor. The defendant may seek deferment of payment in accordance with the rules of the Board;

m. During the period of probation the 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 provide a copy thereof;

n. During the period of probation the defendant shall not supervise a Physician Assistant;

o. During the period of probation the defendant shall meet with the Secretary of the Board on no less than a quarterly basis. It shall be the affirmative duty of the defendant

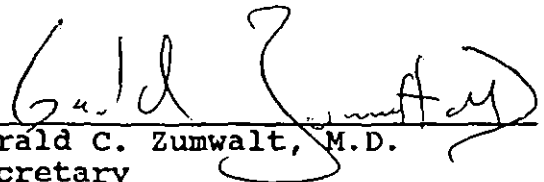
to schedule the date, place and time of one meeting each annual quarter. In addition, the defendant shall meet with the Secretary as requested by the Secretary. The defendant shall provide for the Secretary during such meetings any and all charts and patient records requested by the Secretary.

3. Violation of any term of probation shall be grounds for additional charges to be presented to the Board after notice to the defendant.

4. The defendant shall conduct his practice in compliance with the Oklahoma Medical Practice Act.

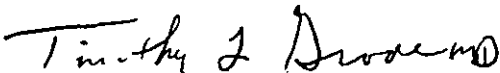
5. The jurisdiction of the Board in this action shall continue until the terms and conditions of probation are ended, or modified or lifted by the Board upon motion.

Dated this 19 day of November, 1994.



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

Signature of Defendant:



Timothy W. Grode, M.D.