

CONCLUSIONS OF LAW

1. That the Defendant remains under the jurisdiction of the Oklahoma Board of Medical Licensure and Supervision, and it is within the judgment and discretion of the Board to modify terms and conditions of probation as reflected by evidence received in the record.

ORDER

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

1. That the Defendant should be and is hereby ordered to remain on probation to the Oklahoma Board of Medical Licensure and Supervision for a period of five (5) years beginning on May 16, 1993, under the following terms and conditions as amended and republished herein, to-wit:

- (a) During the period of probation Defendant shall practice medicine and surgery directly in connection with unpaid community service supervised by the United States Probation Office carrying out the sentence of the United States District Court for the Western District of Oklahoma in Case No. CR-92-106-R. While fulfilling all requirements of the aforesaid community service, Defendant may engage in additional practice of medicine and surgery without restriction.
- (b) Any question of interpretation regarding Defendant's limited practice of medicine and surgery in Oklahoma 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 or interpretation is received by Defendant from the Board.
- (c) During the period of probation Defendant will request all hospitals or institutions where he practices to furnish to the Board periodic written statements monitoring his activities while performing community service in that setting.
- (d) During the period of probation Defendant shall notify all hospitals or clinics or groups in which he anticipates holding any form of staff privileges of the terms and conditions of the Board Order and supply a copy of the Board Order stipulating sanctions imposed by the Board, and supply a copy to the licensing Board of any other State where he holds licensure.
- (e) 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.
- (f) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (g) 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.

(h) 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.

During the period of probation Defendant will keep current payment of all assessment by the Board for investigation, prosecution and probation monitoring of his case.

(j) During the period of probation the Defendant shall not supervise a Physician Assistant.

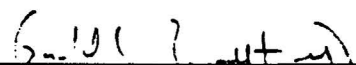
(k) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

2. That the 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.

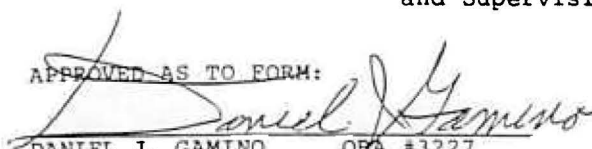
3. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

4. That a copy of this written Order should be sent to the Defendant and/or his legal counsel as soon as possible so their record is complete.

DATED this 7 day of Oct, 1993.


GERALD C. ZUMWALT, 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 7th day of October, 1993, to:

JOHN H. MIGLIACCIO, M.D.
c/o Mack K. Martin
Attorney at Law
Suite 360
119 N. Robinson
Oklahoma City, OK 73102

