

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, )  
 )  
Plaintiff, )

MAY 21 2009

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

v. )  
 )  
ERIC LEE COTTRILL, M.D., )  
LICENSE NO. 13194, )  
 )  
Defendant. )

Case No. 08-10-3589

**ORDER ACCEPTING  
VOLUNTARY SUBMITTAL TO JURISDICTION**

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Eric Lee Cottrill, M.D., Oklahoma license no. 13194, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

***AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT***

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on April 17, 2009 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Eric Lee Cottrill, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

## ***PARTIES' AGREEMENT AND STIPULATIONS***

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

### ***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, Eric Lee Cottrill, M.D., holds Oklahoma license no. 13194 and practices as a gastroenterologist in Tulsa, Oklahoma.

3. In or around early October 2008, Defendant's practice group conducted an internal investigation of Defendant based upon complaints received from staff that Defendant frequently smelled of alcohol and appeared to be impaired while treating patients. As a result of this investigation, Defendant's practice group sought to remove him from providing patient care and provided the results of their investigation to the Board.

4. Based upon the complaint filed by his practice group, Defendant obtained an assessment for substance abuse at Talbott Recovery Center, then completed treatment for substance abuse at Santé Center for Healing.

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

A. Habitually used habit-forming drugs (alcohol) in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which was likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. 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).

D. Was unable to practice medicine with reasonable skill and safety to patients by reason of .... drunkenness... or as a result of any mental or physical condition (alcohol dependence) in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

### *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, Eric Lee Cottrill, M.D., Oklahoma medical license 13194, is guilty of unprofessional conduct set forth below based on the foregoing facts:

A. Habitually used habit-forming drugs (alcohol) in violation of 59 O.S. §509(4) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which was likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. 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).

D. Was unable to practice medicine with reasonable skill and safety to patients by reason of... drunkenness ... or as a result of any mental or physical condition (alcohol dependence) in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

### *Order*

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, 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 Santé 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 Santé and with all terms of his postcare contracts with Santé 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 subsequent to his discharge from Santé. Thereafter, Defendant will attend a minimum of three (3) 12-Step meetings per week.
- N. Defendant shall obtain a primary care physician who shall monitor his general health and who shall also be responsible for managing the use of all prescription and non-prescription medications except those prescribed by Defendant's psychiatrist. Defendant shall designate one (1) pharmacy to provide all of his medication needs.
- O. Defendant shall obtain a sponsor.
- P. Defendant shall designate a single dental care provider.
- Q. Defendant shall initiate therapy within two (2) weeks of his discharge from Santé with Allen Gates or another therapist approved in advance in writing by the Board Secretary. Defendant shall submit quarterly reports of his treatment from his therapist to the Board Secretary or his designee for his review. Defendant shall continue his counseling until his therapist and the Board Secretary deems it no longer necessary.
- R. Defendant shall complete the "Maintaining Proper Boundaries" course at Santé in May 2009.
- S. Defendant shall promptly notify the Board of any relapse,

including any entry, or re-entry, into a treatment program for substance abuse.

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

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

V. 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.

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

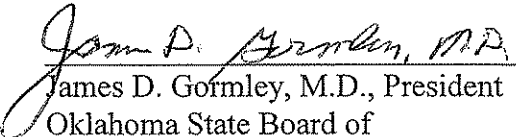
X. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

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

Z. 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.

3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 21 day of May, 2009.

  
James D. Gormley, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

**AGREED AND APPROVED**

Eric Lee Cottrill M.D.  
Eric Lee Cottrill, M.D.  
License No. 13194

Elizabeth A. Scott  
Elizabeth A. Scott, OBA #12470  
Assistant Attorney General  
State of Oklahoma  
5104 N. Francis, Suite C  
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Attorney for the Oklahoma State  
Board of Medical Licensure and  
Supervision

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

**CERTIFICATE OF MAILING**

I certify that on the 22 day of May, 2009, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Eric Lee Cottrill, 6565 S. Yale, #1200, Tulsa, OK 74136-8302

Janet Swindle  
Janet Swindle