

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. )  
 )  
STEFAN A. KOSTIUK, M.D. ) CASE NO. 89-08-949  
Medical License No. 13231, )  
 )  
Defendant. )

ORDER REINSTATING LICENSE UNDER  
TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 26, 1990, 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 the Plaintiff; and Stefan A. Kostiuik, M.D., Defendant, appeared in person, pro se, waived his right to counsel, and announced ready to proceed.

~~The Board of Medical Licensure and Supervision en banc~~ heard the oral argument of counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Stefan A. Kostiuik, M.D., holds Oklahoma Medical License No. 13231.
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 before the Oklahoma Board of Medical Licensure and Supervision on June 8, 1990, the Defendant's Oklahoma Medical License No. 13231 was suspended until the Defendant produced evidence of successful completion of in-patient treatment as demonstrated to the Board.
4. That since the imposition of that order of June 8, 1990, the Defendant did complete in-patient and out-patient treatment in Jackson, Mississippi, and did produce evidence of successful completion to the Board Secretary, and upon review of that information the Board Secretary reinstated the Defendant's medical license under terms and conditions of Voluntary Submittal to Jurisdiction signed on or around September 30, 1990.
5. That subsequently the Defendant obtained a position as physician and surgeon at South Community Hospital, Oklahoma City, through Priority Care working primarily on workers compensation cases under the supervision of Andy John, M.D.
6. That evidence indicated that the Voluntary Submittal to Jurisdiction executed by the Defendant would protect public

health, safety and welfare, and that the Board should ratify and affirm the action of the Board Secretary in reinstating the Defendant's license under the terms and conditions of the aforesaid Voluntary Submittal to Jurisdiction.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1989, Sec. 481 et seq., and by the Voluntary Submittal to Jurisdiction executed by the Defendant.

ORDER

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

1. That the Defendant, Stefan A. Kostiuk, M.D., holding Oklahoma Medical License No. 13231, should be and is hereby placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on October 26, 1990, under the following terms and conditions:

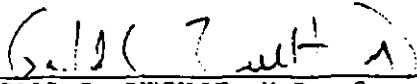
- (a) During the period of probation Defendant will not be allowed to prescribe, dispense, or administer controlled dangerous substances as listed in the Oklahoma Uniform Controlled Dangerous Substances Act.
- (b) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (c) ~~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 chemical dependency.~~
- (d) 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.
- (e) 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.
- (f) 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.
- (g) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

- (h) 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.
- (i) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case.
- (j) 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 Board Order and supply a copy thereof.
- (k) Defendant agrees to participate in such recovery programs as may be recommended by Dr. J. Darrel Smith, Director of the Oklahoma State Medical Association Physician's Recovery Program.
- (l) 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.

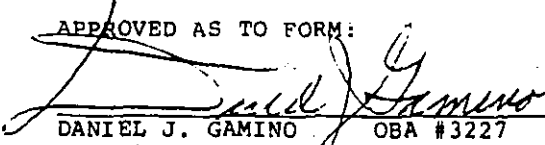
2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

~~3. The Defendant further agrees 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 1st day of November, 1990.

  
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 2 day of November, 1990, to:

STEFAN A. KOSTIUK, M.D.

P O Box 20364

okla. city OK. 73156

Janet R Owens