



CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, Sec. 481 et seq.

ORDER

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

1. That the Defendant, Stefan A. Kostiuik, M.D., holding Oklahoma Medical License No. 13231, should be and is hereby retained 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 modified 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, except that the Defendant may prescribe, administer or dispense controlled dangerous substances in a hospital emergency room as long as those controlled dangerous substances are listed on serially-numbered, duplicate prescription pads and Defendant shall make copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, to include all dispensing records on CDS and sample medication.
- (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 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.
- (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.
- (m) That the Defendant's conduct is sufficient grounds to reduce his level of supervision from Level I to Level II.

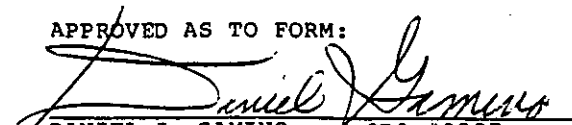
2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

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.

DATED this 12 day of March, 1992.

  
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 GERALD C. ZUMWALT, M.D., Secretary  
 State Board of Medical Licensure  
 and Supervision

APPROVED AS TO FORM:

  
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 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 16 day of March, 1992, to:

STEFAN A. KOSTIUK, M.D.

PO Box 20364

Orla City OK 73156

Jamet L Owens