

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

FEB 11 1999

IN THE MATTER OF )  
THE APPLICATION OF )

STEFAN A. KOSTIUK, M.D. )

FOR MODIFICATION OF )  
PROBATION TERMS FOR )  
LICENSE NO. 13231 )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 97-08-1918

**ORDER MODIFYING PROBATION**

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on January 21, 1999, at the Board office, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Applicant, Stefan A. Kostiuk, M.D., holding Oklahoma medical license no. 13231, appeared in person without counsel, thereby waiving his right to legal representation.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials presented, and being fully apprised of the premises, made the following Findings of Fact, Conclusions of Law and Orders:

***FINDINGS OF FACT***

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
2. Dr. Kostiuk currently holds medical license no. 13231 under terms of probation that commenced on or around December 21, 1997.
3. The current terms of probation, respectively set forth in paragraphs 2(a) and 2(b) of the Board's Final Order filed in this case December 12, 1997, restrict Dr. Kostiuk from prescribing, administering, dispensing, or possessing any drugs in Schedules II, III, and V and required Dr. Kostiuk to surrender his registration for state and federal controlled dangerous substances to the proper authorities and not re-apply for them until the term of probation expires or until Defendant is otherwise authorized to do so by the Board.
4. Dr. Kostiuk sought modification of paragraphs 2(a) and 2(b) as stated above to allow him to prescribe controlled substances in Schedules II, III, IV and V solely to inpatients in an institutional setting such as a nursing home or hospital.

5. Dr. Kostiuk presented sufficient evidence to support the requested modifications.

### *CONCLUSIONS OF LAW*

1. The Board has jurisdiction to hear this matter pursuant to 59 O. S. § 480 *et seq.*
2. Dr. Kostiuk has presented satisfactory evidence to justify the requested modifications so long as he provides the Board with information requested to enable the Board to monitor his prescriptions of controlled substances.

### *ORDER*

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

1. Dr. Kostiuk's application to modify the terms of his probation is **GRANTED**.
2. Dr. Kostiuk's probation shall continue under the following terms and conditions as modified and restated below:
  - A. Dr. Kostiuk will not prescribe, administer, dispense or possess any controlled dangerous substances or addictive drugs except to hospital or nursing home inpatients. No controlled dangerous substances or addictive drugs will be prescribed, administered or dispensed to outpatients.
  - B. Dr. Kostiuk will keep duplicate, serially numbered prescriptions of all controlled dangerous substances and addictive drugs readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Board immediately upon request.
  - C. Dr. Kostiuk will maintain and provide to the Board or its designee immediately upon request a list of patients to whom he has prescribed any controlled dangerous substances or addictive drugs as authorized above.
  - D. Dr. Kostiuk may apply to the proper authorities for re-registration to prescribe, administer, dispense or possess state and federal controlled dangerous substances as authorized by this order.

- E. During the period of probation, Dr. Kostiuk will not authorize any personnel under his supervision to initiate an order for a prescription to be issued.
- F. During the period of probation, Dr. Kostiuk will practice in a controlled environment approved by the Oklahoma State Board of Medical License and Supervision or its designee.
- G. Dr. Kostiuk will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma Board of Medical Licensure and Supervision. Any question of interpretation regarding the Act shall be submitted in writing to the Board or its designee, and no action based on the subject of the question will be taken by Dr. Kostiuk until clarification of interpretation is received by Dr. Kostiuk from the Board or its designee.
- H. During the period of probation, Dr. Kostiuk will request all hospitals in which he anticipates practice to furnish to the Board a written statement regarding monitoring of his practice while performing services in or to that hospital.
- I. During the period of probation, Dr. Kostiuk will furnish to each and every state in which he hold licensure or applies for licensure and to all hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege a copy of the Board order stipulating sanctions imposed by the Board.
- J. During the period of probation, Dr. Kostiuk will not supervise allied health professionals.
- K. During the period of probation, Dr. Kostiuk will submit biological fluid specimens including, without limitation, blood and urine, for analysis, upon request of the Board or its designee, and Dr. Kostiuk will pay for the analysis thereof.
- L. During the period of probation, Dr. Kostiuk will not prescribe, administer or dispense any medications for personal use.
- M. During the period of probation, Dr. Kostiuk will take no medication except that which is authorized by a physician

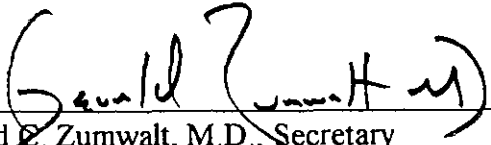
treating him for a legitimate medical need. Dr. Kostiuk has the affirmative duty to inform any and every doctor treating him of the Board order immediately upon initiation of treatment.

- N. During the period of probation, Dr. Kostiuk will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.
- O. During the period of probation, Dr. Kostiuk will affiliate and participate fully with the Oklahoma State Medical Association's Physician Recovery Program and will authorize in writing the release of any and all information, including but not limited to medical and/or psychiatric records, regarding treatment or rehabilitation to this Board.
- P. During the period of probation, Dr. Kostiuk will abide by the post care contract from Rush Behavioral Center, Downers Grove, Illinois.
- Q. During the period of probation, Dr. Kostiuk will keep the Board informed of his current address.
- R. During the period of probation, Dr. Kostiuk will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.
- S. Until such times as all indebtedness to the Board has been satisfied, Dr. Kostiuk will reaffirm such indebtedness in any and all bankruptcy proceedings.
- T. Dr. Kostiuk will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant to obtain copies of medical records and authorize the Compliance Consultant to discuss Dr. Kostiuk's case with his treating physicians and/or any physicians holding his records.
- U. 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 Dr. Kostiuk.

3. Unless specifically modified by this order, all remaining terms and conditions of probation shall remain in full force and effect.

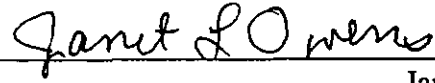
4. A copy of this written order should be sent to Dr. Kostiuk as soon as it is processed.

Dated this 11 day of February, 1999.

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

**Certificate of Service**

On the 12 day of February, 1999, a true and correct copy of this order was mailed, postage prepaid, to Stefan Kostiuk, M.D., 3229 Raintree Road, Oklahoma City, OK 73120.

  
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Janet Owens