

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
STATE BOARD OF MEDICAL
EXAMINERS,

Plaintiff,

)
FREDERICK CHARLES BIBUS, M.D.,)
Medical License No. 13733,)

Defendant.

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STATE BOARD
MEDICAL EXAMINERS

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Examiners en banc on September 30, 1983, at 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 Frederick Charles Bibus, M.D., appeared in person, pro se, for the Defendant.

The Board of Medical Examiners en banc heard the testimony and reviewed exhibits and being fully advised in the premises the Board of Medical Examiners therefore finds as follows:

FINDINGS OF FACT

1. That Frederick Charles Bibus, M.D., holds Oklahoma Medical License No. 13733.
2. That the Board of Medical Examiners 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 the Defendant did voluntarily waive service and return of process on him in this action as normally required by 59 O.S. 1981, §503.
4. That the Defendant admitted that from approximately August 15, 1983, to September 7, 1983, Defendant used 75 mg. of Demerol twice a day and Defendant obtained the drug from the emergency room of the Indian Health Service in Claremore, Oklahoma, and did treat patients when under the influence of the aforesaid drug, Demerol.
5. That the Defendant admitted that when confronted by the clinical director of the hospital, Dr. Allen, Defendant did admit the aforesaid diversion and abuse of Demerol from the hospital emergency room.
6. That the Defendant is presently undergoing in-patient treatment at Valley Hope Hospital for his use of the aforesaid drug, Demerol. That the Defendant voluntarily submitted to such treatment after admitting his prior conduct to Dr. Allen.
7. That the Defendant is presently on a leave of absence from the Indian Health Service in Claremore, Oklahoma.

CONCLUSIONS OF LAW

1. That Frederick Charles Bibus, M.D., holding Oklahoma Medical License No. 13733, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraphs 5 and 8, to-wit:

"5 Habitual intemperance or the habitual use of habit-forming drugs."

"8 Conviction or confession of a crime involving a violation of the antinarcotic or prohibition laws and regulations of the federal government or the Board of Health laws and regulations of the State of Oklahoma."

2. That Frederick Charles Bibus, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rules 3 and 6, to-wit:

"Rule 3: The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

"Rule 6: Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

ORDER

IT IS THEREFORE ORDERED by the Board of Medical Examiners of Oklahoma as follows:

1. That the Defendant, Frederick Charles Bibus, M.D., License No. 13733, will be and is hereby placed on probation to the Oklahoma State Board of Medical Examiners for a period of five years, beginning on September 30, 1983, under the following terms and conditions:


Defendant will continue his in-patient treatment at Valley Hope Hospital and will comply with all terms and conditions imposed thereby. That Dr. Bibus will authorize release of documentation of participation in the program and will continue in said program until satisfactory evidence has been presented to the Board showing that participation in the program is no longer necessary and release is granted by the Board.

b. During the period of probation it is required that Dr. Bibus comply with the Oklahoma Medical Practice Act as interpreted by the Oklahoma State Board of Medical Examiners and that he appear before the Board or its designated representative upon request.

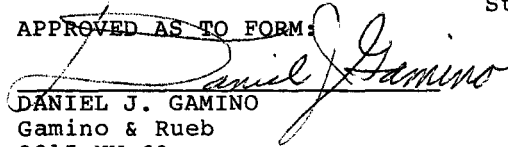
c. During the period of probation Dr. Bibus will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis upon the request of any Inspector or other agent representing the Oklahoma State Board of Medical Examiners.

- d. During the period of probation Dr. Bibus will not prescribe, administer, or dispense any medications for his personal use.
- e. During the period of probation Dr. Bibus will take no medication except that which is authorized by a physician treating him for a legitimate medical need.
- f. During the period of probation Dr. Bibus will furnish to the office of the State Board of Medical Examiners all current legal addresses and any change of address in writing, and further that Dr. Bibus will advise the office of the Board of Medical Examiners of any change of employment, either parttime or fulltime, from the Indian Health Service in Claremore, Oklahoma.

DATED this 17th day of October, 1983.


MARK R. JOHNSON, M.D., Secretary
State Board of Medical Examiners

APPROVED AS TO FORM:


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ATTORNEY FOR PLAINTIFF

FREDERICK CHARLES BIBUS, M.D.
DEFENDANT