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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

**FILED**

APR 03 1996

Plaintiff )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

vs.

JOSEPH C. McDANIEL, M.D.  
LICENSE NUMBER 14623 )

CASE NUMBER 94-08-1640

Defendant )

FINAL ORDER OF THE BOARD

ON THE 23rd day of March, 1996, this cause comes on before the OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION, upon the verified complaint of Jim Willis, Investigator for the Board of Medical Licensure and Supervision, pursuant to notice given as required by law and enumerated at 75 O.S. 1995 Supp. §309, 75 O.S. 1995 Supp. §314.1 and 59 O.S. 1995 Supp. §503.

The State of Oklahoma was represented by Daniel J. Gamino, Attorney at Law and Joseph C. McDaniel, M.D. appeared in person and was represented by Doug Rice, Attorney at Law.

The Board of Medical Licensure and Supervision heard statements by legal counsel, reviewed evidence submitted and heard testimony given. Being fully advised in the premises, the Board of Medical Licensure and Supervision finds and orders as follows:

FINDINGS OF FACT

1. That Defendant Joseph C. McDaniel, M.D., holds Oklahoma Medical License Number 14623.

2. That the Oklahoma Board of Medical Licensure and Supervision 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 Board did not find clear and convincing evidence to support the allegations contained in paragraphs 2, 3, 4, 5, 8, 9, 10 and 11 of the amended complaint.

4. That the Board did find, during deliberations, cause to direct the Secretary of the Board, Gerald C. Zumwalt, M.D., to issue a Letter of Concern to Doctor McDaniel, listing as areas of concern as expressed by the Board:

a-Record keeping including the notation of appropriate physical examination and laboratory data obtained on the patient;

b-the extent of narcotics administration both in the office and through prescription writing;

c-patient counseling about medical side-effects of the medications prescribed;

d-better communication with consultants

#### CONCLUSIONS OF LAW

1. The Board of Medical Licensure and Supervision, by authority vested in it through 59 O.S. 1995 Supp. §509.1(A) may impose disciplinary actions in accordance with the severity of violation of this act.

2. The Board of Medical Licensure and Supervision, by authority vested in it through 59 O.S. 1995 Supp. §509.1(B) may authorize the Secretary to issue a LETTER OF CONCERN.

#### ORDER

Therefore, it is the Order of the Oklahoma Board of Medical Licensure and Supervision that the Secretary of the Board, Gerald C. Zumwalt, M.D., be directed to issue a LETTER OF CONCERN to the Defendant listing the following items of concern based on deliberation by the Board, to-wit:

1. Record keeping including the notation of appropriate physical examination and laboratory data obtained on the patient;

2. The extent of narcotics administration both in the office and through prescription writing;

3. Patient counseling about medical side-effects of the medications prescribed;

4. Better communication with consultants.

Dated this 28 day of March, 1996

  
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GERALD C. ZUMWALT, M.D.  
SECRETARY/MEDICAL DIRECTOR

APPROVED AS TO FORM:

DANIEL J. GAMINO, ATTORNEY FOR THE STATE:

  
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DOUG RICE, ATTORNEY FOR THE DEFENDANT:

  
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CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 4 day of April 1996, to:

JOSEPH MCDANIEL, M.D.  
2327 NW Nottingham Rd.  
Lawton, Ok 73505

LARRY BLANKENSHIP, ATTORNEY  
4800 N. Lincoln  
Oklahoma City, Ok 73105