

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

IN THE MATTER OF
THE APPLICATION OF
JEFFREY M. SPEAR
FOR AN OKLAHOMA MEDICAL
LICENSE.

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STATE BOARD
MEDICAL EXAMINERS

FINAL ORDER

This cause came on for consideration before the Oklahoma Board of Medical Examiners en banc on September 21, 1984, 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 Jeffrey M. Spear appeared pro se for the Defendant.

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

FINDINGS OF FACT

1. That the applicant applied for licensure in Oklahoma as a physician and surgeon.

2. That the applicant admitted being a victim of dependency disease since he was approximately 15 years old and that the Defendant further admitted he has continually used Demerol during the time he was in the United States Air Force and that he received a dishonorable discharge, sentenced to six months hard labor, forfeited back pay and was convicted with theft of Demerol while in the United States Air Force. That the applicant had participated in the Impaired Physicians Program of the Medical Association of Georgia and voluntarily signed a 20-month aftercare contract with that organization.

3. That the applicant is presently not using any alcohol or any controlled, dangerous drugs and is continuing to participate regularly in Alcoholics Anonymous meetings and Narcotics Anonymous meetings and hopes to practice medicine in the general area of Lawton, Oklahoma.

4. That appearing with the applicant and testifying on his behalf were the applicant's spouse of two and one-half years, Terry Spear, and a catholic priest, Father Larry Kowalaski, who met the applicant during his membership in Alcoholics Anonymous and Narcotics Anonymous and was familiar with the applicant and confirmed that the applicant was presently free of any alcohol or drugs and was in his opinion making a recovery from dependency disease.

CONCLUSIONS OF LAW

1. That the applicant is presently in physical and mental condition to practice medicine within the State of Oklahoma in compliance with the Oklahoma Medical Practice Act, but that because of the applicant's previous history there should be imposed on the applicant a period of probation and certain limitations on the applicant's license.

ORDER

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

1. That the applicant, Jeffrey M. Spear, M.D., be licensed to practice medicine in the State of Oklahoma under the following terms and conditions.

2. That the applicant, Jeffrey M. Spear, will be and is hereby placed on probation with the Oklahoma State Board of Medical Examiners for a period of five years under the following terms and conditions:

- a. That the applicant continue to fulfill all terms and conditions of the 20-month aftercare contract he signed with the Impaired Physicians Program with the Medical Association of Georgia and that the applicant immediately advise the Oklahoma Board of Medical Examiners in the event that the contract is terminated by either party before its conclusion.
- b. That the applicant not apply to the United States Drug Enforcement Authority or the Oklahoma Bureau of Narcotics and Dangerous Drugs for authorization to write prescriptions for controlled, dangerous substances and that the applicant not prescribe, dispense or administer any controlled, dangerous substances.
- c. During the period of probation applicant 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 Board of Medical Examiners.
- d. During the period of probation the applicant shall 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.
- e. During the period of probation the applicant will furnish to the office of the State Board of Medical Examiners all current legal addresses and any change of address in writing.
- f. During the period of probation the applicant will take no medication except that which is authorized by a physician treating him for legitimate medical needs and the applicant is specifically required to inform any physician treating him of his prior history of dependency disease.

DATED this 10TH day of October, 1984.


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

Approved as to form:

DANIEL J. GAMINO