

IN AND BEFORE THE STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)

v.)

CASE NO. 84-10-378

JEFFREY M. SPEAR, M.D.,)
Medical License No. 15000,)

Defendant)

ORDER MODIFYING
TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 10th day of September, 1987, 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, M.D., Defendant, appeared in person pro se without counsel and advised he was ready to proceed without the assistance of counsel.

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

FINDINGS OF FACT

1. That Jeffrey M. Spear, M.D., holds Oklahoma Medical License No. 15000.

2. That the Board of Medical Licensure and Supervision 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 on or around September 21, 1984, Defendant was placed on probation for a period of five (5) years on the general terms that he was to fulfill all terms and conditions of a 20-month after-care contract signed with IPP and the Medical Association of the State of Georgia, and that the applicant would not apply for Federal narcotic license during probation, and would submit biological fluids when requested, and would comply with the Oklahoma Medical Practice Act, and furnish current legal addresses to the Board, and take only medication prescribed by his treating physician.

4. That since the imposition of the terms of his probation all bodily fluid screens done by Medical Arts Laboratory on Defendant have been negative and Defendant has fulfilled a 20-month after-care contract with IPP and the Medical Association of the State of Georgia. Defendant is also still attending AA meetings 3 to 4 times a week and also attended a four-day after-care retreat in Pine Mountain Georgia, from April 3 through 6, 1986.

5. That the Defendant requests that he be allowed to prescribe, administer and dispense Schedule III, IV, and V controlled dangerous drugs for the reason that this would allow

the Board to monitor his actions in prescribing certain classes of schedule drugs and would relieve the Defendant from having to contact other physicians to arrange for such prescriptions.

6. That during the remaining period of probation Defendant may prescribe Schedule III, IV, and V controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request.

7. That all other terms and conditions of the Defendant's probation originally imposed on or around September 21, 1984, is still in force and effect.

CONCLUSIONS OF LAW

1. That Jeffrey M. Spear, M.D., is lawfully under the jurisdiction of the Oklahoma Board of Medical Licensure and Supervision for a term of five (5) years beginning on September 21, 1984, and it is within the power and discretion of the Board to modify terms and conditions of probation upon receipt of substantial evidence.

ORDER

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

1. That Defendant Jeffrey M. Spear, M.D., holding Oklahoma Medical License No. 15000, remains on probation with the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on September 21, 1984, under the following terms and conditions:

(a) That the Defendant continue to fulfill all terms and conditions of the 20-month after-care contract he signed with the Impaired Physicians Program with the Medical Association of Georgia and that the Defendant immediately advise the Oklahoma Board of Medical Licensure and Supervision in the event that the contract is terminated by either party before its conclusion.

(b) That the Defendant may prescribe, administer and dispense Schedule III, IV, and V controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request.

(c) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis upon the request of any investigator or other agent representing the Oklahoma Board of Medical Licensure and Supervision.

(d) During the period of probation the Defendant shall comply with the Oklahoma Medical Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision and that he appear before the Board or its designated representative upon request.

(e) During the period of probation the Defendant will furnish to the office of the

State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.

(f) During the period of probation the Defendant will take no medication except that which is authorized by a physician treating him for legitimate medical needs and the Defendant is specifically required to inform any physician treating him of his prior history of dependency disease.


(g) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

(h) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the costs of investigation, prosecution and probation of this case.

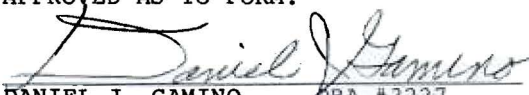
2. The violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after due notice to the Defendant.

3. 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.

DATED this 10th day of September, 1987.


MARK R. JOHNSON, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:


DANIEL J. GAMINO DBA #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 21 day of September, 1987, to:

Jeffrey M. Spear, M.D.
Family Practice
Rt. 1, Box 53
Poteau, OK 74953

