

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

FILED

MAY 12 2022

OKLAHOMA STATE BOARD OF MEDICAL LICENSURE & SUPERVISION

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

Plaintiff,

v.

Case No. 20-10-5939

WALLACE BEVERLY MCLEOD, III, M.D., LICENSE NO. MD 15393,

Defendant.

ORDER ACCEPTING VOLUNTARY SUBMITTAL TO JURISDICTION

The State of Oklahoma, ex rel. Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with Wallace Beverly McLeod, III, M.D. ("Defendant"), Oklahoma medical license no. 15393, who appears in person, and through counsel (collectively, the "Parties"), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, "Order" or "Agreement") for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act"). 59 O.S. § 480, et seq.

Defendant, Wallace Beverly McLeod, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for an evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this

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Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact and Recognition of Allegations

The Plaintiff, Defendant, and the Board staff each stipulate and agree as follows:

1. In Oklahoma, Defendant holds medical license no. 15393.
2. Plaintiff alleges that Defendant's SoonerCare provider contract was terminated by the Oklahoma Health Care Authority (OHCA) for a violation of Defendant's provider agreement, including concerns regarding Defendant's prescribing of Controlled Dangerous Substances (CDS), failure to adequately address positive Urine Drug Screens in medical records, failure to adequately address patient medical issues, failure to properly document medical information in the record, amounting to a pervasive pattern of prescribing very dangerous medication dosages, amounts, and combinations.
3. Defendant immediately contacted Medicare to advise his contract with OHCA had been terminated. Defendant's Medicare privileges were revoked based on the OHCA contract termination.
4. Defendant self-reported to the Oklahoma State Board of Medical Licensure and Supervision of the contract terminations by OHCA and Medicare.
5. Patient records from 9 patients were reviewed by a medical expert, whose opinion forms the basis of this action.
6. Defendant acknowledges that a hearing before the Board could result in a finding of guilt on one or more of the allegations in the Complaint and receive some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act"). 59 O.S. § 480, *et seq.*

Conclusions of Law

7. The Board has jurisdiction over the subject matter and is a duly authorized agency of the State of Oklahoma empowered to license and oversee activities of physicians and surgeons in Oklahoma. 59 O.S. § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.*
8. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
9. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any physician or surgeon holding a license to practice medicine in

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the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. § 509.1.

10. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.

Orders

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

1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.
2. Defendant is hereby **REPRIMANDED**.
3. **WALLACE BEVERLY MCLEOD, M.D.** shall be on **PROBATION** for a period of two (2) years and shall comply with the following terms and conditions:

Specific Terms:

- a. Defendant shall not practice pain management.
- b. Defendant shall not prescribe Controlled Dangerous Substances (opioids, sedative-hypnotics, stimulants) except for acute situation diagnosis and, in any such event, for no more than thirty (30) days.
- c. Defendant shall allow random review of patient charts as requested by the Board Secretary.
- d. Documentation: completion of an eight (8) hour medical record keeping course, approved of in advance by the Board Secretary, shall be provided by Defendant to the Board Secretary within six (6) months of course completion. This record keeping course is in addition to Defendant's regularly required CME courses.

Standard Terms:

- e. Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act") as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its authorized designee. 59 O.S. § 480, et seq.

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- f. Defendant shall furnish a file-stamped copy of this Order stipulating terms imposed by the Board, to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
 - g. Defendant shall keep the Board informed of his current address.
 - h. Until such time as all indebtedness to the Board has been satisfied, Defendant shall reaffirm said indebtedness in any bankruptcy proceeding.
 - i. Upon request, Defendant shall make himself available for one or more personal appearances before the Board or its authorized designee.
 - j. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or authorized designee.
 - k. Defendant will keep current payment of all assessments by the Board for prosecution, investigation and monitoring of his case, which shall include, but is not limited to, a fee of one hundred fifty dollars (\$150.00) per month during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
 - l. If Defendant moves his residence or practice location out of the State of Oklahoma during this Order, this Order will be tolled until such time as Defendant returns to the State of Oklahoma and begins practicing within the state. Defendant will notify the Board Secretary and Compliance Coordinator prior to moving out-of-state.
 - m. Failure to meet any of the terms of this Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.
 - n. The Parties, the Board or its designee, or the Defendant may file a motion for a Board hearing and possible new Board order.
4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
 5. A copy of this Order shall be provided to Defendant as soon as it is processed.

Dated this 12th day of May, 2022.

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Billy H. Stout

Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

Louis Cox, M.D.

Louis Cox, M.D., President OKLAHOMA
STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

Wallace Beverly McLeod

Wallace Beverly McLeod, M.D.
Oklahoma License No. 15393
Defendant

Joseph Ashbaker

Joseph Ashbaker, OBA No. 19395
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Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision

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Email: colberttom@sbcglobal.net
Attorney for Defendant

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
) ss.
COUNTY OF _____)

This instrument was acknowledged before me on the 21 day of April,
2022, by [Defendant] Wallace B. McLeod, M.D.



Jessie M. Shameria
Notary Public
Commission Expiration: 04.04.2024

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CERTIFICATE OF SERVICE

This is to certify that on the 13th day of May, 2022, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S Certified Mail


Wallace Beverly McLeod, III, M.D.
2216 M L King Blvd
Oklahoma City, Oklahoma 73111
Defendant

Email:

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Wallace Beverly McLeod, III, M.D.


Shelley Crowder