

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,

FILED

JAN 27 1988

Plaintiff,

STATE BOARD OF
MEDICAL EXAMINERS

JAMES B. SHACKELFORD, M.D.
Medical License No. 15417,

CASE NO. 87-8-530

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 23rd day of January, 1988, at the office of the Oklahoma State Medical Association, 601 NW Expressway, 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 James B. Shackelford, M.D., Defendant, appeared in person and by counsel, Joel Carson.

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 therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, James B. Shackelford, M.D., holds Oklahoma Medical License No. 15417.
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 the Board finds that the allegations of the complaint as set forth below contain adequate evidence for disciplinary action against the Defendant.
4. That on or around July 13, 1985, Defendant filed an Application for Endorsement with the Oklahoma State Board of Medical Examiners, now the Oklahoma Board of Medical Licensure and Supervision. On page 2 of the Application the Defendant gave the following answers under oath to the following questions, to-wit:

"Has your license ever been revoked or have you ever been the subject of disciplinary action by a licensing agency?

Answer: No.

Have you ever voluntarily surrendered your medical license or narcotic permit (state or federal)?

Answer: No.

Have you ever been the subject of a disciplinary action by a hospital?

Answer: No."

5. That the facts show that in mid-1985 the Defendant was the subject of an investigation by the Texas Board of Medical Examiners for prescribing controlled dangerous substances in an unlawful manner, and on or around June 28, 1985, the Defendant did voluntarily surrender his Texas medical license in order to avoid more formal disciplinary action.

6. That in 1976, Defendant received a six months suspension from the staff of St. Joseph Hospital in Fort Worth, Texas, for the reasons of not keeping or completing medical records in a timely fashion.

CONCLUSIONS OF LAW

1. That James B. Shackelford, M.D., holding Oklahoma Medical License No. 15417, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1987, Sec. 508, to-wit:

"Whenever any license or certificate has been procured or obtained by fraud or misrepresentation, or was issued by mistake . . . it shall be the duty of the Board of Medical Licensure and Supervision of the State of Oklahoma to revoke such license or certificate in the same manner as is provided by this Act for the revocation of license or certificate for unprofessional conduct."

ORDER

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

1. That the Defendant, James B. Shackelford, M.D., Oklahoma Medical License No. 15417, should be and is hereby formally reprimanded and that said reprimand shall be entered of record on his official file maintained by the Oklahoma State Board of Medical Licensure and Supervision.

2. That the Defendant should be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of three (3) years beginning on January 23, 1988, under the following terms and conditions:

- (a) During the period of probation Defendant will prescribe 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.
- (b) During the period of probation Defendant will keep to an absolute minimum the number of controlled dangerous substance prescriptions being written.
- (c) Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (d) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.

- (e) 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.
- (f) 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.
- (g) That violation of any the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

3. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

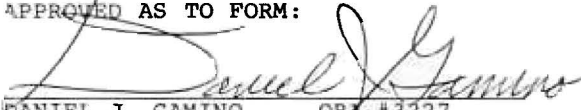
4. The Board further orders that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 27th day of JANUARY, 1988



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

APPROVED AS TO FORM:



DANIEL J. GAMINO, OBA #3227
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(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 4 day of February, 1988, to:

Joel L. Carson
Attorney at Law
3727 NW 63
Oklahoma City, OK 73116

