

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

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

)
Plaintiff,)

FILED

NOV 03 2011

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.)

)
BRIAN MELTON MEEK, M.D.,)
LICENSE NO. 15482,)

)
Defendant.)

Case No. 11-04-4223

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Brian Melton Meek, M.D., Oklahoma license no. 15482, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on September 23, 2011 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Brian Melton Meek, 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 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.

PARTIES' AGREEMENT AND STIPULATIONS

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

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
2. Defendant, Brian Melton Meek, M.D., holds Oklahoma license no. 15482 and previously practiced occupational medicine in Oklahoma City, Oklahoma.
3. In or around the early 1980's during his residency at the University of Oklahoma, Defendant began abusing marijuana on a regular basis.
4. As a result of his abuse of marijuana, Defendant was confronted by his residency supervisor and asked to obtain an assessment for substance abuse. Defendant initially went to Talbott for assessment and treatment in or around 1986.
5. Defendant left Talbott during his treatment and went to the Faulkner Center in Austin, Texas, where he completed a 28-day treatment program. At the conclusion of his treatment, Defendant returned to complete his residency program.
6. In 1988 after completion of his residency program, Defendant moved to Reno, Nevada. Defendant began to abuse alcohol and was arrested and charged with **DRIVING UNDER THE INFLUENCE (Alcohol)**.
7. In or around 1989, Defendant returned to Oklahoma and applied for reinstatement of his Oklahoma medical license. Due to his prior substance abuse, the Board placed Defendant on a five (5) year probation and required him to affiliate with the Oklahoma Health Professionals Program.
8. In 2000, Defendant moved to Indiana and began to again abuse alcohol.
9. In 2002, Defendant returned to Oklahoma to practice occupational medicine.
10. In or around 2006, Defendant began to abuse alcohol and engaged in occasional "binge drinking". Defendant's drinking escalated to where he was drinking heavily two (2) or three (3) nights each week and was coming into work hung over.

11. On or about April 14, 2011, Defendant drank heavily at a bar in Oklahoma City. When he came into work the next morning, office staff smelled alcohol on him and reported him to the administration. He submitted to a Breathalyzer test and registered a .08 level of alcohol.

12. As a result of the April 14, 2011 incident, Defendant was terminated by his employer.

13. On or about April 28, 2011, Defendant signed an agreement not to practice with the Board Secretary.

14. On or about May 31, 2011, Defendant entered treatment for substance abuse at The Retreat in Minnesota. He was discharged on June 30, 2011 and entered a halfway house at that time.

15. Defendant is guilty of unprofessional conduct in that he:

A. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Brian Melton Meek, M.D., Oklahoma medical license 15482, is guilty of unprofessional conduct set forth below based on the foregoing facts:

A. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

Order

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. The license of Defendant, Brian Melton Meek, M.D., Oklahoma license no. 15482, is hereby **SUSPENDED** beginning August 6, 2011, and continuing for a period of **THREE (3) MONTHS** until November 6, 2011.

3. At the conclusion of the period of suspension, Defendant shall be placed on **INDEFINITE PROBATION** under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.

F. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, as well as hair samples, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

G. Defendant shall work no more than forty (40) hours per week.

H. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

I. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon

initiation, or continuation of treatment.

J. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.

K. Defendant will authorize in writing the release of any and all information regarding his treatment at The Retreat and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

L. Defendant will abide by the terms and recommendations of The Retreat and with all terms of his postcare contract with the Oklahoma Health Professionals Recovery Program.

M. Defendant will sign a contract with and attend a minimum of one (1) meeting per week of the Health Professionals Recovery Program unless excused by the HPRP. Defendant shall abide by all requirements of his contract with the HPRP.

N. Defendant will attend a minimum of four (4) 12-Step meetings per week in addition to his weekly HPRP meeting.

O. Defendant shall obtain a primary care physician who shall monitor his general health and who shall also be responsible for managing the use of all prescription and non-prescription medications. Defendant's primary care physician shall be approved in advance in writing by the Board Secretary.

P. Defendant shall obtain a sponsor with at least two (2) years of recovery.

Q. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

R. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

S. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

T. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which

shall include but is not limited to a one hundred fifty dollar (\$150.00) per month fee during the term of probation.

U. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

V. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.


W. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

X. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 3 day of November, 2011.



J. Andy Sullivan M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED

Brian M. Meek MD
Brian Melton Meek, M.D.
License No. 15482

Elizabeth A. Scott
Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision

Gerald C. Zumwalt
Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 4 day of November, 2011, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Brian Melton Meek, 3401 N.W. Oak Avenue, Lawton, OK 73505-5139.

Janet Swindle
Janet Swindle