

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

FILED

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

Plaintiff,)

SEP 21 2006
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.)

JAMES THOMAS QUINLAN, M.D.,)
LICENSE NO. 15587,)

Defendant.)

Case No. 06-03-3078

**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, James Thomas Quinlan, M.D., Oklahoma license no. 15587, who appears in person and through counsel, Jeanette C. Timmons, 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 July 28, 2006 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, James Thomas Quinlan, 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, and that this Agreement has been reviewed and discussed with him and his legal counsel.

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, James Thomas Quinlan, M.D., holds Oklahoma license no. 15587 and is an ophthalmologist in Ada, Oklahoma.

3. In or around June 2005, while working at the hospital in Ada, Oklahoma, some Lortab fell out of Defendant's pocket. The Lortab had been previously prescribed to him due to prior foot and shoulder surgeries in 2004. Defendant admitted that he had occasionally taken Lortab for continued pain from the surgeries, although he denied taking Lortab on any surgery day. As a result of this incident, the hospital required that he submit to random drug screens, that he not ingest any controlled dangerous substances, and that he regularly meet with a therapist and a psychiatrist.

4. In or around March 2006, while in Columbia, Missouri, Defendant ingested Vodka, Ambien and Lortab. Defendant admits that the Ambien had not been prescribed to him but was prescribed to his fiancée. Defendant was later found at a convenience store where he was disoriented and babbling. The police were called and he was taken to the emergency room where he tested positive for Ambien and Lortab. The hospital released him the next morning.

5. Upon returning to Ada, Oklahoma, his employer and the Board were notified of the incident in Missouri, at which time he agreed to obtain an assessment at Talbott Recovery Campus. While at Talbott, Defendant admitted that he had been using Ambien on a nightly basis for three to four months, using samples as well as Ambien prescribed to his fiancée. He additionally admitted that while he had used Lortab prescribed to him after his surgery in 2004, he had also diverted it on two to three occasions by writing prescriptions in family members' names, which he then picked up for his own personal use.

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

A. 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).

B. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

C. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(11).

D. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug to a family member or to himself in violation of OAC 435:10-7-4(26).

E. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

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, James Thomas Quinlan, M.D., Oklahoma medical license 15587, is guilty of unprofessional conduct set forth below based on the foregoing facts:

A. 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).

B. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

C. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(11).

D. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug to a family member or to himself in violation of OAC 435:10-7-4(26).

E. Violating any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

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. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Defendant shall be placed on **PROBATION** for a period of five (5) years 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 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; provided, however, this section shall not be construed to prohibit Defendant's employment and supervision of Certified Ophthalmic Technicians or Certified Ophthalmic Assistants.

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

H. 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.

I. 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.

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

K. Defendant will abide by the terms and recommendations of Talbott and with all terms of his postcare contracts with Talbott and the Health Professionals Recovery Program.

L. Defendant will attend four (4) to seven (7) meetings per week of a local 12-step program, to include the weekly Health Professionals Recovery Program meetings.


- M. Defendant shall obtain a primary care physician.
- N. Defendant shall utilize Lanny Anderson, M.D. as a professional monitor and addictionologist.
- O. Defendant shall obtain a sponsor.
- P. Defendant shall enter and continue treatment with Robert Morton, M.D. or another psychiatrist approved in advance by the Board Secretary for medication management, and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall additionally submit quarterly reports from his psychiatrist to the Board Secretary for his review. Defendant will remain in treatment until both the psychiatrist and the Board Secretary authorize his release from treatment.
- Q. Defendant shall not practice in excess of forty (40) hours per week.
- R. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
- S. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.
- T. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.
- U. 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 dollar (\$100.00) per month fee during the term of probation.
- V. 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.
- W. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon

request.

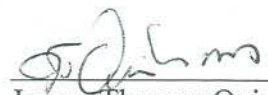
X. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.


Y. 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.

Dated this 21 day of September, 2006.

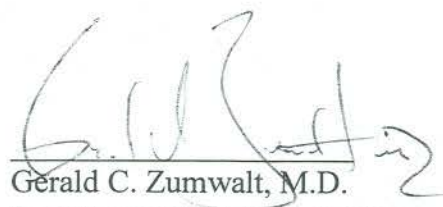

Billy H. Stout, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED


James Thomas Quinlan, M.D.
License No. 15587


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision


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


Jeanette C. Timmons
Day, Edwards, Propester & Christensen
2900 Oklahoma Tower
210 Park Avenue
Oklahoma City, OK 73102-5605

CERTIFICATE OF MAILING

I certify that on the 22 day of September, 2006, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Jeanette C. Timmons, Day Edwards, Propester & Christensen, 2900 Oklahoma Tower, 210 Park Avenue, Oklahoma City, OK 73102-5605.


Janet Swindle
Janet Swindle