

IN AND BEFORE THE OKLAHOMA BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

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

Plaintiff,)

vs.)

Case No. 93-07-1528

VICTOR EUGENE McCALE, M.D.,)
Medical License No. 15667,)

Defendant.)

VOLUNTARY SUBMISSION TO PROBATION AND ORDER

NOW ON this 9th day of September, 1994, there comes on before the Oklahoma Board of Medical Licensure and Supervision (the "Board") the above styled and numbered administrative action upon defendant's Voluntary Submission to Probation.

FINDINGS OF FACT

1. The defendant, Victor Eugene McCall, M.D., holds Oklahoma Medical License No. 15667.
2. On or around February 22, 1991, the Texas State Board of Medical Examiners did accept and issue an Order in case number D-3509, In the Matter of The License of Victor E. McCall, M.D. The case arose out of the defendant's delegation to a radiologic technician the responsibility to calculate the appropriate dosage of chloral hydrate to administer to a patient. The chloral hydrate was improperly calculated and led to the death of the patient, The Texas Board adopted a proposed informal settlement and placed defendant on probation for a period of ten (10) years under enumerated terms and conditions that included requiring defendant

to successfully complete a course in general pharmacology, complete a course in advanced cardiac life support, and to prepare a paper suitable for publication regarding radiologic technicians and the procedures or treatment that can be delegated from a physician to a technician, and other terms and conditions set forth therein.

3. Pursuant to the Texas Board Order of February 22, 1991, this Board cause proceedings to be instigated to revoke the defendant's Oklahoma license. The matter came on for hearing on February 11, 1994, before this Board. Due to an error of defendant's Texas attorney, the defendant was not present at the hearing before this Board on February 11, 1994, and an Order was entered to revoke defendant's Oklahoma license. Thereafter, defendant's Oklahoma counsel filed a Motion for Rehearing, which was granted by this Board on May 19, 1994, pursuant to a hearing held on May 14, 1994.

4. At the hearing on May 14, 1994, counsel for defendant advised the Board that defendant expected the Texas Board to vacate the Texas probation in July, 1994, and requested that the rehearing allowed be scheduled for September, 1994, so that a report from Texas could be considered. This was granted by the May 19, 1994, Order of this Board.

5. Counsel for defendant in Texas now advised that the Texas Board did not consider defendant's case in July, but rather will consider it in November, 1994. Defendant has met all terms and conditions of the Texas Board Order but remains on probation in the State of Texas. Defendant expects that the Texas Board will vacate probation in the immediate future.

6. Defendant agrees to submit to probation in the State of

Oklahoma for a period of five (5) years from the date of this Order.

CONCLUSIONS OF LAW

1. The Oklahoma Board of Medical Licensure and Supervision has jurisdiction in this matter by virtue of the provisions of the Oklahoma Medical Practice Act, 59 O.S.1991, §§ 481 et seq., as amended;

2. By virtue of the provisions of the Oklahoma Medical Practice Act, the Board has the power and jurisdiction to enforce the provisions of the Oklahoma Medical Practice Act as the Board deems necessary to protect the public health, safety and welfare.

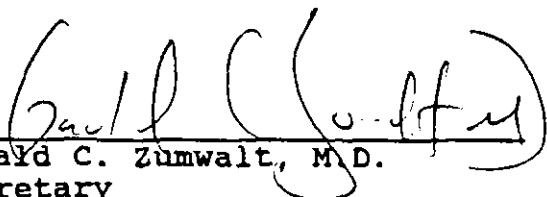
ORDER

It is therefore ORDERED that the defendant, Victor Eugene McCall, M.D., is hereby placed on probation for a period of five (5) years from the date of this Order. During the term of probation the defendant shall comply fully with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S.1991, §§ 480 et seq. In addition, defendant shall:

1. provide the Board or its staff with any documentation requested related to defendant's practice;
- and
2. pay all costs of probation assessed in this matter.

The previous Order of Revocation dated the 17th day of February, 1994, in this matter is hereby vacated.

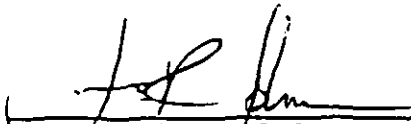
Dated this 9th day of September, 1994



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

Accepted:


Victor Eugene McCall, M.D.

Approved as to form:


James Robert Johnson
Assistant Attorney General
Attorney for Plaintiff


Richard Bailey
Attorney for Defendant

JRJ/jj:McCall.ord