

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

STATE OF OKLAHOMA

FILED

SEP 29 1988

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,

v.

JANICE L. CHLEBORAD, M.D.
Medical License No. 16446,

) CASE NO. 88-5-595
)
)

Defendant.

ORDER MODIFYING PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 15th day of September, 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 Janice L. Chleborad, M.D., Defendant, appeared in person, pro se, without counsel and advised she was ready to proceed without the assistance of counsel.

The Board of Medical Licensure and Supervision en banc heard 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, Janice L. Chleborad, M.D., holds Oklahoma Medical License No. 16446.

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 on or around May 18, 1988, Defendant executed a Voluntary Submittal to Jurisdiction and agreed to probation under the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years under the general terms and conditions that Defendant take no medication except that which is authorized by a physician treating her for a legitimate medical need, to abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances which would adversely affect her ability to practice medicine and surgery, to submit biological fluid specimens when requested, to continue psychological counseling, to furnish the Board all current legal addresses or a change of address in writing, to appear before the Board when requested, and to submit to the Investigation Division all required reports and forms on a timely and prompt basis.

4. That since May 18, 1988, when the Defendant executed a Voluntary Submittal to Jurisdiction, Defendant has been in compliance with those terms and conditions.

5. That on or around August 18, 1988, Defendat made a written request to the Board to drop the requirement for psychological counseling because it was hard to obtain in the Woodward, Oklahoma, area.

6. That the Board found that public health, safety and welfare would be served in the event that Defendant remains on probation but if the requirement for psychological counseling is deleted.

CONCLUSIONS OF LAW

1. That Defendant, Janice L. Chleborad, M.D., is lawfully under the jurisdiction of the Oklahoma Board of Medical Licensure and Supervision originally for a term of five (5) years beginning on May 18, 1988, and it is within the power and discretion of the Board to modify terms and conditions of probation and to terminate probation upon receipt of sufficient evidence.

ORDER

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

1. That the Defendant, Janice L. Chleborad, M.D., holding Oklahoma Medical License No. 16446, remain on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years, beginning on May 18, 1988, under the following terms and conditions as amended and set forth herein:

- (a) During the period of probation Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating her of Defendant's previous use of alcohol.
- (b) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including, but not limited to, controlled dangerous substances, which would adversely affect her ability to practice medicine and surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (c) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
- (d) During the period of probation Defendant will continue attendance at regular support program activities and will advise the Board of those activities and her attendance upon request.
- (e) 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.
- (f) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (g) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical

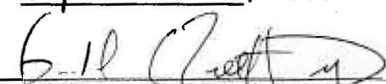
Licensure and Supervision any required reports and forms on a timely and prompt basis.

- (h) 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.
- (i) 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.

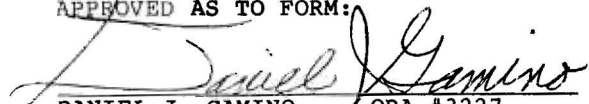
2. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

3. The Defendant further agrees 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 her Oklahoma Medical License, after additional due notice and hearing.

DATED this 29th day of September, 1988.


GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:


DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(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 5 day of October, 1988, to:

JANICE L. CHLEBORAD, M.D.

