

**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**

MAY 17 2017

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

v.

**DAVID G. BLACKSHAW, M.D.,  
LICENSE NO. 16528,**

**Defendant.**

Case No. 11-11-4444

**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, David G. Blackshaw, M.D., Oklahoma license no. 16528, who appears in person and through counsel, Gary Rife, 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 March 16, 2012 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, David G. Blackshaw, 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, David Glenn Blackshaw, M.D., holds Oklahoma license no. 16528 and practices emergency medicine in Oklahoma City, Oklahoma.

3. Defendant admits that during college, he used Heroin, Morphine, Cocaine, Marijuana and Alcohol for approximately five (5) years.

4. Defendant admits that in 1989 during his anesthesiology residency, he began diverting Fentanyl and injecting himself. After he was caught diverting the drugs, he went to treatment for six (6) weeks at Timberlawn in Dallas, Texas.

5. Approximately six (6) months after he completed treatment, Defendant relapsed on Fentanyl. He continued to use it during his residency training for approximately eighteen (18) months, after which time he returned to treatment in 1991 for four (4) months at COPAC.

6. Upon returning from COPAC, Defendant affiliated with the Oklahoma Health Professionals Recovery Program.

7. In or around 2006, Defendant relapsed on alcohol for a short time.

8. In or around September 2011, Defendant began to again abuse Fentanyl. He obtained the Fentanyl by ordering excessive amounts for procedures in the emergency room, then keeping the excess amounts for his own personal use. Defendant admits that he injected the Fentanyl after procedures, then returned to working with patients in the emergency room. After injecting himself with the Fentanyl, he gave the nurses saline to waste instead of the Fentanyl that he had already used. Defendant admits that he did this approximately 20-30 times.

9. On or about November 29, 2011, Defendant's supervisor, Jerry Brinley, M.D., confronted him and Defendant admitted that he had been stealing Fentanyl and injecting himself.

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

- A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).
- 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. 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).
- E. Has engaged in the commission of any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).
- F. Has confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).
- G. Wrote a false or fictitious prescriptions 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).
- H. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- I. Prescribed, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).
- J. Prescribed or ordered any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substance Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

K. Prescribed, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).

L. Failed to keep complete and accurate records of the purchase and disposal of controlled drugs or of narcotic drugs in violation of 59 O.S. §509(10).

M. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

### *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, David G. Blackshaw, M.D., Oklahoma medical license 16528, is guilty of unprofessional conduct set forth below based on the foregoing facts:

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

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. 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).

E. Has engaged in the commission of any act which is a violation of the criminal laws of any state when such act is

connected with the physician's practice of medicine in violation of 59 O.S. §509(9).

F. Has confessed to a crime involving violation of the antinarcotic or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).

G. Wrote a false or fictitious prescriptions 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).

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

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

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

K. Prescribed, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).

L. Failed to keep complete and accurate records of the purchase and disposal of controlled drugs or of narcotic drugs in violation of 59 O.S. §509(10).

M. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).

***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, David G. Blackshaw, M.D., Oklahoma license no. 16528, is hereby **SUSPENDED** beginning February 17, 2012, and continuing for a period of a **THREE (3) MONTHS** until May 17, 2012.

3. At the conclusion of the period of suspension, he 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 follicle 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 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 and only during that time in which he is being treated by the physician for that specific 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 Palmetto 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 Palmetto, including all follow-up visits and treatment, and with all terms of his postcare contracts with Palmetto and the Oklahoma Health Professionals Recovery Program.

L. Defendant will sign a lifetime contract with and attend a minimum of one (1) meeting per week of the Health Professionals Recovery Program unless excused by the HPRP.

M. Defendant shall attend ninety (90) meetings of a 12-Step program in the first ninety (90) days after his discharge from Palmetto, and thereafter, shall attend a minimum of four (4) meetings per week of a local 12-Step program, as well as the HPRP meetings.

N. Defendant shall obtain a sponsor and shall initiate five (5) contacts per week with his sponsor for the first ninety (90) days after discharge from Palmetto,

and thereafter, shall initiate a minimum of two (2) contacts per week with his sponsor for the next two (2) years of his probation.

O. Defendant will obtain a primary care physician.

P. Defendant shall obtain treatment from Dr. Colaluca, Jay A. Weiss, M.D. or another physician approved in advance in writing by the Board Secretary for medication management during the first year of his probation. Defendant shall obtain treatment in person from this physician not less than every three (3) months during this time.

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.

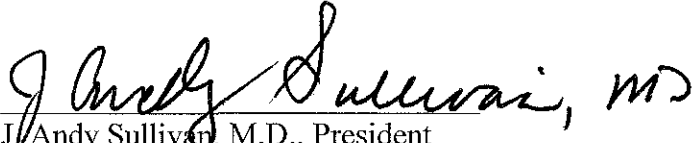


Y. Defendant will not prescribe, order, administer, dispense, possess or handle in any way any drugs in Schedules I through V.

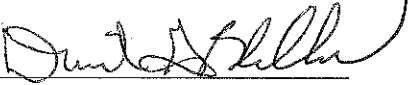
4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

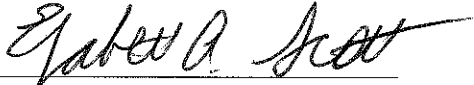
5. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

Dated this 17 day of May, 2012.

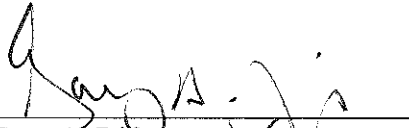
  
J. Andy Sullivan, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

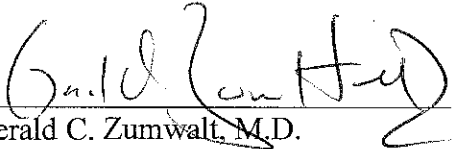
**AGREED AND APPROVED**

  
David G. Blackshaw, M.D.  
License No. 16528

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

Attorney for the Oklahoma State  
Board of Medical Licensure and  
Supervision

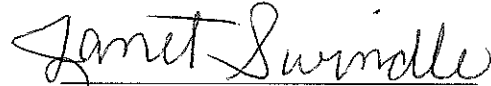
  
Gary A. Rife  
100 N. Broadway, Suite 2730  
Oklahoma City, OK 73102

  
Gerald C. Zumwalt, M.D.  
Secretary and Medical Advisor

Attorney for Defendant

**CERTIFICATE OF MAILING**

I certify that on the 18 day of May, 2012, I mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Gary A. Rife, Rife, Walters, Bruehl and Stanley, 100 N. Broadway, Suite 2730, Oklahoma City, OK 73102.



Janet Swindle