

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

FILED

MAY 08 2003

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

Plaintiff

v.

MING-KAO CHANG, M.D.,
LICENSE NO. 16699,

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 99-01-2057

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, Ming-Kao Chang, M.D., Oklahoma license no. 16699, who appears in person and through counsel, Mack Martin, offer 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 April 1, 1999, and further 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, Ming-Kao Chang, 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.*

2. Defendant, Ming-Kao Chang, M.D., holds Oklahoma license no. 16699.

3. Defendant admitted in his 1998 Oklahoma medical license renewal form that in approximately February 1998, he was diagnosed with Schizophrenia and was under the medical care of a psychiatrist, Amanda Troutman, M.D., Psychiatric Clinic, University of Oklahoma College of Medicine, Tulsa, Oklahoma.

4. On or about March 9, 1999, Defendant's treating physicians, Michelle McCall, M.D. and William R. Yates, M.D., reported that Defendant's "condition at this time would impair his capacity to practice medicine."

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

A. Was 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 physical condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

B. Was physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

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. Based on the foregoing facts, Defendant, Ming-Kao Chang, M.D., Oklahoma license 16699, is guilty of the unprofessional conduct set forth below:

A. Was 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 physical condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

B. Was physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

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 Board. Any question of interpretation regarding the Act or this order 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 Board or its designee.

B. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

C. Defendant will practice in a controlled environment approved in advance by the Board or its designee and will limit his practice to Neighbor for Neighbor in Tulsa, Oklahoma.

D. Defendant will notify the Board or its designee of any entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and

agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

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 any physicians holding Defendant's records.

F. Defendant will submit a monthly written report monitoring his practice from the clinic administrator of Neighbor for Neighbor in Tulsa, Oklahoma.

G. Defendant shall continue therapy with Mark A. Kelley, M.D., or a board certified psychiatrist not currently under probation approved in advance in writing by the Board Secretary. Defendant shall continue with said counseling until both the psychiatrist and the Board approve discontinuance of counseling. Defendant shall submit quarterly reports from his psychiatrist reporting his progress to the Board Secretary for his review until he is discharged by said psychiatrist and the Board. Defendant shall authorize in writing the release of any and all records of this treatment to the Board or its designee.

H. Defendant will not supervise allied health professionals for whom a formal supervisory arrangement is required under Oklahoma law, e.g., physician assistants or advanced registered nurse practitioners.

I. A retrospective random chart review of Defendant's patients will be conducted periodically by the Compliance Consultant or other designated representative of the Board. Defendant shall allow the Compliance Consultant or other designated representative of the Board access to all patient charts at any time and shall allow for the immediate copying of said charts for review by the Board Secretary.

J. Kelley Singer, M.D. and Mark Tung, M.D. shall perform chart review of Defendant's patients and Defendant shall submit quarterly reports to the Board Secretary from Dr. Singer and Dr. Tung regarding their chart review.

K. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for any mental illness.

L. Defendant will keep the Board informed of his current address.

M. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month monitoring fee.

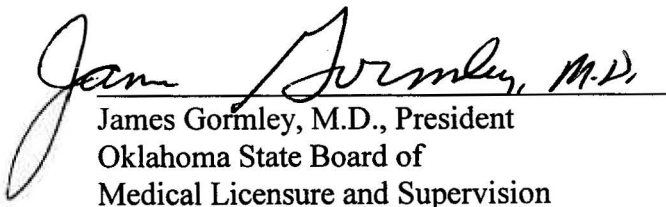
N. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

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


P. Defendant shall submit any required reports and forms on a timely basis to the Compliance Coordinator or designee.

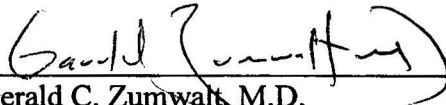
Q. Failure to meet any of the terms of your Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify your license after due notice and hearing.


Dated this 8 day of May, 2003.


James Gormley, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

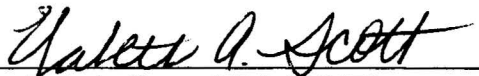
AGREED AND APPROVED:


Ming-Kao Chang, M.D.
License No. 16699


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


Mack K. Martin
119 N. Robinson Avenue, Suite 360
Oklahoma City, OK 73102

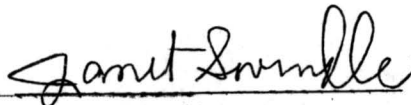
Attorney for the Defendant


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118
405/848-6841

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 12 day of May, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Mack Martin 119 N. Robinson Ave, Suite 360, Oklahoma City, OK 73102.


Janet Swindle, Secretary