

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

STATE OF OKLAHOMA

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

Plaintiff

v.

RODNEY LEE JONES, M.D.
Medical License No. 16311.

CASE NO. 89-01-775

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 12th day of January, 1989, at the Holiday Inn, 3535 NW 39th Street 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 Rodney Lee Jones, M.D., appeared in person, pro se, for the Defendant.

The Board of Medical Licensure and Supervision en banc heard the 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 Rodney Lee Jones, M.D., holds Oklahoma Medical License No. 16311.
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 in April of 1986, Defendant completed a 28-day in-patient chemical dependency treatment program at the Hazelden Foundation in Minnesota and returned to active anesthesia practice in the State of Kansas.
4. On or around May 9, 1986, Defendant entered into a stipulated agreement with the Kansas State Board of Healing Arts in Case No. 86-DC-0109 which indefinitely suspended Defendant's license. Defendant entered into additional subsequent agreements with the Kansas State Board of Healing Arts on May 19, 1986, December 5, 1986, May 4, 1987, and February 6, 1988. Copies of all Kansas orders and stipulations and modifications were introduced into evidence.
5. Defendant still holds licensure in Kansas and holds a valid, unrestricted DEA No. BJ1285130 and is currently active in anesthesia practice in Kansas as well as working in the field of chemical dependency. Defendant holds the position of Medical Consultant for the Parallax Drug and Alcohol Treatment Program in Wichita, Kansas, and is an active member of the Kansas Medical Society-Impaired Physicians Committee. Defendant is also a member of the American Medical Association on Alcohol and Other Drug Dependencies (AMASODD) and Defendant was asked to sit on a panel for the American College of Anesthesia to develop guidelines for recovering anesthesiologists.

6. That the Defendant agreed to undergo a period of probation in Oklahoma and further Defendant specifically agreed to authorize Kansas investigators for the Kansas State Board of Healing Arts to communicate material and facts relating to this case with investigators of the Oklahoma State Board of Medical Licensure and Supervision.

CONCLUSIONS OF LAW

1. That Rodney Lee Jones, M.D., holding Oklahoma Medical License No. 16811, is under the direct jurisdiction of the Oklahoma Board of Medical Licensure and Supervision, specifically 59 O.S. 1981, Sec. 509, Paragraphs 5 and 8, to-wit:

"5. Habitual intemperance or the habitual use of habit-forming drugs."

"8. Conviction or confession of a crime involving a violation of the anti-narcotic or prohibition laws and regulations of the federal government or the Board of Health laws and regulations of the State of Oklahoma."

2. That Rodney Lee Jones, M.D., is in violation of the rules and regulations promulgated by this Board, specifically Section IX, Rule 3, to-wit:

"3. The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

ORDER

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

1. That the Defendant, Rodney Lee Jones, M.D., Oklahoma License No. 16811, will be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years, beginning on MARCH 2, 1989, under the following terms and conditions:

(a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.

(b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous substance abuse.

(c) 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 his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.

(d) 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.

(e) Defendant shall authorize in writing investigators of the Kansas State Board of Healing Arts to communicate with investigators of the Oklahoma State Board of Medical Licensure and Supervision regarding facts and circumstances of his case.

(f) During the period of probation Defendant will continue all supportive programs, specifically including but not limited to the Physician Recovery Committee of the Oklahoma State Medical Association, and if directed by the Board or the Secretary psychiatric care wherein Defendant shall authorize psychiatrists to report to the Board periodically on Defendant's progress.

(g) During the period of probation 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.

(h) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

(i) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

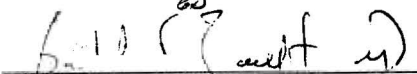
(j) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case.

(k) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

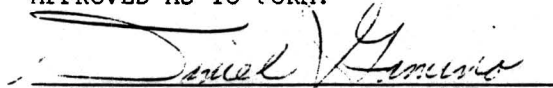
2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

3. 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 his Oklahoma Medical License, after additional due notice and hearing.

DATED this 2ND day of ^{MARCH} ~~January~~, 1989.


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 5th day of MARCH, 1989, to:

RODNEY LEE JONES, M.D.
3619 East Kellogg Drive
Wichita, KS 67218

