

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

STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA, ex re)
OKLAHOMA STATE BOARD OF MEDICAL)
LICENSURE AND SUPERVISION)

OCT 03 1996

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff)

VS.)

JIMMY HAROLD CONWAY, M.D.)
LICENSE NUMBER 16834)

CASE NUMBER 96-03-1806

Defendant)

VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER

NOW ON THIS 26 day of September 1996, there comes on before the Oklahoma Board of Medical Licensure and Supervision, the above styled and numbered cause of action. The defendant, Jimmy Harold Conway, M.D., the undersigned, states that he is of sound mind and not under the influence of any medication or drug or impaired thereby and that the defendant fully recognizes his right to appear before the Oklahoma State Board of Medical Licensure and Supervision, for evidentiary hearing on the allegations against the defendant herein. Of his own volition and decision, the defendant waives his right to appear before the Board of Medical Licensure and Supervision for a full hearing and pleads no contest to the allegations as set forth in the Complaint. Further, the defendant, Jimmy Harold Conway, M. D., believes that a hearing before the Board of Medical Licensure and Supervision would result in some sanction invoked by the Board under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act. Therefore, Defendant Jimmy Harold Conway hereby voluntarily and of his own volition submits to the jurisdiction of the Board, acknowledges the allegations herein and agrees to abide by the conditions and terms of the Order.

FINDINGS OF FACT

1. That Jimmy Harold Conway, M.D., holding Oklahoma Medical License Number 16834, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp 1994 509, Paragraph 5, to wit:

On or about March 4 of 1996, Defendant did practice medicine and surgery at Orthopedic Associates while under the influence of drugs, in violation of the Oklahoma Medical

Practice Act 59 O.S. 1994 Supp, 509(5) "Habitual intemperance or the habitual use of habit forming drugs".

2. That Jimmy Harold Conway, M.D., holding Oklahoma Medical License Number 16834, is in violation of the Oklahoma Administrative Code, 435:10-7-4(3) "The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient" and 435:10-7-4(5) "Purchasing or prescribing any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the Physician's personal use".

3. That on or about March 8, 1996, Defendant did enter Rush Behavioral Center, Chicago, Illinois for treatment for drug addiction.

4. That since completing treatment for drug addiction at Rush Behavioral Center, Defendant has adhered to the after-care contract entered into with that facility, in all respects.

5. That the Defendant has cooperated in all respects with this investigation.

CONCLUSIONS OF LAW

1. The Oklahoma Board of Medical Licensure and Supervision has jurisdiction in the 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 Act as the Board deems necessary to protect the public health, safety and welfare;

3. The Defendant, by reason of the above facts, is in violation of 59 O.S. Supp 1994 §509(5), to wit:

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

and the Rules and Regulations promulgated by this Board, specifically 435:10-7-4(3) and (5), 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.

5. Purchasing or prescribing any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the Physician's personal use."

ORDER

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

1. The Defendant, Jimmy Harold Conway, M.D., holding medical license number 16834, shall be under the following terms and conditions for a period of probation to begin March 8, 1996 and continue for a period of five (5) years from that date.

2. During the period of probation, Doctor Conway will keep duplicate, serially numbered prescriptions of all controlled dangerous substances readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Oklahoma State Board of Medical Licensure & Supervision immediately upon request.

3. During the period of probation, Doctor Conway will not authorize any personnel under his supervision to initiate an order for a prescription to be issued.

4. During the period of probation Doctor Conway will not prescribe, administer or dispense any medication of the following category/categories: (amphetamine-amphetamine-like substances; anorexic drug and anabolic steroids)

5. Dr. Conway is hereby approved to practice with Oklahoma Sports Science and Orthopaedic, P.L.L.C., 6201 N. Santa Fe, Oklahoma City, OK 73118, which currently includes Physicians Calvin Johnson, Kevin Hargrove, Robert Hines and Michael Williams.

6. Doctor Conway will conduct his practice in compliance with the Oklahoma Medical Practice Act as interpreted by the Oklahoma State Board of Medical Licensure & 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 Doctor until clarification of interpretation is received by Doctor from the Board.

7. During the period of probation, Doctor Conway will request all hospitals in which he anticipates practice to furnish to the Oklahoma State board of Medical Licensure & Supervision, a written statement regarding monitoring of his practice while performing services in or to that hospital.

8. During the period of probation, Doctor Conway 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, a copy of the Board Order stipulating sanctions imposed by the Board.

9. During the period of probation, Doctor Conway will not employ a Physician's Assistant.

TERMS AFFECTING PERSON

10. During the period of probation Doctor Conway will submit biological fluid specimens to include, but not limited to blood and urine, for analysis, upon request of the Board or its designee, and Doctor will pay for the analysis thereof.

11. During the period of probation, Doctor Conway will not prescribe, administer or dispense any medications for personal use.

12. During the period of probation, Doctor Conway will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Doctor Conway has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation of treatment.

13. During the period of probation, Doctor Conway will continue his contract with Rush Behavioral Health Center, the terms of which are the following:

1. Attendance at 12-step meetings weekly. Obtain and work with a 12-step sponsor.
2. Random, observed urine-monitoring for a period of not less than two years of the probation. The frequency of urine monitoring to be reassessed on an on-going basis.
3. Attendance at weekly Caduceus group in Oklahoma City. Compliance with all requirement of the Oklahoma Physician Recovery Program under the direction of Dr. Darrel Smith and Dr. Harold Thiessen.
4. Return to Rush Behavioral Health in 3-6 months for follow-up visit.

14. During the period of probation, Doctor Conway will keep the Board informed of his current address.

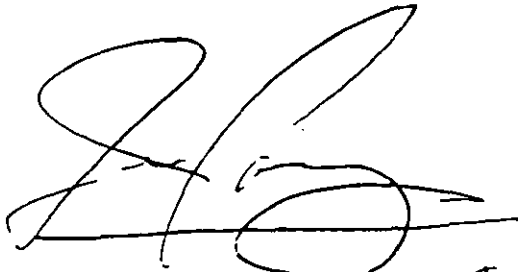
15. During the period of probation, Doctor Conway will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.


Violation of any of the terms or conditions of probation shall be grounds for additional charges to be presented to the Board after notice to Defendant in accordance with appropriate Oklahoma law.


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 an its own motion or that of the Defendant.

DATED this 22nd day of September, 1996.


Jimmy H. Conway, Jr. M.D.


Terry T. Wiens
Attorney for Jimmy Harold Conway, M.D.


C. Merle Gile
Attorney for State of Oklahoma, ex re
Oklahoma State Board of Medical
Licensure and Supervision

PREVIOUSLY APPROVED BY THE BOARD AND SIGNED AND SEALED ON ITS BEHALF

THIS 3rd DAY OF OCTOBER, 1996.

CERTIFICATE OF MAILING

I hereby certify that true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 7th day of October, 1996 to:

Jimmy Conway, M.D.
3301 N.W. 50th
Oklahoma City, Ok

Terry Wiens, Attorney
3015 NW 59
Oklahoma City, OK 73112

