

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, Eric Stark Broadway, M.D., holds Oklahoma license no. 16956 and practiced psychiatry in Lawton, Oklahoma.

3. In both 1987 and 1988, while in medical school, Defendant was arrested and charged with Driving Under the Influence (alcohol). These charges resulted in probation and a restriction on Defendant's driving privileges.

4. On or about June 1, 1988, Defendant submitted his Application for his medical license in the State of Oklahoma. On his Application, Defendant was asked the following question: "Have you ever been charged with or convicted of a felony or misdemeanor?" In response to this question, the Defendant answered "NO".

5. On or about October 17, 2008, Defendant was arrested by the Pontotoc County Sheriff's Office and charged with **PUBLIC INTOXICATION** in Pontotoc County, State of Oklahoma. Defendant subsequently plead guilty and he was fined.

6. On or about November 5, 2008, Defendant was arrested by the Duncan Police Department and charged with **DRIVING WHILE IMPAIRED (alcohol), SPEEDING (21 miles over speed limit)** and **TRANSPORTING AN OPEN CONTAINER OF LIQUOR**. Defendant received a deferred sentence and was placed on probation.

7. On or about December 27, 2008, Defendant was arrested and charged by the Lawton Police Department with the crimes of **SIMPLE ASSAULT-DOMESTIC ABUSE** and **RESISTING A POLICE OFFICER**. These charges were the result of an altercation with his wife where he allegedly dragged her out of bed by her hair, punched her in the arm and chest with his fist, then grabbed the necklace around her neck and choked her with it. He also allegedly shoved his finger up her nose. Mrs. Broadway attempted to call "911" but before she could dial it, Defendant crushed the cell phone. He then struck her in the face, after which she was able to escape and flee to a neighbor's house where she called the police. When the police arrived, Defendant attempted to run away from the police down an alley behind the house, at which time he was tackled by the police officers and arrested. Mrs. Broadway subsequently

dropped the assault charge and Defendant plead guilty to the misdemeanor charge of Resisting a Police Officer. He paid a fine and received six (6) months probation and a deferred sentence.

8. Defendant has admitted that he had been drinking alcohol on the night of the December 27, 2008 arrest. He has also admitted that he was on-call the night of his arrest and that he was receiving on-call pay that night from his employer, Jim Taliaferro Mental Health Center. Since he had been drinking while on call, his employer gave him the option of resigning or being terminated. Defendant resigned his employment on January 5, 2009.

9. In or around February 2009, Defendant was charged with **TRANSPORTING AN OPEN CONTAINER OF LIQUOR**, a misdemeanor, by the Oklahoma Highway Patrol. Defendant admitted to Board investigators that he drank a beer at home and was taking more beer to the golf course when he was stopped by the Highway Patrol, who found an open container of beer in his car. He received a citation and paid a fine.

10. On March 4, 2009, Board Investigator Robert Duvall interviewed Defendant. When asked about previous incidents relating to alcohol, Defendant lied to the Board Investigator when he did not disclose the November 5, 2008 **DWI** or the February 2009 **TRANSPORTING AN OPEN CONTAINER OF LIQUOR** incidents.

11. On March 4, 2009, Defendant also lied to Investigator DuVall by stating that after his December 27, 2008 arrest for **SIMPLE ASSAULT-DOMESTIC ABUSE** and **RESISTING A POLICE OFFICER**, that he had stopped drinking. Court records reflect that after the December 2008 arrest, he was cited in February 2009 for **TRANSPORTING AN OPEN CONTAINER OF ALCOHOL**. Defendant also later admitted to Investigator DuVall that he had been drinking at that time.

12. Defendant is guilty of unprofessional conduct in that he:
- A. 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).
 - B. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4 (8).
 - C. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4 (19).
 - D. Habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

- E. 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).
- F. 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).
- G. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4 (37).

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, Eric Stark Broadway, M.D., Oklahoma medical license 16956, is guilty of unprofessional conduct set forth below based on the foregoing facts:

- A. 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).
- B. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4 (8).
- C. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4 (19).
- D. Habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).
- E. 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).

- F. 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).
- G. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4 (37).

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 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, 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. 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 Talbott 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 Talbott and with all terms of his postcare contracts with Talbott and the Oklahoma Health Professionals Recovery Program.

- L. Defendant will sign a contract with and attend a minimum of one (1) meeting per week of the Health Professionals Recovery Program unless excused by the HPRP.
- M. Applicant will additionally attend a minimum of four (4) meetings per week of a local 12-Step program.
- N. Defendant shall attend ninety (90) meetings of a 12-Step program in ninety (90) days subsequent to his discharge from Talbott.
- O. Within the first year of probation, Defendant shall complete a Boundaries Class at Santé, Vanderbilt, or another facility approved in advance in writing by the Board Secretary. Defendant shall provide to the Board Secretary proof of completion of said class.
- P. Defendant shall obtain individual counseling on personal relationships with a counselor approved in advance in writing by the Board Secretary. Defendant shall submit quarterly reports of his treatment from his counselor to the Board Secretary or his designee for his review. Defendant shall continue his counseling until his counselor and the Board Secretary deems it no longer necessary.
- 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 dollar (\$100.00) 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 shall obtain a primary care physician other than Lanny Anderson, M.D.

Z. Defendant shall not prescribe, administer, dispense or possess any drugs in Schedules II and III without the prior permission of the Board.

AA. Defendant shall practice in a controlled environment approved in advance in writing by the Board Secretary.

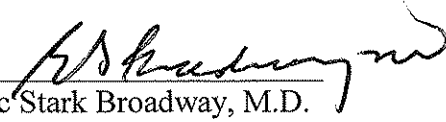
3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

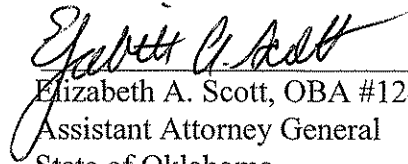
Dated this 17 day of September, 2009.



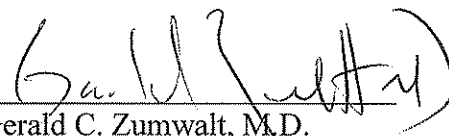
Curtis Harris, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED


Eric Stark Broadway, M.D.
License No. 16956

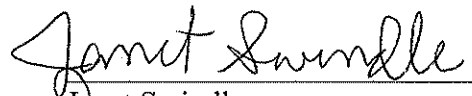

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Oklahoma State Board of
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CERTIFICATE OF MAILING

I certify that on the 18 day of September, 2009, I mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Eric Broadway, 1204 S.W. 24th Street, Lawton, OK 73505-8204.


Janet Swindle