

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

FILED

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

MAR 28 1996

Plaintiff }

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

VS }

Case No. 95-11-1778

STEPHEN TRAVIS PEAKE, M.D., }
Medical License No 17254 }

WITHDRAWAL OF PRIOR ORDER

The "Final Order" previously issued in this cause is hereby determined to be void and is hereby withdrawn by reason of the fact that same was erroneously issued and does not accurately reflect the evidence or findings of this Board. The "Corrected Final Order of the Board" hereinafter set forth accurately reflects the only individual proceedings heretofore held before this Board in reference to Stephen Travis Peake, M.D. Medical License No. 17254, and all prior orders are null and void.

CORRECTED FINAL ORDER OF THE BOARD

On the 20th day of January, 1996, this matter comes on before the OKLAHOMA STATE BOARD OF MEDICAL LICENSURE AND SUPERVISION, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to the requirements of 59 O.S. Section 503 and notice as required by law and the rules of the Board.

The State of Oklahoma was represented by Daniel Gamino, Attorney at Law, and the Defendant was present and represented by counsel, Lana Jeanne Tyree, Attorney at Law. Advisor to the Board was John Wiggins, Attorney at Law.

The Board of Medical Licensure and Supervision heard statements of legal counsel, reviewed evidence submitted, heard testimony given and being fully advised in the premises, the Board of Medical Licensure and Supervision finds and orders as follows:

FINDINGS OF FACT

1. That the Defendant, Stephen Travis Peake, M.D., holds Oklahoma Medical License No. 17254;

2. That the Oklahoma Board of Medical Licensure and Supervision 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 Defendant admitted that during 1995, he did personally use, without a third-party prescription, a total of three one ounce samples of Histussin, a Schedule 3 controlled dangerous substance, over a five day period for an alleged proper medical purpose;

4. That the Defendant's history of personal chemical dependency, for which he was in recovery during 1995, constitutes a direct threat of safety and welfare to the citizens of Oklahoma;

5. That the Defendant has received summary recommendations from Rush Behavioral Center.

CONCLUSIONS OF LAW

1. That the personal use of Histussin, a controlled dangerous substance, as set forth in paragraph 3 of the Findings of Fact hereinabove made, constitutes a violation of the rules promulgated by the Board of Medical Licensure and Supervision, as set forth in the Oklahoma Administrative Code, specifically, Rule 435:10-7-4 paragraph 5, which provides as follows: "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";

2. That the Defendant's history of personal chemical dependency, which poses a direct threat to the safety and welfare of the citizen's of Oklahoma, as stated in paragraph 4 of the findings hereinabove made, constitutes a violation of the Oklahoma Medical Practice Act, specifically 59 O.S. Section 5, which provides as follows: "Habitual intemperance or the habitual use of habit-forming drugs";

ORDER

Therefore, it is the Order of the Oklahoma State Board of Medical Licensure and Supervision that the Oklahoma Medical License of Stephen Travis Peake, M.D., License No. 17254 be placed on probation for a period of five (5) years with the following terms and conditions:

1. During the period of probation the Defendant will not prescribe, administer

or dispense any controlled dangerous substances, prescriptive or other habit-forming medications for his personal use;

2. During the period of probation the Defendant will take no controlled dangerous substances, prescriptive or other habit-forming medications except that which is authorized by a physician treating him for legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous history of substance abuses;

3. During the period of probation Defendant will abstain from using any addictive or habit-forming drugs or medicines, 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;

4. During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, immediately upon request by an agent representing the Board and Defendant will pay for the testing and analysis of those specimens;

5. During the period of probation Defendant will furnish to the office of the Board of Medical Licensure and Supervision all current legal addresses and any change of address, in writing;

6. During the period of probation the Defendant will not supervise a Physician's Assistant;

7. During the period of probation the Defendant shall appear before the Board or a designee whenever requested to do so;

8. During the period of probation Defendant shall promptly submit to the Oklahoma State Board of Medical Licensure and Supervision all required reports or forms.

9. That the Defendant shall not issue prescriptions for controlled dangerous substances to patients who are not in a hospital or in-patient type setting at the time the prescription is issued; provided however, Defendant shall be permitted to prescribe controlled investigational drugs and anabolic steroids to patients free and clear of this limitation;

10. That the summary recommendations from Rush Behavioral Health Center be added to the standard probation terms as follows:

a. That Dr. Peake shall refrain from the practice of anesthesiology for at least one (1) year from July 22, 1994;

b. That Dr. Peake return to monitored medical practice in areas other

than anesthesiology until otherwise recommended by Rush Behavioral Health Center;

c. That Dr. Peake fulfill the other recommendations in the discharge summary which include:

1. Dr. Peake will attend no less than three (3) 12-step meetings per week;
2. Dr. Peake participate in weekly Caduces group meetings;
3. Dr. Peake will submit to random, observed urine monitoring no less than weekly for three (3) months, twice monthly for nine (9) months, monthly for twelve (12) months or as directed by the Oklahoma Physicians Recovery Program or his employer;
4. Dr. Peake have no personal handling of mood-altering chemicals in the work-place;
5. Dr. Peake shall obtain a primary care physician;
6. Dr. Peake shall adhere to a strict policy of not self-prescribing medication;
7. Dr. Peake return to the Rush Behavioral Health Center for reassessment in three (3) to six (6) months after July 22, 1994;
8. Dr. Peake comply with all stipulations of the Oklahoma Physician Recovery Program;

11. During the period of probation Defendant will keep current the payment of all assessment by the Board for investigation, prosecution and probation monitoring of his case;

12. During the period of probation Defendant shall furnish each and every state in which he holds license or applies for licensure, and notify all hospitals, clinics, or any workplace at which he receives any form of staff privileges, a copy of this Board order which stipulates the sanctions imposed by the Board of Medical Licensure and Supervision;


13. Defendant shall conduct his practice in compliance with the Oklahoma Medical Practice Act and Oklahoma Administrative Code as interpreted by the Oklahoma Board of Medical Licensure and Supervision; that any question of interpretation or clarification 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 or interpretation is received by Defendant from the Board;

14. Violation of the terms and conditions of this probation shall be grounds for additional charges to be presented to the Board after notice to Defendant in accordance with applicable state and federal 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

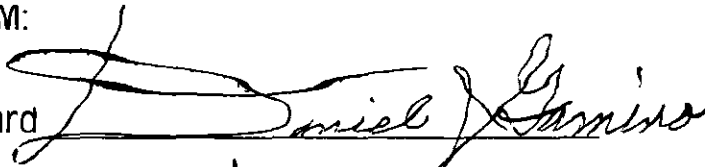
Medical Licensure and Supervision on their own motion or on motion of the Defendant.

Dated this the 28th day of MARCH, 1996.

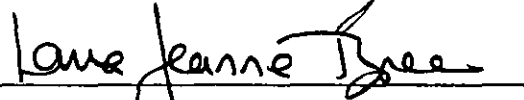

GERALD C. ZUMWALT M.D.
SECRETARY/MEDICAL DIRECTOR

APPROVED AS TO FORM:

DANIEL GAMINO
Attorney for the Board



LANA JEANNE TYREE
Attorney for Defendant



JOHN WIGGINS
Advisor to Board

