

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

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

Plaintiff)

vs.)

Case No. 95-11-1778

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

Defendant.)

FINAL ORDER MODIFYING TERMS OF PROBATION

This matter came on before the Oklahoma State Board of Medical Licensure and Supervision (Board), on March 13, 1997, at the office of the Board, 5104 North Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Stephen Travis Peake, M.D., Defendant, appeared in person and was not represented by counsel.

The Board en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Board finds as follows:

FINDINGS OF FACT

1. That Defendant, Stephen Travis Peake, M.D., holds Oklahoma Medical License No. 17254.
2. That the Board 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 on or around January 20, 1996, following notice and hearing, the Oklahoma State Board of Medical Licensure and Supervision placed the Defendant on a term of probation to the Board for a period of five

- (5) years under enumerated terms and conditions.
4. That the Defendant was in substantial compliance with the terms and conditions of probation as imposed by the Board.
 5. That the Defendant presented evidence to support modifying his probation to allow the issuance of prescriptions for controlled substances to out-patients.

CONCLUSIONS OF LAW

1. That the decision to modify the probation is within the sound discretion and judgment of the Board.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision that the Motion for Modification of Probation of Defendant, Stephen Travis Peake, M.D., holding Oklahoma Medical License No. 17254, should be and the same is hereby GRANTED.

That the five (5) year probation of Stephen Travis Peake, M.D., be continued under 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 Oklahoma State 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 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 may issue prescriptions for controlled dangerous substances to out-patients on duplicate, serially numbered prescriptions readily retrievable, in numerical order and will furnish copies to investigators or other authorized agents of the Oklahoma State Board of Medical Licensure and Supervision immediately upon request;
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 will 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 will 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 shall return to the Rush Behavioral Health Center for reassessment in three (3) to six (6) months after July 22, 1994;
 8. Dr. Peake shall 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 Oklahoma State 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 State Board of Medical Licensure and Supervision on their own motion or on motion of the Defendant.

Dated this 27 day of March, 1997.

Gerald Zumwalt M.D.
GERALD C. ZUMWALT, M.D.
SECRETARY/MEDICAL DIRECTOR

CERTIFICATE OF MAILING

This is to certify that on this 2 day of April 1997, a true and correct copy of this order was mailed, postage prepaid, to:

Stephen Travis Peake, M.D.
2814 East 82 Street South
Tulsa, OK 74137

Janet L. Owens
Janet L. Owens, Secretary