

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

STATE OF OKLAHOMA

FILED

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

FEB 17 1994

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff,

GARY CHARLES HASSMANN, M.D.  
Medical License No. 17579,

CASE NO. 90-10-1133

Defendant.

ORDER TO MODIFY  
TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on February 11, 1994, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, 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 Gary Charles Hassmann, M.D., Defendant, appeared in person, pro se, waived his right to legal counsel and agreed to proceed without counsel.

That the Oklahoma Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, reviewed exhibits, heard testimony and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Gary Charles Hassmann, M.D., holds Oklahoma Medical License No. 17579.
2. That the Oklahoma 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 on February 1, 1991, following notice and hearing, the Board found that the Defendant should be licensed to practice medicine and surgery in the State of Oklahoma in that the Defendant had executed a Voluntary Submittal to Jurisdiction and the terms and conditions therein were an appropriate disposition for the case, and the Voluntary Submittal to Jurisdiction was accepted by the Board, with the addition that during the period of probation Defendant would not prescribe, administer or dispense any legend drugs until the Defendant appeared again before the Board and obtained permission for same. The Defendant was placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on February 1, 1991, under certain enumerated terms and conditions.
4. That since imposition of probation the Defendant has operated in substantial compliance with same except that in the first year of probation Defendant only completed 48 hours of continuing medical education and in the second year of probation Defendant only completed 18 hours of continuing medical education

instead of completing the ordered 50 hours of Class 1 continuing medical education for each year of probation.

5. That on or around December 2, 1993, Defendant filed a hand-written request to modify certain conditions of probation. Defendant had a professional opportunity with Tony Billings, M.D., who appeared in person and testified as to the nature of the opportunity for the Defendant. Defendant also had the support of Dr. Richard Marshall, Director of Medical Education at St. Francis Hospital, Tulsa, Oklahoma, who appeared on behalf of the Defendant.

6. That the Board found that portions of the terms and conditions of probation could be modified and/or eliminated without danger to public health, safety and welfare.

#### CONCLUSIONS OF LAW

1. That the Oklahoma Board of Medical Licensure and Supervision has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq., and by the Voluntary Submittal to Jurisdiction agreed to herein by the Defendant.

#### ORDER

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

1. That the Defendant's Motion to Modify Probation should be and the same is hereby GRANTED.

2. That the Defendant, Gary Charles Hassmann, M.D., holding Oklahoma Medical License No. 17579, should be and is hereby RETAINED on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on February 1, 1991, under the following amended terms and conditions:

- (a) During the period of probation Defendant will not prescribe, administer or dispense any schedule drugs or controlled dangerous substances.
- (b) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (c) During the period of probation Defendant may prescribe, administer or dispense any legend drugs but only on serially-numbered, duplicate prescription pads and Defendant shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, to include all dispensing records and sample medication.
- (d) That the Defendant shall complete 50 hours of Class 1 Continuing Medical Education each year of his probation and submit proof of successful completion of that CME to the Board Secretary.
- (e) That the Defendant shall not perform any surgery or surgical procedures until further order of the Board.
- (f) 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.

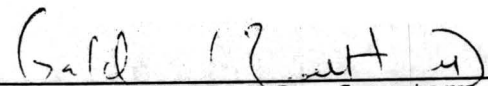
- g) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- h) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- i) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- j) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Board Order and supply a copy thereof.
- 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.

3. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or withdrawn by the Oklahoma State Board of Medical Licensure and Supervision, either on their own motion or on the motion of the Defendant.

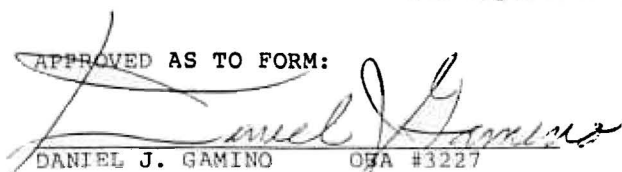
4. That failure to meet any of the above terms of probation will constitute cause for the staff of the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma medical license, after additional due notice and hearing.

5. That a copy of this written Order should be sent to the Defendant as soon as possible so his record is complete.

DATED this 17 day of Feb, 1994

  
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 19 day of Feb, 1994, to:

GARY CHARLES HASSMANN, M.D.  
1015 E. 67 Street, #917  
Tulsa, OK 74139

Jamit L Owens