

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

FILED

JUN 19 2006

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff,)

v.)

STEVE L. SCHOELEN, M.D.,)
LICENSE NO. 17719,)

Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 06-01-3034

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Steve L. Schoelen, M.D., alleges and states as follows:

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.*
2. Defendant, Steve L. Schoelen, M.D., holds Oklahoma license no. 17719.
3. On or around June 8, 1992 until October 15, 1992, Defendant obtained treatment for substance abuse at COPAC in Jackson, Mississippi based upon a history of abusing Fentanyl.
4. One (1) day after returning from treatment at COPAC, Defendant relapsed on Ketamine.
5. Approximately three (3) years later, Defendant relapsed again and began abusing Lortab, Xanax and Marijuana on a daily basis. Defendant admits that he obtained the Lortab and Xanax from office samples.
6. On or about September 4, 2005, Defendant was pulled over by the Oklahoma City Police for driving erratically. Defendant was subsequently arrested and charged with Driving While Under the Influence of Drugs, Attempting to Elude Police, Failure to Keep Right of Center and Possession of a CDS Without a Prescription. At the time of his arrest, police found sample

packages of Provigil 200 mg., a Schedule IV controlled dangerous substance and Xodol 10 mg., a Schedule III controlled dangerous substance, as well as other non-controlled drugs. Defendant admitted to the police that he had no medical need for the Xodol. Defendant admitted to the police that he did not have prescriptions for either of the controlled dangerous substances. Defendant was then transported to Southwest Medical Center Emergency Room for a blood test, and then to the Oklahoma County Jail, at which time he submitted to a D.R.E. evaluation. The D.R.E. evaluator concluded that Defendant was under the influence of CDS depressants, CDS stimulants and narcotic analgesics and was unable to safely operate a motor vehicle.

7. Beginning on or around February 13, 2006 and continuing until on or around February 17, 2006, Defendant obtained an assessment at Talbott Recovery Campus. Upon admission to Talbott, Defendant submitted to drug test, which tested positive for Marijuana and Propoxyphene.

8. Defendant returned to Talbott for substance abuse treatment on or about February 21, 2006 and continuing until May 20, 2006. Defendant admitted to Talbott that he had been using Provigil at least two (2) times per day, and that at the time of his arrest on September 4, 2005, he had been using Ambien, Lortab and Xanax, which had not been prescribed to him but had been obtained from the sample cabinet at this office

9. Defendant is guilty of unprofessional conduct in that he:

A. Is habitually intemperate or habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

B. 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).

C. 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).

D. 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).

E. Confessed to a crime involving violation of the antinarcotics laws and regulation of the federal government or the laws of this state in violation of 59 O.S. §509(7).

F. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).

G. Purchased or prescribed any regulated substance in Schedule I through V, as defined by the Uniform Controlled Dangerous Substances Act, for the physician's personal use in violation of OAC 435:10-7-4(5).

H. Dispensed, prescribed or administered a Controlled substance or Narcotic drug without medical need in violation of 59 O.S. §509(16) and OAC 435:10-7-4 (2) and (6).

I. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).


J. Prescribed, sold, administered, distributed, ordered, or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug to a family member or to himself in violation of OAC 435:10-7-4(26).

K. Violating any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



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