

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

FILED

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

Plaintiff,)

JUL 20 2006

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.)

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

Defendant.)

Case No. 06-01-3034

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Steve L. Schoelen, M.D., Oklahoma license no. 17719, who appears in person and through counsel, Linda G. Scoggins, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on June 19, 2006 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Steve L. Schoelen, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has

read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel.

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, 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. In or around 2003, Defendant relapsed again and began abusing Lortab, Xanax and Marijuana. 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. At the conclusion of the assessment, Defendant continued his stay at Talbott for substance abuse treatment until May 20, 2006, for a total of fourteen (14) weeks. 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. Was habitually intemperate or habitually uses habit-forming drugs in violation 59 O.S. §509(4) and OAC 435:10-7-4(3).

B. 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).

C. 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).

D. 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).

E. 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).

F. 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).

G. 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).

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

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, Steve L. Schoelen, M.D., Oklahoma medical license 17719, is guilty of unprofessional conduct set forth below based on the foregoing facts:

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

B. 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).

C. 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).

D. 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).

E. 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).

F. 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).

G. 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).

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

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 Recovery Campus 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 attend a minimum of one (1) meeting per week of the Health Professionals Recovery Group.

M. Defendant will attend ninety (90) 12-Step meetings in ninety (90) days, and thereafter will attend a minimum of four (4) meetings per week of a local 12-Step program.

N. At the time of Defendant's six (6) month return visit to Talbott, Defendant shall submit to cognitive testing so as to determine any cognitive impairment. Defendant shall provide the results of the cognitive testing to the Board Secretary for his review.

O. Defendant shall promptly notify the Board of any relapse,

including any entry, or re-entry, into a treatment program for substance abuse.

P. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

Q. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

R. 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.

S. 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.

T. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

U. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.


V. 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.


Dated this 20 day of July, 2006.




Billy Stout, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

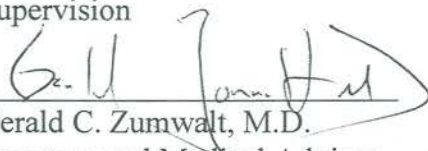
AGREED AND APPROVED


Steve L. Schoelen, M.D.
License No. 17719


Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118

Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision


Linda G. Scoggins, OBA #8013
Scoggins & Cross, PLLC
204 N. Robinson, Suite 3100
Oklahoma City, OK 73102


Gerald C. Zumwalt, M.D.
Secretary and Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision

Attorneys for Defendant,
Steve L. Schoelen, M.D.

CERTIFICATE OF MAILING

I certify that on the 21 day of July, 2006, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Linda G. Scoggins, Scoggins & Cross, PLLC, 204 N. Robinson, Suite 3100, Oklahoma City, OK 73102.


Janet Swindle