

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, )

JAN 27 2012

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff )

v. )

Case No. 11-04-4407

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

Defendant. )

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., Oklahoma license no. 17719, 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 and practices as a family practice physician in Newcastle, Oklahoma.

PREVIOUS DISCIPLINARY ACTION

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. On or about July 20, 2006, the Board entered an Order Accepting Voluntary Submittal to Jurisdiction whereby Defendant's license was placed on a **FIVE (5) YEAR PROBATION** whereby Defendant was ordered to affiliate with the Oklahoma Health Professionals Program and to submit to monitoring for substance abuse by the Board.

10. On July 20, 2011, Defendant's five (5) year probation with the Board ended.

### **CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS**

11. Defendant admits that on or around August 25, 2011, approximately one (1) month after his probation with the Board ended, he was at home because he had been sick. He claims that he was unable to sleep, so he searched his house and "found" some old Xanax that he had kept from before he first went on probation in 2005. He claims that he then took the Xanax to help him sleep. Defendant admits that the Xanax was not prescribed to him but had been left over from his days of abusing drugs back in 2005. Defendant claims that in searching his house for drugs, he also "found" some old Marijuana that had allegedly been in his house since before 2005. He claims that he also smoked the Marijuana to help him sleep.

12. The next day, August 26, 2011, Defendant still felt bad so he took four (4) Fioricet that he also “found” in his house when he found the Xanax and the Marijuana. He then got in his car to drive to the store.

13. A few blocks from his house, Defendant ran a stop sign and caused an accident. He did not stop at the accident but kept driving. Defendant was subsequently arrested by the Oklahoma City Police Department and taken to the hospital where blood was drawn for a drug test. Upon a finding that he was not injured, Defendant was then transported to the Oklahoma County Jail. Defendant was subsequently charged in Oklahoma City Municipal Court with **DRIVING UNDER THE INFLUENCE OF DRUGS, LEAVING THE SCENE OF AN ACCIDENT, and FAILURE TO STOP FOR STOP SIGN.**

14. On or about October 14, 2011, OSBI confirmed that Defendant tested positive for Xanax, Butalbital, Celexa and Marijuana.

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

- A. 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).
- B. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).
- 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. Purchased or prescribed a regulated substance in Schedules I through V for the physician’s personal use in violation of OAC 435:10-7-4(5).
- F. Prescribed, sold, administered, distributed, ordered or gave a drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).
- G. 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).

- H. 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).
- I. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- J. Confessed to a crime involving violation of the antinarcotic laws and regulations of the federal government and the laws of this state in violation of 59 O.S. 509(7).
- K. Engaged in the indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs in violation of OAC 435:10-7-4(1).
- L. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standard in violation of OAC 435:10-7-4(2) and (6).
- M. Prescribed, dispensed or administered a controlled substance or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. 509(16).

### ***Conclusion***

WHEREFORE, plaintiff 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 the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 27<sup>th</sup> day of January, 2012 at 4:00 p.m.

Respectfully submitted,



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