

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,)
)
Plaintiff,)
)
v.)
)
PAUL E. WHEELER, M.D.)
Medical License No. 17806,)
)
Defendant.)

MAY 19 1994

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 93-09-1544

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on May 14, 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 Paul E. Wheeler, 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 testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Paul E. Wheeler, M.D., holds Oklahoma Medical License No. 17806.
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 from July 20, 1992, to date, Defendant has habitually used alcohol and/or habit-forming drugs to the extent that he voluntarily separated from the United States Army and was unable to practice medicine and surgery with reasonable skill and safety to patients.
4. That Defendant is perpetuating significant harm to public health, safety and welfare by continuing the acts and omissions set forth in the above allegations.

CONCLUSIONS OF LAW

1. That Paul E. Wheeler, M.D., holding Oklahoma Medical License No. 17806, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1993; Sec. 509, Paragraphs 5 and 16, to-wit:
 - "5. Habitual intemperance or the habitual use of habit-forming drugs."
 - "16. Inability 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 physical condition."

ORDER

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

1. That the Defendant, Paul E. Wheeler, M.D., holding Oklahoma Medical License No. 10500, is hereby placed on a term of probation to the Oklahoma Board of Medical Licensure and Supervision for a period of five (5) years beginning on May 14, 1994, under the following terms and conditions:


- (a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances and alcohol.
- (b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous alcohol and substance abuse.
- (c) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically 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.
- (d) During the period of probation Defendant has the affirmative duty to not engage in any activity or to ingest any medication or substance of any nature that will test positive for alcohol or any controlled dangerous substance.
- (e) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
- (f) During the period of probation Defendant shall furnish the Oklahoma Board of Medical Licensure and Supervision with monthly documentation of his regular attendance at A.A. meetings and the Physician's Recovery Committee Program meetings.
- (g) During the period of probation Defendant agrees to provide urine and blood samples upon random, unannounced visits by staff members of the Oklahoma Board of Medical Licensure and Supervision to his place of employment. In that regard, Defendant shall keep the Oklahoma Board fully informed of his work schedule at all times.

- (h) 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.
- (i) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (j) 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.
- (k) 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.
- (l) 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 Order and supply a copy thereof.
- (m) During the period of probation the Defendant shall not supervise a Physician Assistant.
- (n) That Defendant will conduct his practice in compliance with the Oklahoma Medical Practice 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 the interpretation is received by Defendant from the Board.
- (o) 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.

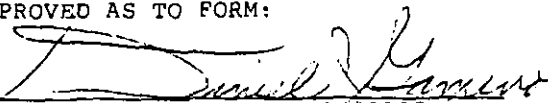
2. That jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

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

DATED this 19 day of May, 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 20 day of May, 1994, to:

PAUL E. WHEELER, M.D.
8825 Fairfield Green Rd
Midwest City 73110

Janet L Owens