

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)

NOV 21 1996

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

vs.)

CASE NO. 93-09-1544

PAUL EDWARD WHEELER, M.D.)
MEDICAL LICENSE NO. 17806)

Defendant.)

FINAL ORDER

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on September 26, 1996 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 North Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given, as required by law and the rules of the board. Gregory J. Ryan, Attorney at Law, appeared for the plaintiff; Paul Edward Wheeler, M.D., defendant, appeared in person and by and through Merle Gile, Attorney at Law.

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

FINDINGS OF FACTS

1. The Defendant, Paul Edward Wheeler, M.D. holds Oklahoma Medical License No. 17806.
2. The Oklahoma State 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 by the defendant's own admission, in June of 1996, he suffered a relapse of his drug/alcohol addiction and was treated as an inpatient at Rush Behavioral Health Center in Downers Grove, Illinois from June 12, 1996 to August 29, 1996 for alcohol dependence.

4. That the defendant, by Order of May 14, 1994, was on a five year probation by the Oklahoma State Board of Medical Licensure and Supervision in Case No. 93-09-1544 for habitual use of alcohol and/or habit forming drugs which rendered him unable to practice medicine and surgery with reasonable skill and safety to his patients. Said probation was in effect from May 15, 1994 to May 14, 1999.

5. The various terms and conditions of the above mentioned probation specifically included an abstinence 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.

6. An additional term and condition of the May 14, 1994 probation stated that during the period of probation, the defendant will not prescribe, administer or dispense any medications for his personal use to specifically include controlled dangerous substance and alcohol.

7. That the defendant violated the above mentioned terms and conditions of his probation by the habitual use of habit-forming drugs which rendered him unable to practice with reasonable skill and safety to patients.

8. That the defendant is perpetuating significant harm to the public health, safety and welfare by the acts and omissions set forth in this case.

CONCLUSIONS OF LAW

1. That the Defendant, Paul Edward Wheeler, M.D. holding Oklahoma Medical License No. 17806, is in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. Supp. 1994, Sec. 509, Paragraphs 5 and 16 to-wit:

"5. Habitual intemperance or the habitual use of habit-forming drugs;"

"16. The 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 ...

2. That Defendant is also in violation of the Oklahoma Administrative Code (Rules and Regulations of the Oklahoma State Board of Medical Licensure and Supervision) 435:10-7-4, Paragraphs 3, 17, 18 and 39, to-wit:

"(3) The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

"(17) Being physically or mentally unable to practice medicine and surgery with reasonable skill and safety."

"(18) Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery."

"(39) Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board."

ORDER

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

1. The Defendant, Paul Edward Wheeler, M.D., Oklahoma Medical License No. 17806, should be, and the same is hereby SUSPENDED effective September 26, 1996. Said Suspension shall remain in force for a period of six (6) months from its effective date. Thereafter the defendant will begin an additional five (5) years of probation starting at the end of the period of Suspension. The Board further orders that all of the terms and conditions of the previous Order of Probation of May 14, 1994, shall remain in effect and apply to the terms of Suspension and Probation in the present case. Additionally, the Board orders that the recommendations made in the Discharge Summary from Dr. Paul Feldman of the Rush Behavioral Health Center be satisfied and completed in full. Those recommendations include:

1. Attendance at no less than three 12-Step Meetings weekly; obtain and work with a 12-Step sponsor.

2. Weekly attendance at the Caduceus Group in Oklahoma City, Oklahoma.

3. Random, observed urine monitoring at a frequency of not less than weekly for three months, twice monthly for nine months, and then monthly for twelve months, or

as requested by supervisors or the Oklahoma Physician's Recovery Program (OPRP).

4. Maintenance of reasonable work hours conducive to the life style of a recovering physician. We would recommend that overall work hours remain in the 36-40 hour per week range.

5. Naltrexone therapy at a daily dosage of 50 mg. This was initiated while at Rush.

6. Come under the care of a primary care physician for routine health maintenance needs and intermittent evaluation of liver function while on Naltrexone.

7. Individual psychotherapy to be arranged with Dr. Randy Decker.

8. Return to Rush Behavioral Health on a quarterly bases for follow-up visits for at least one year.

9. Compliance with all requirements of the Oklahoma Physician's Recovery Program.

2. The jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of Suspension and Probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on its own motion or upon the motion of the defendant.

3. That failure to meet any of the above terms of suspension and/or 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 21 day of Nov, 1996.

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

APPROVED AS TO FORM:

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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 27 day of November, 1996, to:

Merle Gile
Attorney at Law
2200 North Classen Boulevard
Suite 2000
Oklahoma City, Oklahoma 73106
ATTORNEY FOR DEFENDANT

Gregory J. Ryan