

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,)

JUL 31 1998

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 93-09-1544

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

Defendant.)

FINAL ORDER OF PROBATION

This matter comes on for hearing before the Oklahoma State Board of Medical Licensure and Supervision July 23, 1998, at the Board's offices located at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Defendant, Paul Edward Wheeler, M.D., appeared before the Board to request modification of the probation terms set forth in the Final Order entered September 26, 1996 in this case. Defendant appeared in person without an attorney, thereby waiving his right to legal representation before the Board.

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.*

2. On September 26, 1996, Defendant's license to practice medicine and surgery in the State of Oklahoma under Oklahoma license number 17806 was suspended for unprofessional conduct involving personal substance abuse and the violation of a previous Board order for probation entered May 14, 1994. Defendant received an additional five (5) years probation following the suspension period.

3. Defendant's probation term commenced March 26, 1997. After serving nearly six (6) months of his probationary period, Defendant ceased practicing medicine in

the State of Oklahoma and moved to Alaska. At Defendant's request, his probationary period was tolled September 18, 1997 by the Board Secretary

4 Since Defendant has returned to Oklahoma to practice medicine, he must complete the remaining term of his probationary period.

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"), its applicable regulations and previous Board orders entered in this cause.

2 The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

Order

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

1. The order tolling the remainder of the probation term of Defendant, Paul Edward Wheeler, holding Oklahoma License No. 17806, is removed, and the Defendant is ordered to complete the remaining probationary period under the following terms and conditions of probation:

a. Defendant will attend no less than three 12-Step meetings weekly and will obtain, maintain and work with a 12-Step sponsor.

b. Defendant will attend weekly Caduceus or similar group meetings for recovering professionals. Defendant may attend these meetings in Amarillo, Texas or in Enid or Oklahoma City, Oklahoma as long as he attends at least one meeting per month of the Caduceus group in Oklahoma City, Oklahoma.

c. Defendant will maintain reasonable work hours conducive to the lifestyle of a recovering physician and acknowledges the Board's recommendation of a 36-40 hour work week.

d. Defendant will comply with all recommendations for drug therapy and other treatment made by his treating physicians and will continue under the care of a primary

care physician for routine health maintenance needs and intermittent evaluation.

e. Defendant will continue professional counseling with a counselor approved by the Board or its designee and will comply with all treatment recommendations.

f. Defendant will comply with all requirements of the Oklahoma Physician's Recovery Program.

g. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this Order 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 Board.

h. Defendant will notify all hospitals, clinics or groups in which he practices or anticipates practicing of the terms and conditions of this Order and will furnish them a copy of this order.

i. Defendant will not supervise allied health professionals.

j. Defendant will submit for analysis biological fluid specimens, including but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay the costs attendant thereto.

k. Defendant will not prescribe, administer or dispense any medications for personal use, to specifically include controlled dangerous substances and alcohol.

l. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant will have the affirmative duty to inform any and every doctor treating him of Defendant's previous alcohol and substance abuse and this Order prior to the commencement of, or continuation of presently ongoing, treatment.

m. Defendant will have the affirmative duty not to

consume or ingest alcohol or any other substance, specifically including but not limited to controlled dangerous substances, which will cause a body fluid sample to test positive for prohibited substances.

n. Defendant will have the affirmative duty not to consume or ingest alcohol or any other 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 Board.

o. Defenant shall furnish the Board with monthly documentation of his regular attendance at AA meetings and the Physician's Recovery Committee Program meetings.

p. Defendant will authorize the Board or its designee to make random, unannounced visits to his place of employment and will keep the Board fully informed of his work schedule at all times.

q. Defendant will keep the Board informed of his current address and will advise the Board in writing of any address changes.

r. Defendant shall appear before the Board or its designee upon the request of the Board or its designee.

s. Defendant will submit any requested or required reports and forms to the Board on a timely and prompt basis.

t. Defendant shall promptly pay within thirty (30) days of his receipt of invoice from the Board the costs of investigation, prosecution and probation of this case.

u. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

v. Defendant will execute releases of medical, counseling and psychiatric records for use by the Compliance Consultant or other agents of the Board and will authorize the Compliance Consultant or other agents of the Board to discuss Defendant's case with Defendant's

treating physicians, counselors and/or other custodians of Defendant's records.

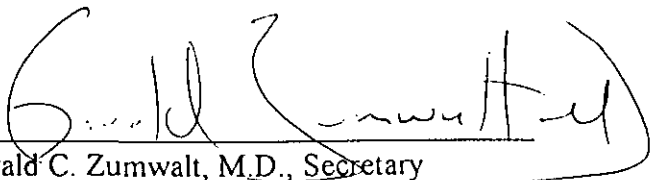
w. Defendant will notify the Board or its designee of any entry, or re-entry, into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation.

2. Jurisdiction of the Board in this individual proceedings will continue until the terms and conditions of probation are modified or lifted by the Board on its own motion or on the motion of Defendant.

3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate additional proceedings to suspend or revoke Defendant's medical license, after additional notice and hearing as required by law.

4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs, and shall keep current all payments for monitoring her compliance with this agreement.

Dated this 31 day of July, 1998.



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

Certificate of Service

I certify that on August 7, 1998 a true and correct copy of this order was mailed, postage prepaid, to Paul Edward Wheeler, M.D., P.O. BOX 188
BOISE CITY, OK 73933

Janet L Owens
Janet Owens

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