

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

FILED

IN THE MATTER OF THE )  
APPLICATION OF )

FEB 06 2009

PAUL EDWARD WHEELER, M.D., )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

FOR REINSTATEMENT OF OKLAHOMA )  
MEDICAL LICENSE NO. 17806 )

Case No. 93-09-1544

**ORDER GRANTING REINSTATEMENT OF  
LICENSE UNDER TERMS OF INDEFINITE PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on January 29, 2009, at the Board office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

Defendant, Paul Edward Wheeler, M.D., appeared in person and pro se.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

*Findings of Fact*

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
2. Defendant, Paul Edward Wheeler, M.D., holds Oklahoma license no. 17806.
3. The evidence reflects the following:
  - a. On or about September 27, 2001, Applicant surrendered his license in lieu of prosecution based upon a history of substance abuse.
  - b. Applicant subsequently obtained treatment for substance abuse at Talbott Recovery Center, but relapsed after treatment by continuing to drink alcohol

- c. Applicant has not practiced medicine since 2001.
  - d. Applicant did not submit to any drug testing between 2003 and 2008.
  - e. Applicant's initial application for reinstatement was tabled at the June 27, 2008 Board meeting to allow him to obtain a substance abuse assessment from a facility approved by the Board.
  - f. Defendant obtained an assessment from Talbott Recovery Center.
4. Defendant is now seeking reinstatement of his Oklahoma medical license no. 17806.

### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction to reinstate the license of a physician pursuant to 59 O.S. §508.1.
2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §480 *et seq.*

### **ORDER**

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

1. Defendant's medical license shall be reinstated under the following terms and conditions of **INDEFINITE PROBATION** 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 spend two (2) days per week retraining with Stephen Crawford, M.D. at the University of Oklahoma Health Sciences Center. Defendant shall submit quarterly reports from Dr. Crawford to the Board Secretary setting forth his progress in retraining. Defendant shall continue retraining until both Dr. Crawford and the Board Secretary deem it no longer necessary.

F. Defendant shall execute a contract with the Oklahoma Health Professionals Recovery Program and shall abide by all requirements and recommendations under his contract.

G. 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. Testing may be weekly or random, at the discretion of the Compliance Consultant.

H. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

I. 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.

J. 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.

K. Defendant will authorize in writing the release of any and all information regarding his treatment at Talbott, and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

L. Defendant will abide by the terms and recommendations of the Oklahoma Health Professionals Recovery Program and Talbott. Defendant will authorize in writing the release of any and all records of that treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss his case and treatment with the individuals providing Defendant's treatment.

M. Defendant will attend five (5) meetings per week of a local 12-step program, to include the weekly Health Professionals Recovery Program meetings.

N. Defendant will enter and continue individual therapy with a therapist approved in advance by the Board Secretary, and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall additionally submit quarterly reports from his therapist to the Board Secretary for his review.

O. Defendant shall obtain a primary care physician for his primary care health needs and medication management to be approved in advance by the Board Secretary.

P. Defendant shall continue his monthly treatment with Vivitrol until released by Talbott and the Board Secretary.

Q. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

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

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

T. 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, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

U. 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.

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

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

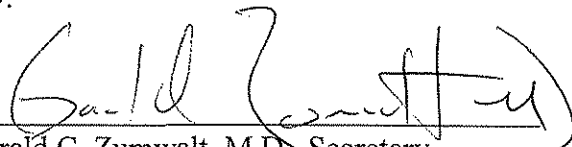
X. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

2. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's license, after due notice and hearing.

3. Defendant's license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma.

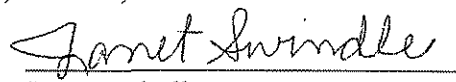
4. A copy of this written order shall be sent to Defendant as soon as it is processed.

Dated this 6<sup>th</sup> day of February, 2009.

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

**Certificate of Service**

On the 6 day of February, 2009, a true and correct copy of this order was mailed, postage prepaid, to Paul Edward Wheeler, Box 818, 116 N. Balfour, Boise City, OK 73933 and to Swede Carlson, 106 E. Constitution, P.O. Box 2335, Victoria, TX 77902-2335.

  
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Janet Swindle