

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,)

JUN 05 1997

Plaintiff,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

-vs-

Case No. 96-08-1831

STEVEN P. SCHOENDIENST,)
M.D., Medical License No. 17808,)

Defendant.)

FINAL ORDER OF REVOCATION

THIS CAUSE came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision, (hereinafter "OSBMLS"), en banc on the 16th day of May, 1997 at the offices of the OSBMLS, 5104 North Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

The plaintiff appears by and through its attorney, Gregory J. Ryan; neither the defendant nor any representative on his behalf appeared before the Board.

The OSBMLS en banc proceeded in abstentio, heard testimony, reviewed exhibits, and being fully advised in the premises, finds that there is clear and convincing evidence of the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. That the Defendant Steven P. Schoendienst, M.D. holds Oklahoma Medical License No. 17808.

2. That the OSBMLS has jurisdiction over the defendant and 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 the Board gave notice for and set this hearing on May 15, 1997 after the issuance of Citation and Complaint on March 27, 1997.

4. That said service was issued by certified mail to the defendant's last known address filed with the Board and was also served by notice of hearing by publication.

5. Said certified mail service was attempted to be delivered in April 1, 1997. It was returned-to-sender because the addressee had moved and left no forwarding address.

6. Said publication notice was published in The Journal Record for the weeks of April 2nd, 9th and 16th, 1997.

7. That the defendant failed to submit to the Board his current street address upon relocation.

8. That the defendant thereafter failed to file his written answer as required by the rules of the Board and also failed to make any response whatsoever to appear personally.

9. On or about October 25, 1994 through February 25, 1996, the defendant wrongfully wrote prescriptions for controlled dangerous substances, without medical need, to persons who were not his patients, upon whom he performed no physical exams and for purposes other than the rendition of proper medical care, all in abuse of the privileges and responsibilities of the medical license granted to Dr. Schoendienst.

10. Thereafter, the Defendant Dr. Schoendienst moved to the State of Texas and admitted to OBN Agent/Medical Board Investigator, Jan Stratton, both orally and in writing, the violations of state and federal law and OSBMLS rules referred to above in the improper writing of prescriptions for CDS to people outside the scope of a doctor/patient relationship and without established medical protocol or need.

11. That as a result of the evidence brought forth by the Complaint, the Board finds that the defendant is perpetuating significant harm to the public health, safety and welfare by continuing the acts and/or omissions set forth in the allegations in the Complaint.

CONCLUSIONS OF LAW

12. The OSBMLS has authority to perfect service against a defendant by certified mail to the last known address of the defendant or by publication of said notice. OAC, Title 435:3-3-5 and 3-3-6.

13. The defendant is required to submit to the OSBMLS his new address upon relocation. OAC, Title 435:10-7-7.

14. The defendant is required to file a written Answer to the Complaint and failure to do so requires the Board to consider the defendant in default. OAC, Title 435:3-3-8.

15. At the scheduled hearing for said Complaint, the Board en banc can and did accept the allegations as set forth in the Complaint as true. OAC, Title 435:3-3-8.

16. Since the defendant failed to appear after first having been given proper notice, the Board is required to and did deem that the defendant waived his right to

present a defense and the Board can and did deem the allegations in the Complaint to be true and correct. OAC, Title 435:3-3-14.

17. Therefore, the Defendant Steven P. Schoendienst, M.D. holding Oklahoma Medical License No. 17808, is in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. Supp. 1994 §509, Paragraphs 8, 10, 11, 12, 13 and 17, as well as the regulations promulgated pursuant to those sections as set forth in OAC Title 435:10-7-4 of the Board rules, all of which violations constitute unprofessional conduct, to wit:

- (8) Conviction or confession of a crime involving violation of:
 - (a) the anti-narcotic or prohibition laws and regulations of the Federal government; 109 ✓
 - (b) the laws of this State; or 111 ✓
 - (c) State Board of Health Rules; 404 ✓

- (10) The commission of any action which is a violation of the criminal laws of Oklahoma when such act is connected with a physician's practice of medicine;

- (11) Failure to keep complete and accurate records of purchase and disposal of controlled or narcotic drugs; 112 ✓

- (12) The writing of false or fictitious prescriptions for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs; 113 ✓

- (13) Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician/patient relationship; 114 ✓

- (17) Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or controlled substances without medical need in 115 ✓

accordance with published standards;

18. That the OSBMLS has authority vested in it through 59 O.S. §509.1 to enforce the provisions of said Act and Code and to impose disciplinary action as necessary to protect the public health, safety and welfare.


19. The OSBMLS holds by clear and convincing evidence that the defendant has been guilty of unprofessional conduct in violation of the statutory and administrative code provisions set forth above.

ORDER

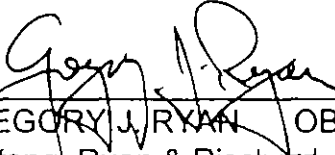
IT IS THEREFORE ORDERED by the Oklahoma State Board of Medical Licensure and Supervision as follows:

20. That Oklahoma Medical License No. 17808 of the Defendant Steven P. Schoendienst, M.D. should be and the same is hereby REVOKED as of the date of this hearing, May 16, 1997.

DATED THIS 5 day of ~~May~~^{June}, 1997.


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

APPROVED AS TO FORM:


GREGORY J. RYAN OBA #7856
DeYong, Ryan & Rischard, P.A.
#9 Lee's Crossing
1320 East 9th Street
Edmond, Oklahoma 73034
Phone: (405) 844-4444
Fax: (405) 844-4443
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

This is to certify that on this 11 day of June, 1997 a true and correct copy of the above and foregoing pleading was mailed to:

Steven P. Schoendienst, M.D.
22999 North U.S. Highway 59, #230
Kingwood, Texas 77030

STEVEN P. SCHOENDIENST, MD
12831 N. STRATFORD DR. #54
OKLAHOMA CITY, OK 73120

Steven P. Schoendienst, M.D.
9449 Briarforest Drive, #5815
Houston, Texas 77063

STEVEN P. SCHOENDIENST, MD
P.O. BOX 14544
OKLAHOMA CITY, OK 73113

