

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

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MEDICAL LICENSURE
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STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)

-vs-)

Case No. 96-08-1831

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

Defendant.)

**ORDER VACATING REVOCATION,
VOLUNTARY SUBMISSION TO JURISDICTION
AND ORDER OF PROBATION**

THIS CAUSE came on for rehearing before the Oklahoma State Board of Medical Licensure & Supervision (hereinafter "OSBMLS"), en banc on the 11th day of September, 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 the through its attorney, Gregory J. Ryan; the defendant appears in person and through his attorney, H. Craig Pitts.

The OSBMLS en banc proceeded and heard testimony, arguments of counsel and after 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 a Complaint and Citation were issued in this case on March 27, 1997 charging the defendant with violations of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. Supp. 1995, §509, Paragraphs 8, 10, 11, 12, 13 and 17 and the Oklahoma Administrative Code, O.A.C. Title 435:10-7-4.

3. 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.

4. That on the 16th day of May, 1997 this cause came on for hearing and was conducted in abstentio before the Board en banc. The Board found by clear and convincing evidence that on or about October 25, 1994 through February 25, 1996, the defendant wrongfully wrote prescriptions for controlled dangerous substances, without medical need, to patients 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. Thereafter, the defendant 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 for the improper writing of prescriptions for

CDS to people outside the scope of the doctor/patient relationship and without established medical protocol or need.

5. The Board also found by clear and convincing evidence that the defendant was 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. Whereupon, the Board revoked Dr. Schoendienst's license.

6. On July 25th, 1997, the defendant re-appeared before the Board en banc to request a rehearing of the revocation effected on May 16, 1997. At that time, the defendant's request for rehearing was continued to September 11, 1997 before the Board en banc.

7. On September 11, 1997, the Defendant Steven P. Schoendienst, M.D. appeared before the Board en banc and by his own volition and decision waived his rehearing, pleaded guilty to the allegations in the Complaint and voluntarily submitted himself to the jurisdiction of the Board for appropriate disciplinary action.

8. The Board acknowledged and adopted its former findings of fact and conclusions of law by clear and convincing evidence contained in the final Order of Revocation of May 16, 1997.

CONCLUSIONS OF LAW

9. The OSBMLS has jurisdiction and authority over the defendant and the subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, §59 O.S., §480 et seq., and the Oklahoma Administrative Code, O.A.C. Title 435:1-1-1 et seq.

10. That the Defendant Steven P. Schoendienst, M.D., holding Oklahoma Medical License No. 17808, by clear and convincing evidence was in violation of the Oklahoma Allopathic Medical and Surgical Supervision Act, 50 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 O.A.C. Title 435:10-7-4 of the Board Rules, which 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;
- (b) the laws of this state; or
- (c) State Board of Health Rules;

10. The commission of any act which is a violation of the criminal laws of this state 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 drugs or of narcotic drugs;

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;

13. Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician/patient relationship;

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 narcotic drugs without medical need in accordance with published standards;

11. 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.

12. That the OSBMLS has authority invested 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.

ORDER

IT IS THEREFORE ORDERED, by the OSBMLS as follows:

13. That the final Order of Revocation of the defendant's license entered by the Board en banc on May 16, 1997 is hereby VACATED.

14. That the voluntary submission to jurisdiction entered by the defendant is hereby accepted by the Board en banc.

15. That the Oklahoma Medical License No. 17808 of the Defendant Steven P. Schoendienst, M.D. should be and the same is hereby PROBATED as of the date of this hearing, September 11, 1997 for a period of five (5) years.

16. That the OSBMLS orders that the TERMS of said PROBATION will be as follows:

a. During the period of probation, the defendant will not prescribe, administer, dispense or possess any controlled and dangerous substances or narcotics in Schedules II through V.

b. Defendant will on September 12, 1997 surrender his registration for state and federal controlled dangerous substances to the proper authorities and will not apply for state and federal registration for controlled dangerous substances until the term of his probation has expired unless authorized to do so by the OSBMLS.

- c. During the period of probation, the defendant will practice in a controlled environment approved by the OSBMLS or its designee. Said practice will be limited to the Oklahoma City Veterans Administration Hospital and associated clinics.
- d. Defendant will not allow the independent practice of medicine by any personnel under his supervision or employ.
- e. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the OSBMLS. 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 the Defendant from the OSBMLS.
- f. During the period of probation, defendant will request all hospitals in which he anticipates practice to furnish to the OSBMLS a written statement regarding monitoring of his practice while performing services in or to that hospital.
- g. During the period of probation, the defendant will furnish to each and every state in which he holds licensure or applies for licensure in hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege, a copy of the Board Order stipulating the sanctions imposed by the OSBMLS.
- h. During the period of probation, the defendant will not supervise allied health professionals.
- i. During the period of probation, the defendant will not prescribe, administer or dispense any medications for personal use.
- j. During the period of probation, the 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 of treatment.
- k. During the period of probation, the defendant will keep the OSBMLS informed of his current address.

l. During the period of probation, the defendant will keep current payment of all assessments by the OSBMLS for prosecution, investigation and monitoring of his case.


m. Until such time as all indebtedness to the OSBMLS has been satisfied, defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

17. Violations of any of the terms, conditions or requirements of probation shall be grounds for additional charges to be presented to the Board after notice to the defendant.


18. The jurisdiction of the OSBMLS in this individual proceeding will continue until the terms, conditions and requirements of probation are modified or lifted by the Board on its own motion or upon the motion of the defendant.


19. The defendant's reinstatement of his unrestricted license to practice medicine after the period of probation shall only take place and become effective after review by the Board and upon proof of compliance and satisfaction of all terms, conditions and requirements.

DATED this 11 day of February, 1998.


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

APPROVED AS TO FORM:


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ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

This is to certify that on this 5th day of Feb., 1998 a true and correct copy of the above and foregoing Order Vacating Revocation, Entry of Voluntary Submission to Jurisdiction and Order of Probation was mailed to:

MR. GARVIN A. ISAACS
H. CRAIG PITTS
1400 1st National Center - West
Oklahoma City, Oklahoma 73102




CERTIFICATE OF MAILING

This is to certify that on this 12th of February 1998, a true and correct copy of this order was mailed, postage prepaid to:

Steven Paul Schoendienst, M.D.
P.O. Box 14544
Oklahoma City, OK 73113

Garvin Isaacs, Attorney
1400 1st National Center West
Oklahoma City, OK 7301


Janet L. Owens, Secretary