

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

FILED

STATE OF OKLAHOMA

FEB 17 1994

STATE OF OKLAHOMA, ex rel,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
Plaintiff,)
v.)
RICHARD ZIELINSKI, M.D.)
Medical License No. 18795,)
Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 93-11-1565

ORDER GRANTING LICENSURE
UNDER TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on February 12, 1994, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Richard Zielinski, M.D., Defendant, appeared in person, pro se, waived his right to legal counsel and agreed to proceed without counsel.

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

FINDINGS OF FACT

1. That Defendant is applying for licensure in Oklahoma as a physician and surgeon.
2. That the Oklahoma 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 on or around November 22, 1993, Defendant did execute a Voluntary Submittal to Jurisdiction and was granted SMD certification.
4. That J. Darrel Smith, M.D., testified that the Defendant was in compliance with all requirements of the Oklahoma State Medical Association Physician Recovery Committee and that Defendant should receive full licensure under terms of probation and that such licensure would protect public health, safety and welfare.

CONCLUSIONS OF LAW

1. That when all evidence is considered, the Defendant does fulfill the requirements of 59 O.S. 1991, Sec. 481 et seq., and applicable rules and regulations of the Oklahoma Board of Medical Licensure and Supervision, to qualify for licensure in Oklahoma as a physician and surgeon.

2. That the Board does have jurisdiction over the Defendant and that Defendant must continue on the five-year term of probation which began on or around November 22, 1993.

ORDER

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

1. That the application of Defendant, Richard Zielinski, M.D., for licensure in Oklahoma as a physician and surgeon should be and the same is hereby GRANTED.

2. That the Defendant shall continue on probation to the Oklahoma State Board of Medical Licensure and Supervision which began on or around November 22, 1993, and fulfill all requirements thereof as set forth below.

3. That Defendant accepts and agrees to and does hereby continue a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years, unless earlier modified by the Board, on its own motion or on the motion of the Defendant, under the following amended terms and conditions:

- (a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's history of chemical dependency.
- (c) During the period of probation Defendant will abstain 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.
- (d) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
- (e) During the period of probation Defendant shall document and provide proof of his regular participation in and compliance with all directives of the Physicians Recovery Committee of the Oklahoma State Medical Association, by the signature of the chairperson.
- (f) During the period of probation Defendant shall document and provide proof of his regular attendance, three (3) times weekly, in NA and/or AA meetings.

- (g) That Defendant shall execute a Probation Agreement prepared by Board staff and comply with terms and conditions therewith.
- (h) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (i) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (j) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (k) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary; and Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of this case.
- (l) During the period of probation Defendant shall notify any state or hospital where he holds staff privileges, or clinic, or groups where he practices, of the terms and conditions of this Board Order and supply a copy thereof.
- (m) During the period of probation the Defendant shall not supervise a Physician Assistant.
- (n) That Defendant will conduct his practice in compliance with the Oklahoma Medical Practice 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 the interpretation is received by Defendant from the Board.
- (o) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

4. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Applicant.

5. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate

