

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

IN THE MATTER OF )  
THE APPLICATION OF )

THE STATE OF OKLAHOMA, ON  
BEHALF OF )

RICHARD F. ZIELINSKI, M.D. )

FOR TERMINATION OF )  
PROBATION FOR )  
LICENSE NO. 18795 )

FILED

DEC 04 2009

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Case No. 99-03-2076

ORDER TERMINATING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on November 19, 2009, at the Board office, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Richard F. Zielinski, M.D., holding Oklahoma medical license no. 18795, appeared in person and pro se.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials presented, and being fully apprised of the premises, made 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. Dr. Zielinski currently holds medical license no. 18795 under an indefinite term of probation that commenced on or around July 22, 1999.
3. On May 3, 2001, Board Staff requested that paragraph N of the terms of Dr. Zielinski's probation be modified to provide as follows:
  - N. Defendant will practice in a controlled environment approved by the Board or its Designee. Defendant is not allowed to practice in an emergency room setting of any kind except as a consultant, as required by the residency program.

Dr. Zielinski and the Board staff's request to modify Defendant's probation was granted on May 10, 2001.

4. On December 6, 2001, Dr. Zielinski requested that his probation be modified to allow him to prescribe Class II non-narcotic substances on triplicate prescriptions. The Board granted Dr. Zielinski's request on January 17, 2002.

5. Board staff has requested that Dr. Zielinski's indefinite probation be terminated effective November 19, 2009. Tom Sosbee, Compliance and Education Coordinator for the Board, testified that Dr. Zielinski had complied to date with the terms of probation.

6. The purposes of the probationary period have been accomplished and the State has presented sufficient evidence to support the requested termination.

### **CONCLUSIONS OF LAW**

1. The Board has jurisdiction to hear this matter pursuant to 59 O. S. § 480 *et seq.*

2. The State has presented satisfactory evidence to justify termination of Dr. Zielinski's indefinite probation. The purposes of the probationary period have been accomplished by Dr. Zielinski's compliance with the probationary terms. No useful purpose would be gained by having Dr. Zielinski remain indefinitely on probation.


### **ORDER**

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

1. The State's application to terminate Dr. Zielinski's probation is **GRANTED** and his probationary period is terminated effective November 19, 2009.

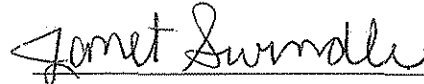
2. A copy of this written order should be sent to Dr. Zielinski as soon as it is processed.

Dated this 4 day of <sup>Dec 28</sup>~~November~~, 2009.

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

**Certificate of Service**

On the 4 day of <sup>Dec</sup>~~November~~, 2009, a true and correct copy of this order was mailed, postage prepaid, to Richard Zielinski, 709 N. Grand, Box 152, Enid, OK 73702.



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Janet Swindle