

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

FILED

FEB 12 2004

IN THE MATTER OF THE)
APPLICATION OF)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STEPHEN W. HEIMBACH, M.D.)

Case No. 98-06-2001

FOR MODIFICATION OF)
PROBATION TERMS FOR)
LICENSE NO. 18991)

FOURTH ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on January 29, 2004, 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.

Applicant, Stephen W. Heimbach, M.D., holding Oklahoma medical license no. 18991, appeared in person without counsel, thereby waiving his right to legal representation.

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. Heimbach currently holds medical license no. 18991 under a five-year term of probation that commenced November 27, 2000.
3. On May 3, 2001, Dr. Heimbach requested that the terms of his probation be modified to allow him to apply for federal and state registrations for controlled dangerous substances and to authorize the administration of controlled dangerous drugs in Schedules II through V in an emergency room setting. The Board granted his requested modification.
4. On June 26, 2002, Dr. Heimbach requested that the terms of his probation be modified to allow him to order the dispensing of Tenuate-25, a Schedule IV controlled dangerous

substance, while employed in the office of David Simpson, D.O. The Board granted the requested modification.

5. On January 16, 2003, Dr. Heimbach requested that the terms of his probation be modified to allow him to order, administer, and prescribe all controlled dangerous substances, with outpatient prescriptions to be on duplicate, serially numbered prescriptions, and to allow him to practice anesthesiology limited to the University of Oklahoma Health Sciences Center Department of Anesthesiology pursuant to a physician retraining program under the direction of Jane Fitch, M.D. The Board granted the requested modification.

6. On January 29, 2004, Dr. Heimbach requested that the terms of his probation be modified to allow him to practice anesthesiology outside of the University of Oklahoma Health Sciences Center Department of Anesthesiology.

7. Dr. Heimbach presented sufficient evidence to support the requested modification.

CONCLUSIONS OF LAW

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

2. Dr. Heimbach has presented satisfactory evidence to justify allowing him to practice anesthesiology outside of the University of Oklahoma Health Sciences Center Department of Anesthesiology.

ORDER

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

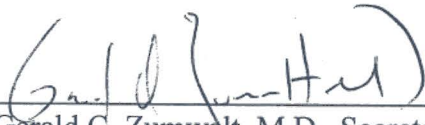
Dr. Heimbach's application to modify the terms of his probation is **GRANTED**.

2. Dr. Heimbach's probation shall continue for five (5) years from the date of its commencement of November 27, 2000 under the terms and conditions set forth in the November 27, 2000 Order, with the exception that Dr. Heimbach be allowed to order, administer, and prescribe all controlled dangerous substances, with outpatient prescriptions to be on duplicate, serially numbered prescriptions, and that he be allowed to practice anesthesiology outside of the University of Oklahoma Health Sciences Center Department of Anesthesiology .

3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Dr. Heimbach's medical license, after additional notice and hearing as required by law.

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

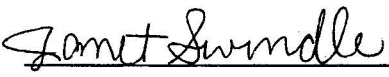
Dated this 12 day of February, 2004.



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

Certificate of Service

On the 12 day of February, 2004, a true and correct copy of this order was mailed, postage prepaid, to Stephen W. Heimbach, M.D., 14120 Osage Drive, Edmond, OK 73013.



Janet Swindle