

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

FILED

IN THE MATTER OF THE
APPLICATION OF

FEB - 6 2003

JEFFREY H. SCHIMANDLE

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

FOR REINSTATEMENT OF OKLAHOMA
MEDICAL LICENSE NO. 19233

Case No. 99-01-2062

**ORDER GRANTING REINSTATEMENT OF
LICENSE UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on January 16, 2003, at the Board office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

Defendant, Jeffrey H. Schimandle, M.D., appeared in person and through counsel, Robert H. Mitchell and Johnny Akins.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered 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. On November 4, 1999, the Board revoked Applicant's license for unprofessional conduct in violation of 59 O.S. §509(9) and (16), and OAC Title 435:10-7-4(11), (15), (18) and (40).

3. On November 9, 2001, Defendant applied for reinstatement of his medical license, which was denied by the Board.

4. On May 9, 2002, Defendant applied for reinstatement of his medical license, which was denied by the Board.

5. Defendant is now seeking reinstatement of his Oklahoma medical license no. 19233

CONCLUSIONS OF LAW

1. The Board has jurisdiction to reinstate the license of a physician pursuant to 59 O.S. §508.

2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §480 *et seq.*

ORDER

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

1. Defendant's medical license shall be reinstated under the following terms and conditions of **INDEFINITE PROBATION**:

A. The Defendant shall obtain a practice monitor who shall monitor Defendant's work and periodically review his charts. The practice monitor shall be an orthopedic surgeon not currently on probation with this Board and shall be approved in writing in advance by both Defendant and the Board or its designee. Defendant and his monitor shall formulate a mentoring/monitoring plan and shall present it to the Board for its approval prior to Defendant resuming the practice of medicine and surgery. Defendant shall provide quarterly reports from his practice monitor to the Board Secretary regarding Defendant's practice, including any concerns or complaints expressed by staff or patients. Defendant shall continue working under a practice monitor and shall not practice independently until the practice monitor attests to the Board and the Board agrees that Defendant can practice independently in the operating room.

B. Defendant shall enter and continue counseling with a psychologist or psychiatrist approved in writing by the Board or its designee for the treatment of his Narcissistic Personality Disorder and will authorize in writing the release of any and all records of that treatment to the Board or its designee.

C. Upon request of the Board Secretary, Defendant will

request all hospitals in which he anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of his practice while performing services in or to that hospital.

D. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

E. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

F. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof. Drug testing shall include, but not be limited to, that for meperidine, other synthetic opioids, morphine derivatives including tramadol, mixed agonists and antagonists.

G. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

H. 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, or continuation of treatment.

I. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a body fluid sample to test positive for prohibited substances.

J. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

K. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

L. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

M. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of his current address.

N. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

O. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

P. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

Q. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.

R. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.


S. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order 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 Defendant from the Board or its designee.

2. Defendant's revocation will be lifted, and his license will be reinstated only upon acceptance by the Board of the mentoring and monitoring plan submitted by the Defendant, and payment in full of all costs and expenses incurred by the State of Oklahoma prior to January 16, 2003.

3. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's license, after due notice and hearing.

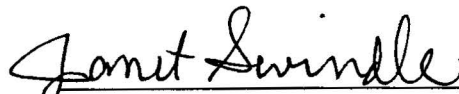
4. A copy of this written order shall be sent to Defendant as soon as it is processed.

Dated this 6 day of ^{Feb 62} ~~January~~, 2003.


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

Certificate of Service

On the 6 day of February, 2003, a true and correct copy of this order was mailed, postage prepaid, to Jeffrey H. Schimandle, 5810 N. Pennsylvania Avenue, #206-B, Oklahoma City, OK 73112-7339 and to Robert H. Mitchell, 2424 Northwest 39th Street, Oklahoma City, OK 73112.


Janet Swindle