

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

**FILED**

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
Plaintiff, )

MAR 26 2003

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

v.

Case No. 99-01-2062

JEFFREY H. SCHIMANDLE, M.D., )  
LICENSE NO. 19233 )

Defendant.

**FINAL ORDER OF REVOCATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on February 28, 2003, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Jan Preslar, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Bob Carpenter.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***Findings of Fact***

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Jeffrey H. Schimandle, M.D., holds Oklahoma license no. 19233.

4. On June 21, 1988, Defendant's license in the State of Maryland was suspended due to inappropriate handling of Demerol.

5. On August 22, 1988, Defendant entered into a three (3) month consent order whereby he was allowed to continue practicing medicine. During that period of time, Defendant had a positive urine drug screen for Demerol.

6. On November 16, 1988, Defendant's license in the State of Maryland was again suspended due to the positive drug screen.

7. On February 27, 1989, Defendant entered into a three (3) year consent order with the Maryland Medical Board whereby he agreed to random drug screens.

8. In 1992, Defendant moved to Georgia and on November 5, 1992, he entered into a consent order with the Georgia Medical Board wherein he was required to attend AA meetings, outpatient groups and to submit to random drug screens. Under this consent order, he was issued a one (1) year license.

9. On December 15, 1992, the Maryland Medical Board terminated Defendant's probation and his license was reinstated without restriction.

10. In or around November 1993, the Georgia Medical Board elected not to renew Defendant's one (1) year license due to the Defendant's violations of his consent order with the Georgia Medical Board.

11. In November 1994, Defendant obtained an unrestricted license in the State of Oklahoma.

12. On November 4, 1999, after hearing before the Board, Defendant's license was revoked 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) based upon Defendant's diversion of Demerol.

13. On or about February 28, 2000, Defendant completed an employment application with the Medical Review Institute of America, Inc. In response to the question "Has either your license to practice or your license to prescribe or administer controlled substances ever been revoked or restricted in any jurisdiction?" Defendant answered "No" when in fact Defendant's license had been had been revoked or suspended on three (3) separate occasions. In response to the question "Are you currently, or have you been within the last 12 months, the subject of any inquiry or investigation by any licensing or accreditation agency?" Defendant answered "NO" when in fact his license had been revoked 3 ½ months earlier.

14. Defendant subsequently applied for reinstatement of his Oklahoma license, and on November 9, 2001, the Board denied Defendant's request.

15. Defendant subsequently reapplied for reinstatement of his Oklahoma license, and on May 9, 2002, the Board again denied Defendant's request based upon a finding that he had not received any treatment for substance abuse since his revocation and the fact that he submitted fraudulent information on an employment application subsequent to his revocation.

16. On or about October 3, 2002, Defendant again applied for reinstatement of his medical license.

17. On January 16, 2003, the Defendant's Application for Reinstatement was considered by the Board. At the hearing, questions were raised regarding Defendant's repeated incidents of or pattern of dishonesty and his mental competency based upon prior diagnoses of Narcissistic Personality Disorder or Narcissistic Personality features. After reviewing the evidence and hearing the arguments of counsel, the Board voted to reinstate Defendant's license under an indefinite term of probation.

18. Seconds after the Board voted to reinstate Defendant's license, Defendant leaned over to the State's attorney and whispered a sexually explicit obscenity to her. The State's attorney immediately advised the Board what Defendant had said, at which time Defendant lied to the Board when he denied making such a statement.

19. The sexually explicit obscenity whispered by Defendant was heard by a Board employee, Janet Swindle, was recorded on the Board's audio recording of the proceedings, and was additionally recorded by two (2) local television cameras.

20. Defendant is guilty of unprofessional conduct in that he:

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (9) and OAC 435:10-7-4 (11).
- B. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).
- C. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- D. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

- E. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).
- F. Committed an act of sexual abuse, misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- G. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of OAC 435:10-7-4(39) and 59 O.S. §492.1(B).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

Defendant is guilty of unprofessional conduct in that he:

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (9) and OAC 435:10-7-4 (11).
- B. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).
- C. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- D. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

- E. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).
- F. Committed an act of sexual abuse, misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- G. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of OAC 435:10-7-4(39) and 59 O.S. §492.1(B).

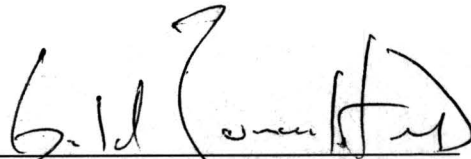
3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509(9) and (16), 59 O.S. §492.1(B) and OAC Title 435:10-7-4 (8), (11), (17), (18), (23) and (40).

*Order*

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

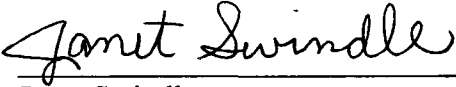
- 1. The license of Defendant, Jeffrey H. Schimandle, M.D., Oklahoma license no. 19233, is hereby **REVOKED** as of the date of this hearing, February 28, 2003.
- 2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 26 day of March, 2003.

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

**CERTIFICATE OF SERVICE**

I certify that on the 26 day of March, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Bob Carpenter, 233 Park Avenue, Oklahoma City, OK 73102.

  
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Janet Swindle