

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

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

Plaintiff,)

v.)

CASE NO. 96-06-1818

DEAN A. DEASON, M.D.)
MEDICAL LICENSE NO. 19457,)

Defendant.)

SECOND VOLUNTARY SUBMITTAL TO JURISDICTION
AND ORDER OF SUSPENSION

COME NOW the Plaintiff, State of Oklahoma, ex rel., Oklahoma State Board of Medical Licensure and Supervision, by and through its attorney, Gregory J. Ryan, the Defendant, Dean A. Deason, M.D., Medical License No. 19457, by and through his attorneys, Fagin, Fagin, Nixon and Mullins, P.C. and the staff of the Oklahoma State Board of Medical Licensure and Supervision, as represented by the Executive Director of the Board, Carole A. Smith and hereby proffer this Agreement for acceptance by the Board en banc wherein the Defendant Dean A. Deason, M.D., to Count Three only, voluntarily submits to the jurisdiction of the Board as contemplated by Title 435:5-1-5.1 of the Oklahoma Administrative Code (OAC).

The Defendant Dean A. Deason, M.D. states that he is of sound mind and not under the influence of any medication or drug or impaired thereby and that the defendant fully recognizes his right to appear before the Oklahoma State Board of Medical Licensure and Supervision for evidentiary hearing on the allegations against him herein. Of his own volition and decision, the defendant waives his right to appear before the Board for a full hearing and pleads guilty to the allegations set forth in Count Three only. Further, the Defendant Dean A. Deason, M.D. believes that a hearing before the Board en banc on Count Three would result in some sanction by the Board under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act. Therefore, Defendant Dean A. Deason, M. D. hereby voluntarily and of his own volition submits to the jurisdiction of the Board, acknowledges the allegations in Count Three only and agrees to abide by the conditions and terms of this Order.

As to Counts One and Two, it is hereby agreed by the parties and proffered to the Board for its acceptance, that disposition of the merits of Counts One and Two will be

deferred during the suspensionary period of this VSJ. As to Counts One and Two, the defendant pleads not guilty and makes no admissions, nor does any party waive any right under any applicable laws or regulations as a result of the entry of this plea to Count Three. It is further agreed that discovery and prehearing matters may continue independently of the disposition of Count Three.

The plaintiff, defendant and the Board staff stipulate and agree as follows:

FINDINGS OF FACT

1. Defendant Dean A. Deason, M.D. is the holder of Oklahoma Medical License No. 19457.

2. That a Citation and Complaint in the above-referenced case was issued by the Secretary of the Board on September 12, 1996 charging the defendant with violations of the Oklahoma Allopathic Medicine and Surgery Licensure and Supervision Act, 59 O.S. 1994, Sec. 509, Paragraphs 5, 9, 11, 13, 16 and 17 and the Oklahoma Administrative Code Title 435:10-7-4, Paragraphs 1, 2, 6, 11, 17, 24, 25, and 26.

3. That a hearing before the Board en banc on said Complaint was set for January 9 and 10, 1997.

4. That the Board has jurisdiction of the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

5. On or about May and June, 1996 and thereafter, the Defendant Dean A. Deason, M.D. did practice medicine at the University of Oklahoma Health Sciences Center during a period in which he was at times under the influence of alcohol and/or drugs in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. 1994, Sec. 509(5) "habitual intemperance or the habitual use of habit forming drugs", Sec. 505(16) "the inability to practice medicine with reasonable skill and safety to patients by reason of . . . drunkenness, excessive use of drugs, narcotics, chemicals, or any other type material or as a result of any mental or physical condition."

6. That under the same circumstances Defendant Dean A. Deason, M. D. was also in violation of the Oklahoma Administrative Code, Title 435:10-7-4(17) "being physically or mentally unable to practice medicine or surgery with reasonable skill and safety", and 435:10-7-4(26) "prescribing, selling, administering, distributing, ordering or giving any drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself."

7. Said actions and violations, constituted conduct that was harmful to the public health, safety and welfare.

8. Based upon the allegations contained in Count Three of the Complaint and the defendant's plea of guilty to Count Three, the parties agreed to the entry of a voluntary submittal to jurisdiction wherein the defendant agreed to a voluntary one year suspension of his medical license, with terms and conditions, pending review and acceptance before the Board en banc.

CONCLUSIONS OF LAW

1. The Oklahoma State Board of Medical Licensure and Supervision has jurisdiction and authority over the defendant and the subject matter pursuant to the Oklahoma Allopathic Medicine and Surgery Licensure and Supervision Act, and the Oklahoma Administrative Code .

2. By virtue of the provisions of the Oklahoma Allopathic Medicine and Surgery Licensure and Supervision Act, and the Oklahoma Administrative Code, the Board has the power and jurisdiction to enforce the provisions of said Act and Code as the Board deems necessary to protect the public health, safety and welfare .

3. The Defendant Dean A. Deason, M.D. by reason of the above facts in Count Three, is in violation of 59 O.S. 1994, Sections 509(5) and (16) and OAC Title 435:10-7-4(17) and (26).

ORDER

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

1. The Board en banc hereby adopts the agreement of the parties in the Second Voluntary Submittal to Jurisdiction.

2. That pursuant to the parties' voluntary agreement and submittal to jurisdiction, the Oklahoma Medical License No. 19457 of Dean A. Deason, M.D. is hereby SUSPENDED for one year from the date of this Order with reinstatement being contingent upon the proof to the Board that the defendant has successfully completed all terms, conditions and requirements imposed by the Board and eligibility for reinstatement.

3. Defendant Dean A. Deason, M.D. shall be under the following terms, conditions and requirements as a result of said suspension:

(a) The Defendant Dean A. Deason, M.D. shall not engage in the practice of medicine until reinstatement by the Board.

(b) Defendant shall demonstrate compliance with local outpatient programs, his Twelve Step Program, counseling and monitoring through and as directed by the Oklahoma Physician's Recovery Program. Defendant agrees to

undergo reassessment at or before the end of his period of suspension and present such evidence of successful completion of all terms and conditions to the Board.

- (c) During the period of suspension the defendant shall not prescribe, administer or dispense controlled dangerous substances to any patient or to himself for his personal use.
- (d) During the period of suspension the 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 previous substance abuse.
- (e) During the period of suspension the defendant will abstain from consuming alcohol or any substance, specifically including but not limited to, controlled dangerous substances.
- (f) During the period of suspension the defendant will submit biological fluids 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.
- (g) During the period of suspension the defendant will continue regular participation in the Oklahoma State Medical Association's Physician Recovery Committee Meetings and Recovery Program as designated by its leadership.
- (h) During the period of suspension the defendant shall participate in regular psychiatric counseling as recommended by the OSMA Recovery Committee or by his treating physician or chemical dependency therapist and shall authorize his treating physician or chemical dependency therapist to provide reports to the Board on a regular basis.
- (i) During the period of suspension the defendant shall comply with all terms and conditions of his post-treatment contract from Rush Behavioral Center, Chicago, Illinois and provide proof thereof to the Board on a regular basis.
- (j) During the period of suspension the 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.
- (k) The defendant shall appear before the Board or designated member thereof whenever requested to do so.


- (l) During the period of suspension the 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.
- (m) Pursuant to Title 59 O.S. Section 506, the defendant shall promptly pay within thirty (30) days of receipt of invoice from the Board the costs of investigation, suspension and monitoring 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's secretary.
- (n) During the period of suspension the defendant will keep current payment of all assessment by the Board for investigation, suspension and monitoring of his case.
- (o) Violation of any of the terms, conditions or requirements of suspension shall be grounds for additional charges to be presented to the Board after notice to the defendant.

4. The jurisdiction of the Board in this individual proceeding will continue until the terms, conditions and requirements of suspension are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion or upon the motion of the defendant.

5. Failure to meet any of the above terms of suspension will constitute cause for the Board to initiate additional proceedings to revoke defendant's Oklahoma Medical License, after due notice and hearing.

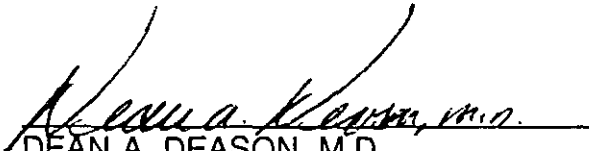
6. The defendant's reinstatement of his license to practice medicine after the period of suspension shall only take place and become effective after review by the Board and upon proof of compliance and satisfaction of all terms, conditions and requirements.


DATED this 10th day of January, 1997.

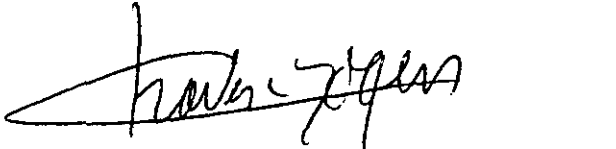



JOHN R. ALEXANDER, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

AGREED AND APPROVED:


DEAN A. DEASON, M.D.
Oklahoma Medical License No. 19457


CAROLE A. SMITH
EXECUTIVE DIRECTOR
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND
SUPERVISION


CHARLES L. FAGIN, OBA #2800
FAGIN, FAGIN, NIXON & MULLINS, P.C.
210 Park Avenue
2650 Oklahoma Tower
Oklahoma City, Oklahoma 73102
405/239-6771
ATTORNEYS FOR DEFENDANT


GREGORY J. RYAN, OBA #7856
DEYONG, RYAN & RISCHARD, P.A.
#3 Lee's Crossing
1320 East 9th Street
Edmond, Oklahoma 73034
405/844-4443
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

This is to certify that on this 23 day of January, 1997, a true and correct copy of this order was mailed, postage prepaid to:

Dean A. Deason, M.D.
6001 N. Brookline #502
Oklahoma City, OK 73112

Charles L. Fagin, Attorney
210 Park Avenue
2650 Oklahoma Tower
Oklahoma City, OK 73102