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

FILED

STATE OF OKLAHOMA

MAR 04 1999

STATE OF OKLAHOMA, ex rel.,)
 OKLAHOMA BOARD OF)
 MEDICAL LICENSURE AND)
 SUPERVISION,)
)
 Plaintiff,)
 vs.)
)
 R.L. BULLARD, PA)
 License No. 195)
)
 Defendant.)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 97-10-1941

FINAL ORDER

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision en banc on March 4, 1999 at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and R.L. Bullard, P.A., Defendant, appeared in person, along with legal counsel, Kyle Goodwin, Hughes, Artus & Goodwin, 5801 N. Broadway Extension, Suite 302, Oklahoma City, OK 73118.

The Board of Medical Licensure and Supervision en banc reviewed exhibits, heard statements of counsel, and testimony and being fully advised in the premises, the Board FINDS and ORDERS as follows:

FINDINGS OF FACT

1. That Defendant, R.L. Bullard, P.A., holds Oklahoma P.A. License No. 195, and is authorized to practice as a Physician's Assistant under terms of probation heretofore entered by the Board subsequent to an investigation and disciplinary hearing before the Board en banc on November 20, 1997.

2. The Voluntary Submittal to Jurisdiction and Order setting forth Defendant's terms of probation provides, in pertinent part, as follows:

Page 4, paragraph 1(b):

"During the period of probation, Defendant will furnish to each and every state in which he holds certification/licensure or applies for certification/licensure and hospitals, clinics or other institutions which he holds or anticipates holding any form of staff privilege, a copy of the Board order stipulating sanctions imposed by the Board."

Page 6, paragraph 3:

"Failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Physician Assistant License, after additional due notice and hearing."

3. The provisions cited in paragraph 2 above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's practice.

4. On or about October 28, 1998, Defendant applied for appointment to the medical staff of The Cherokee Nation. Not only did Defendant fail to furnish a copy of the Board order to The Cherokee Nation in violation of his Board Order but he also checked "No" in response to the following questions:

- A. Has your professional license (certification or registration) to practice in any jurisdiction ever been investigated, and/or placed under investigation, limited, suspended, denied, revoked, voluntarily surrendered, involuntarily relinquished or not renewed?
- B. Have you ever been censured or reprimanded by a licensing (certifying, etc.) board, hospital medical staff, or other professional organization?
- C. Have you ever been denied re-appointment or been subject to any disciplinary action by any medical staff, medical society or professional organization?
- D. Are you currently involved in or have knowledge of a pending investigation, review, or surveillance of your practice of medicine or professional conduct which could result in an adverse action concerning your narcotics registration; ability to bill and collect from Medicare or Medicaid Programs; professional license, registration or certification; or medical staff membership or privileges?

CONCLUSION OF LAW

1. That the Board of Medical Licensure and Supervision en banc has jurisdiction of this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1998, Sec. 481 et seq., and by the Voluntary Submittal to Jurisdiction and Order heretofore executed by the Defendant and the Board.

2. Defendant is guilty of unprofessional conduct by violating OAC 435:15-5-11(7) and the following specific provisions of the Medical Practice Act and rules promulgated by the Board in that he has:

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 Okla. Stat. Sec. 1509(9) and OAC 435:10-7-4(11).

- B. Used a false, fraudulent or deceptive statement in a document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- C. Violated a provision of an action, stipulation or agreement of the Board in violation of OAC 435:10-7-4(39).

ORDER

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

1. That the Defendant, R.L. Bullard, P.A., holding Oklahoma P.A. License No. 195, should be and is hereby placed on **SUSPENSION** for a period of sixty (60) days beginning January 15, 1999.

2. That the Defendant, R.L. Bullard, P.A., holding Oklahoma P.A. License No. 195, should be and is hereby formally **REPRIMANDED** for conduct set forth above and as originally alleged in the Complaint filed herein on January 27, 1999.

3. That the Defendant, R.L. Bullard, P.A., holding Oklahoma P.A. License No. 195, following the expiration of the aforesaid suspension, should be and is hereby placed on a term of **PROBATION** to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on March 16, 1999, under the following terms and conditions:

(a) Defendant will conduct his practice in compliance with the Physician Assistant Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

(b) During the period of probation, Defendant will furnish to each and every state in which he holds certification/licensure or applies for certification/licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege, a copy of the Board Order stipulating sanctions imposed by the Board.

(c) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to blood and urine, for analysis, upon request of the Board or its designee, and Defendant will pay for the analysis thereof.

(d) During the period of probation, Defendant will not prescribe, administer or dispense any medications for personal use.

(e) During the period of probation, 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 of treatment.

(f) During the period of probation, Defendant will abide by the post care contract from Brookhaven Hospital (attached).

(g) During the period of probation, Defendant will keep the Board informed of his current address.

(h) During the period of probation Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.

(i) Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

(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 to obtain copies of medical records and authorize the Compliance Consultant to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

(k) Defendant shall furnish progress reports from treating physicians, psychiatrists and psychologists, and those reports shall be furnished by Defendant on a quarterly basis to the Compliance Consultant.

(l) Defendant shall immediately affiliate with the Physician Recovery Committee of the Oklahoma State Medical Association and shall participate fully with that Committee and provide evidence of same.

(m) Defendant shall not practice in a remote site and shall have continuous supervision by a licensed physician.

4. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

5. Failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Physician Assistant License, after additional due notice and hearing.

DATED this 4th day of March, 1999.

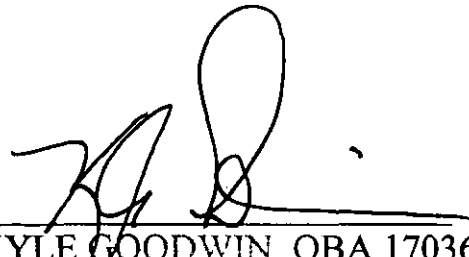


ERIC E. FRISCHE, President
Oklahoma Board of Medical
Licensure and Supervision

APPROVED AS TO FORM:



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ATTORNEY FOR PLAINTIFF



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N. Broadway Ext., Ste. 302
Oklahoma City, OK 73118
(405) 848-0111
ATTORNEY FOR DEFENDANT

BROOKHAVEN

Tulsa's Specialty Hospital

October 31, 1997

Dr. Zumwalt
Oklahoma Board of Medical License and Supervision
P. O. Box 18256
Oklahoma City, OK 73154

Dear Dr. Zumwalt:

This letter is a follow-up to our telephone conversation on October 30, 1997 regarding Robert Bullard. Robert was admitted on 10-16-97 under the care of Dr. Jeff McIlroy with the diagnosis of major depression, opiate dependency, and chronic pain due to multiple reconstructive surgeries.


During the course of his treatment here at Brookhaven Hospital, Bob has been able to begin to address on an ongoing basis his chemical dependency, depression, and his pain management. It is our clinical opinion that if he follows the plan listed below, he should be able to experience ongoing recovery in a positive manner.


The following continuing care plan has been recommended to Bob upon discharge:

1. Weekly individual therapy for one year under the direction of Dr. Larry Cowan, L.P.C.
2. Follow up for psychiatry and medications with Dr. Jeff McIlroy.
3. Follow up for pain management with Dr. Vitali Gordon.
4. Robert will need to attend two to three A.A. or N.A. meetings per week and provide signed verification forms of his attendance. An approved continuing care group could be exchanged for one of these meetings.
5. Random Drug & Alcohol screens should be performed at the discretion of the supervising board.

Bob is being discharged from inpatient care as of 10-31-97. If we can be of any further assistance to the board regarding this case, please do not hesitate to contact us at 918-438-4257.

Sincerely,


Jeff McIlroy, M.D.
Medical Director


Billy L. Skye
Alcohol/Drug Therapist

CERTIFICATE OF SERVICE

On the 5 day of March, 1999, a true and correct copy of this order was mailed, postage prepaid, to :

R.L. Bullard, PA
915 East Elgin Ave.
Broken Arrow, OK 74012

Kyle Goodwin, Attorney
5801 N. Broadway Ext. Ste. 302
Oklahoma City, OK 73118