

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

**FILED**

MAY 19 2010

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff )

v. )

PAUL CHRISTOPHER FRANCEL, M.D. )  
LICENSE NO. 19715, )

Defendant. )

Case No. 08/06/3524

**VOLUNTARY SURRENDER OF LICENSE**  
**IN LIEU OF PROSECUTION**

State of Oklahoma )  
Oklahoma County )

I, Paul Christopher Francel, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 19715.
2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.
3. I am the subject of a Complaint before the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.
4. The allegations I admit are true are as follows:
  - a. On November 20, 2009, the State filed a Complaint against Defendant wherein it referenced that the Oklahoma State Court Network ("OSCN") reflected that Defendant had in excess of thirty (30) medical liability lawsuits filed in the District Court in and for Oklahoma County from June 9, 2000 to May 5, 2009, alleging negligence by Dr. Francel in the performance of some surgical procedures. Eight (8) medical liability lawsuits were filed in

2008. Seven lawsuits were filed in 2009, just prior to the expiration date of Dr. Francel's liability insurance policy. Prior to May 2009, with but a single exception (Jarrett v. Francel, CJ-2001-9242), none of the lawsuits filed against Dr. Francel had ever resulted in an adverse judgment, award or settlement.

b. On December 23, 2008, Dr. Francel entered into a written voluntary agreement not to practice medicine. Dr. Francel agreed to voluntarily cease any and all patient care as of the end of business day, December 24, 2008. Furthermore, Dr. Francel agreed to undergo evaluations conducted by the Professional Renewal Center (PRC) and the Center for Personalized Education for Physicians (CPEP).

c. Dr. Francel underwent an evaluation at the Professional Renewal Center (PRC) from January 5-9, 2009. The team recommended that Dr. Francel participate in a competency evaluation, complete a comprehensive neuropsychological evaluation, including a comprehensive evaluation of executive functioning, participate in an intensive therapeutic experience to assist him in gaining insight to his professional difficulties, an intensive period of treatment that combined individual and group psychotherapy sessions, medication management, along with psychoeducation, for him to meet regularly with his outpatient providers for support and medication management and to be regularly monitored for his safety.

d. Dr. Francel underwent an assessment at the Center for Personalized Education for Physicians (CPEP) March 9-10, 2009. CPEP also recommended that Dr. Francel undergo a more extensive evaluation involving a comprehensive neuropsychological examination. Areas of demonstrated need included, but were not limited to, judgment, documentation and education recommendations.

e. Between March and August, 2009, the seventeen (17) suits which remained pending against Dr. Francel and other defendants (and not otherwise previously dismissed) were resolved on Dr. Francel's behalf by his liability insurance carrier(s) in confidential financial settlements of each claim. No admission of negligence or liability was made by Dr. Francel or any other defendant, but all of the lawsuits were settled and dismissed without Dr. Francel's consent.

f. On October 15, 2009, Dr. Francel underwent a neuropsychological evaluation. The psychologist concluded in his neuropsychological report that clinical correlation with more in depth investigation, either fMRI or PET Scan, as well as any other studies, if any, as recommended by the physician interpreting the fMRI or PET Scan was warranted, and that any plans Dr. Francel may have for reopening his practice needed to be put on hold until his condition is better understood and/or improves. Dr. Francel has not completed the neuropsychologist's recommendations.

5. Defendant admits he is guilty of unprofessional conduct in that he:

A. He is presently physically or mentally unable to practice medicine and surgery with reasonable skill and safety. 435:10-7-4.(17).

B. He presently demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

C. Any adverse judgment, award, or settlement, or award arising from a medical liability claim related to acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section. 435:10-7-4.(34).

6. I hereby agree to submit my wallet card and my wall certificate as evidence of my intent to surrender my license.

7. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

8. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 19<sup>th</sup> day of May, 2010.

Paul C. Francel

Paul Christopher Francel, M.D.

Subscribed and sworn to before me this 19<sup>th</sup> day of May, 2010.

Christina C. Hampton

Notary Public

My commission expires 01-06-2013.

