

PRIOR ARRESTS, CHARGES, CONVICTIONS
AND DRIVER'S LICENSE SUSPENSIONS

1ST ARREST

3. In or around May 1980, Defendant was arrested by the Sallisaw Police Department and charged with Attempting to Elude Officers in a Motor Vehicle. At the time of the incident, Defendant was fifteen (15) years old. This arrest resulted in a conviction.

2ND ARREST

4. In or around July 1980, Defendant was arrested by the Sallisaw Police Department and charged with Hit and Run Resulting in Property Damage. This arrest resulted in a conviction.

5. On or about September 11, 1980, the Oklahoma Department of Public Safety suspended Defendant's Driver's License for points violations.

3RD ARREST

6. In or around July 1981, Defendant was arrested Sequoyah County and charged with Illegal Possession of Alcohol in a Vehicle. This arrest resulted in a conviction.

7. On or about October 13, 1982, the Oklahoma Department of Public Safety suspended Defendant's Driver's License for a 2nd time due to points violations.

4TH ARREST

8. In or around April 1984, Defendant was arrested by the Oklahoma City Police Department for DUI. At that time, Defendant's alcohol level was .10. No charges were filed as a result of that incident.

9. On or about May 17, 1984, the Oklahoma Department of Public Safety suspended Defendant's Driver's License for a 3rd time due to the results of the chemical test where Defendant registered a .10 alcohol level.

5TH ARREST

10. In or around December 1989, Defendant was arrested by the Edmond Police Department and charged with DUI. This arrest resulted in a conviction on or about January 18, 1990.

11. On or about January 15, 1990, the Oklahoma Department of Public Safety suspended Defendant's Driver's License for a 4th time due to the results of the chemical test where Defendant registered a .10 or higher alcohol level.

6TH ARREST

12. In or around March 1990, Defendant was arrested by the Edmond Police Department and charged with Driving While License Suspended. This arrest resulted in a conviction.

7TH ARREST

13. On or around July 31, 1998, Defendant was arrested in Ft. Bend County, State of Texas, and charged with DUI. This incident resulted in a conviction.

8TH ARREST

14. In or around October 2002, Defendant was arrested by the Oklahoma City Police Department for DUI. Officers received a call about a possible drunk driver and when Defendant was pulled over, he was observed to have a strong odor of alcohol, bloodshot and watery eyes, and was swaying on his feet. He refused to submit to a drug test but admitted that he had had "four to five" beers. This incident resulted in a misdemeanor conviction for DUI on or about October 20, 2003.

15. On or about June 28, 2003, the Oklahoma Department of Public Safety suspended Defendant's Driver's License for the 5th time due to chemical test refusal.

9TH ARREST

16. In or around December 2009, Defendant was arrested by the Oklahoma City Police Department. Police officers noted a car driving erratically on the Broadway Extension. Defendant was pulled over and was noted to have a strong odor of alcohol, slurred speech and appeared to be disoriented. The police officer attempted to conduct a field sobriety test, but the Defendant could not follow directions. Defendant initially told the officer he had not been drinking, but eventually admitted he had had five (5) beers. He refused to submit to a drug test when requested. Defendant was arrested for DUI and for Child Endangerment since his nine (9) year old son was with him in the car at the time.

17. On or about May 24, 2010, Defendant plead guilty to the DUI charge and received a deferred sentence.

OTHER MOVING VIOLATIONS

18. In addition to the nine (9) arrests, the majority of which were for alcohol related incidents set forth above, Defendant has been cited an **additional fourteen (14) times on different dates** for moving violations, including but not limited to Operating a Vehicle Without Being Licensed, Operating Contrary to a Condition Stated on License, Speeding, Failure to Obey

Traffic Control Signals, Failing to Stop for Stop Sign, and Deposit of Injurious or Harmful Substance on the Road.

FRAUDULENT LICENSURE RENEWALS

19. On or about November 3, 1998, Defendant submitted his initial Application for an Oklahoma Medical License. In response to the question "Have you ever been charged with or convicted of a felony or misdemeanor or of a crime directly or indirectly related to your practice of medicine?", Defendant answered "Yes" and provided a sworn statement whereby he admitted **only** the July 31, 1998 arrest and charge of DWI, as well as the subsequent conviction. He did **NOT** admit the (a) May 1980 charge and conviction for Attempting to Elude Officers in a Motor Vehicle, (b) July 1980 charge and conviction for Hit and Run, (c) July 1981 charge and conviction for Illegal Possession of Alcohol in a Vehicle, (d) December 1989 arrest and conviction for DUI, and (e) March 1990 arrest and conviction for Driving While Suspended.

20. As a result of his admission of the July 31, 1998 arrest and conviction for DWI, Defendant was asked to appear before the Board on his initial licensure application. At the Board meeting, Defendant submitted a letter from Gene Burke, M.D. of Houston, Texas who had completed an assessment of Defendant. In the letter, Dr. Burke stated that based upon his interview with Defendant, he found that Dr. Floyd had never had a previous DWI. Based upon this representation by Defendant to Dr. Burke, Dr. Burke concluded that Defendant did not have a problem with alcohol dependency. At that time, Defendant had in fact been pulled over for DUI in 1984 and had been arrested and convicted of DUI in 1990. These facts were not disclosed by Defendant when he appeared before the Board on his application for an Oklahoma medical license and his application was granted by the Board.

21. On or about January 2, 2003, Defendant submitted his Application for Renewal of Oklahoma License for the period March 2, 2003 through March 1, 2004. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?" In response to this question, Defendant answered "NO". Defendant was also asked the following questions: "Since the last renewal...[h]ave you been arrested for, charged with or convicted of a traffic violation involving the use of drugs and/or alcohol?" In response to this question, Defendant answered "NO". Defendant was additionally asked the following question: "Since the last renewal...[h]ave you been addicted to or abused any drug or chemical substance including alcohol?" In response to this question, Defendant answered "NO". Defendant had in fact been arrested for DUI by the Oklahoma City Police Department just three (3) months earlier on October 12, 2002.

22. On or about July 16, 2003, Defendant submitted to an assessment at Rush Behavioral Health. At the conclusion of the assessment, the assessment team determined that Defendant suffered from Alcohol Abuse. Defendant never advised the Board that he was obtaining this assessment.

23. On or about January 8, 2004, Defendant submitted his Application for Renewal of Oklahoma License for the period March 2, 2004 through March 1, 2005. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with or convicted of a traffic violation involving the use of drugs and/or alcohol?" In response to this question, Defendant answered "NO". Defendant had in fact plead guilty and was convicted of DUI just three (3) months earlier on October 20, 2003. Defendant was additionally asked the following question: "Since the last renewal...[h]ave you obtained an assessment or been treated for use of any drug or chemical substance including alcohol?" In response to this question, Defendant answered "NO". Defendant had in fact obtained an assessment at Rush just six (6) months earlier.

24. On or about April 15, 2004, Defendant sent a letter to the Board offices advising the Board that he had "incorrectly answered" certain questions on his January 2004 renewal application, including the question relating to alcohol related arrests and convictions, and that the purpose of the letter was to "correct the misinformation".

25. On or about January 3, 2010, Defendant submitted his Application for Renewal of Oklahoma License for the period March 2, 2010 through March 1, 2011. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with, or convicted of a felony or misdemeanor other than a traffic violation?" In response to this question, Defendant answered "NO". Defendant was also asked the following questions: "Since the last renewal...[h]ave you been arrested for, charged with or convicted of a traffic violation involving the use of any drug or chemical substance including alcohol?" In response to this question, Defendant answered "NO". Defendant was additionally asked the following question: "Since the last renewal...[h]ave you been addicted to or abused any drug or chemical substance including alcohol?" In response to this question, Defendant answered "NO". Defendant had in fact been arrested for DUI by the Oklahoma City Police Department less than one (1) month earlier on December 13, 2009.

26. On or about January 17, 2011, Defendant submitted his Application for Renewal of Oklahoma License for the period March 2, 2011 through March 1, 2012. On his Application for Renewal, Defendant was asked the following question: "Since the last renewal...[h]ave you been arrested for, charged with or convicted of a traffic violation involving the use of drugs and/or alcohol?" In response to this question, Defendant answered "NO". Defendant had in fact plead guilty and was convicted of DUI just eight (8) months earlier on May 24, 2010.

27. On or about January 18, 2011, Board Investigator Robert DuVall contacted Defendant to set up an interview about the complaint made against him and the fraudulent representations in Defendant's renewal applications. An interview was set for January 26, 2011. However, prior to that scheduled interview with Board investigators, Mr. DuVall received a letter from Defendant dated January 19, 2011 where Defendant claimed that the January 17, 2011 license renewal form contained an incorrect response to a question. Defendant advised that a staff member had completed the renewal form for him and had incorrectly answered the question about prior arrests and convictions.

28. On or about June 10, 2011, the State filed its Complaint against Defendant based upon substance abuse and fraudulent renewal applications.

29. On or about January 12, 2011, after hearing before the full Board, the Board issued an Order Accepting Voluntary Submittal to Jurisdiction whereby Defendant's license was suspended for a minimum of **FOUR (4) MONTHS** after which time he would be allowed to apply for reinstatement of his license, which would only be reinstated under a **FIVE (5) YEAR PROBATION**, the terms of which would be determined at that time. Prior to requesting reinstatement, he was required to meet with Board staff to report on the status of his recovery efforts and his proposed plans for re-entry into medical practice.

30. Defendant is now seeking reinstatement of his Oklahoma medical license no. 21042.

CONCLUSIONS OF LAW

31. The Board has jurisdiction to reinstate the license of a physician pursuant to 59 O.S. §508.1.

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 a **FIVE (5) YEAR PROBATION** under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision 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. 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.

C. 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.

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

E. Defendant shall obtain a sponsor and shall initiate a minimum of two (2) contacts per week with his sponsor for the first two (2) years of his probation.

F. Defendant shall execute a contract with the Oklahoma Health Professionals Recovery Program.

G. 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. Testing may be weekly or random, at the discretion of the Compliance Consultant.

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

I. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and only during that time in which he is being treated by the physician for that specific 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.

J. 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.

K. Defendant will authorize in writing the release of any and all information regarding his treatment at Palmetto, and any other records of his medical, emotional or psychiatric treatment to the

Oklahoma State Board of Medical Licensure and Supervision.

L. Defendant will abide by the terms and recommendations of the Oklahoma Health Professionals Recovery Program and Palmetto. Defendant will authorize in writing the release of any and all records of that treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss his case and treatment with the individuals providing Defendant's treatment.

M. Defendant will attend four (4) meetings per week of a local 12-step program, to include the weekly Health Professionals Recovery Program meetings.

N. Defendant will enter and continue family and individual therapy with Stewart Beasley PhD or another therapist approved in advance in writing by the Board Secretary, and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall additionally submit quarterly reports from his therapist to the Board Secretary for his review.

O. Defendant shall obtain a primary care physician.

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

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

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

S. 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 fifty dollar (\$105.00) 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.

T. 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.

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


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

2. 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.

3. Defendant's license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma.

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

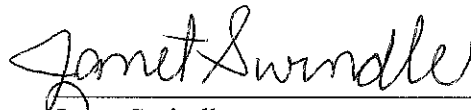
Dated this 17 day of May, 2012.



J. Andy Sullivan, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

Certificate of Service

On the 18 day of May, 2012, a true and correct copy of this order was mailed, postage prepaid, to John W. Coyle, III, Coyle Law Firm, 125 Park Avenue, First Floor, Oklahoma



Janet Swindle