

PARTIES' AGREEMENT AND STIPULATIONS

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

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.* 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.
2. Defendant, Zachariah Jessie Anderson, M.D., holds Oklahoma license no. 22198 and currently works in the Creek Nation Health System in Okemah, Oklahoma.

PRIOR SUBSTANCE ABUSE TREATMENT, ARRESTS AND BOARD ACTION

3. In or around 1995, Defendant was arrested and charged with DUI (alcohol).
4. In or around 1998, Defendant completed a two (2) month outpatient treatment program for alcohol abuse in North Dakota.
5. As a result of Defendant's prior arrest and treatment for alcohol abuse, on or about June 25, 1999, Defendant was issued a Special Training License under an Agreement for Licensure. Under the terms of the Agreement, Defendant was monitored for substance abuse by the Board. He was also required to comply with his five (5) year contract with the Oklahoma Physician Recovery Group.
6. After approximately two (2) years, Defendant's Agreement for Licensure was terminated by the Board. At that time, Defendant believed that he was no longer required to attend meetings with the Oklahoma Physician Recovery Group so he did not complete his five (5) year contract with the program.

CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS

7. On or about December 16, 2007, Defendant was arrested by the Okmulgee County Sheriff's Office for DUI. At the time of his arrest, his minor child was in the car with him. Defendant failed the Standard Field Sobriety Test and then refused to submit to a drug test. Defendant did, however, admit that he had consumed 5-6 beers. Defendant was then arrested, taken to jail, and subsequently charged with DUI (alcohol).

8. Defendant was later convicted of DUI (alcohol).

9. On or about April 25, 2008, Defendant submitted his Application for Renewal of Oklahoma License for the period May 2, 2008 through May 1, 2009. 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 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 Okmulgee County Sheriff's Department just four (4) months earlier on December 16, 2007.

10. On or about June 21, 2011, Defendant submitted to an assessment at Palmetto Addiction Recovery Center. At the conclusion of the assessment, the assessment team determined that Defendant suffered from Alcohol Dependence and recommended long-term residential treatment.

11. From August 18, 2011 through October 25, 2011, Defendant submitted to treatment for alcohol dependence at Sante Center for Healing.

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

A. 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 physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. 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 59 O.S. §509(13) and OAC 435:10-7-4(39).

D. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).

E. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

F. 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).

G. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

H. Failed to report to the Board any adverse action taken against him by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).

I. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

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.

2. Defendant, Zachariah Jessie Anderson, M.D., Oklahoma medical license 22198, is guilty of unprofessional conduct set forth below based on the foregoing facts:

A. 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 physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

C. 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 59 O.S. §509(13) and OAC 435:10-7-4(39).

- D. Confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(7).
- E. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).
- F. 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).
- G. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- H. Failed to report to the Board any adverse action taken against him by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).
- I. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

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 this Voluntary Submittal to Jurisdiction.
2. The license of Defendant, Zachariah Jessic Anderson, M.D., Oklahoma license no. 22198, is hereby **SUSPENDED** for a period of **ONE (1) MONTH** from September 1, 2011 until October 1, 2011.
3. Beginning January 12, 2012, Defendant shall be placed on **INDEFINITE 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 will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or physicians holding Defendant's records.

F. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, as well as hair follicle samples, 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.

G. Defendant shall limit his work week to no more than forty (40) hours per week with no off-site work.

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. 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 Sante 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 Sante and with all terms of his postcare contracts with Sante and the Oklahoma Health Professionals Recovery Program.

M. Defendant will sign a contract with and attend a minimum of one (1) meeting per week of the Health Professionals Recovery Program unless excused by the HPRP. Defendant shall abide by all requirements of his contract with the HPRP.

N. Defendant will attend ninety (90) 12-Step meetings in ninety (90) days subsequent to his discharge from Sante. Thereafter, Defendant will attend a minimum of three (3) 12-Step meetings per week in addition to his weekly HPRP meeting.

O. Defendant shall obtain a primary care physician who shall monitor his general health and who shall also be responsible for managing the use of all prescription and non-prescription medications.

P. Defendant shall obtain a sponsor.

Q. Defendant shall initiate family therapy with a therapist approved in advance in writing by the Board Secretary. Defendant shall submit quarterly reports of his treatment from his therapist to the Board Secretary or his designee for his review. Defendant shall continue his counseling until his therapist and the Board Secretary deems it no longer necessary.

R. Defendant shall initiate individual therapy with a therapist approved in advance in writing by the Board Secretary. Defendant

shall submit quarterly reports of his treatment from his therapist to the Board Secretary or his designee for his review. Defendant shall continue his counseling until his therapist and the Board Secretary deems it no longer necessary.

S. Defendant shall return to Sante for all scheduled return visits as outlined in his Continuing Care Plan.

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

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

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

W. 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 (\$150.00) per month fee during the term of probation.

X. 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.

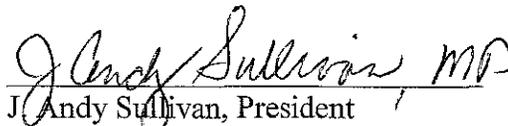
Y. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

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

AA. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

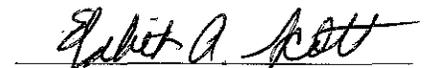
Dated this 12 day of January, 2012.



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

AGREED AND APPROVED


Zachariah Jessica Anderson, M.D.
License No. 22198

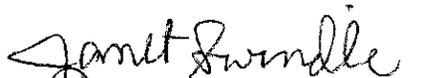

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CERTIFICATE OF MAILING

I certify that on the 13 day of January, 2012, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Zachariah Jessic Anderson, 17565 Redbud Lane, Morris, OK 74445.


Janet Swindle