

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

FILED

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

JUL 18 2002

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 01-12-2447

RICHARD P. PACZYNSKI, M.D.,)
LICENSE NO. 22607,)

Defendant.)

VOLUNTARY SUBMITTAL TO JURISDICTION

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Richard P. Paczynski, M.D., Oklahoma license no. 19224, who appears in person and with his attorney, Charles Alden, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on March 8, 2002, and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Richard P. Paczynski, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him and his legal counsel.

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.*
2. Defendant, Richard P. Paczynski, M.D., holds Oklahoma license no. 22607 in the State of Oklahoma.
3. In or around September 2001, Defendant became employed by Muskogee Regional Hospital. Subsequently, in early November 2001, Defendant failed to show up for work for several days, and did not notify hospital staff of his whereabouts. During this time, numerous patients were left without follow-up at both his office and at the hospital. As a result of his failure to follow-up on hospitalized patients, the hospital suspended his privileges and urged him to seek professional help.
4. On or about January 16, 2002, Defendant entered Rush Behavioral Health Center for assessment. At the conclusion of his assessment, Defendant was diagnosed as having Bipolar Disorder and Alcohol Abuse. Rush made numerous recommendations, including that Defendant not return to patient care until he engaged in psychiatric care by a psychiatrist approved by the Oklahoma Physicians' Recovery Program and that his psychiatrist is of the opinion that his psychiatric symptoms are under control.
5. Upon information and belief, Defendant has not completed the tasks that Rush recommended he complete prior to returning to patient care.
6. Defendant is guilty of unprofessional conduct in that he:
 - A. Habitually used habit-forming drugs (alcohol) in violation 59 O.S. §509(5) and OAC 435:10-7-4(3).
 - B. 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(14) and OAC 435:10-7-4(39).
 - C. Was 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(16) and OAC 435:10-7-4(40).

D. Failed to provide necessary on-going medical treatment when a doctor-patient relationship has been established in violation of 59 O.S. §509(20).

E. Engaged in ... negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).

F. Was physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

G. Engaged in practice or other behavior that demonstrates an incapacity or incompetency to practice medicine and surgery in violation of OAC 435:10-7-4(18).

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, Richard P. Paczynski, Oklahoma medical license 22607, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

A. Habitually used habit-forming drugs (alcohol) in violation 59 O.S. §509(5) and OAC 435:10-7-4(3).

B. 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(14) and OAC 435:10-7-4(39).

C. Was 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(16) and OAC 435:10-7-4(40).

D. Failed to provide necessary on-going medical treatment when a doctor-patient relationship has been established in violation of 59 O.S. §509(20).

E. Engaged in ... negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15).

F. Was physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

G. Engaged in practice or other behavior that demonstrates an incapacity or incompetency to practice medicine and surgery in violation of OAC 435:10-7-4(18).

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. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Richard P. Paczynski, M.D., holding Oklahoma License No. 22607, is hereby placed on **PROBATION** for a period of five (5) years beginning July 18, 2002 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. 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.

C. Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.

D. 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 this Board Order immediately upon initiation or continuation of treatment.

E. Defendant has the affirmative duty not to ingest any substance, including alcohol, which will cause a body fluid sample to test positive for prohibited substances.

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

G. 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 the Defendant's treating physicians and/or any physicians holding Defendant's records.

H. Defendant will enter and continue treatment under a board certified psychiatrist not currently under probation with this Board approved in writing in advance by the Board Secretary. Defendant's treatment shall include not less than two (2) visits per month with the approved psychiatrist for the first six (6) months of his probation and not less than one (1) visit per month thereafter until he is discharged by said psychiatrist. Defendant shall submit quarterly written reports from his psychiatrist to the Board Secretary for his review. Defendant shall authorize in writing the release of any and all records of this treatment to the Board or its designee. Defendant agrees to abide by his agreement to not resume active patient care until his psychiatrist advises the Board Secretary in writing that Defendant's psychiatric symptoms are

well controlled. Defendant shall obtain the written acknowledgement of the Board Secretary of his receipt of this letter from Defendant's psychiatrist prior to resuming active patient care.

I. Defendant will immediately obtain a mentor, who shall be a board certified internist not previously disciplined by the Board. Defendant's mentor shall regularly meet with the Defendant and review his work. Defendant shall provide quarterly reports from his mentor to the Board Secretary regarding Defendant's practice, including any concerns or complaints expressed by staff or patients.

J. Defendant will affiliate with the Oklahoma Physicians' Recovery Program.

K. Within the first three (3) months of his probation, Defendant will place himself in a moderate intensity outpatient alcohol treatment program previously approved by the Board for outpatient evaluation and subsequent treatment, and will attend all aftercare recommended. Defendant will authorize in writing the release of any and all information regarding said treatment to the Board.

L. Subsequent to completing outpatient alcohol treatment, Defendant will engage in outpatient psychotherapy at a minimum frequency of once per week. Defendant shall obtain this psychotherapy from a doctorate level psychotherapist who regularly communicates with Defendant's approved psychiatrist.

M. Defendant will practice in a controlled environment approved in advance by the Board or its designee and will limit his practice to a clinic, hospital or setting with other physicians.

N. Defendant shall obtain a primary care physician for routine health maintenance as well as follow-up on the physical, neurological and laboratory findings of Rush Behavioral Health Center.

O. Defendant will attend a minimum of two (2) meetings per week of a 12-Step program and will obtain a 12-Step sponsor.

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

Q. Defendant will not supervise allied health professionals that

require surveillance of a licensed physician.

R. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Consultant or designee.

S. Defendant will keep current payment of all assessment by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case.

T. Until such time as all indebtedness to the Oklahoma State Board of Medial 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.

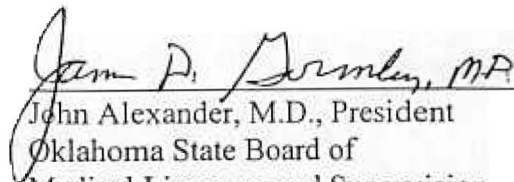
V. Defendant will promptly notify the Board or its designee of any slip, relapse, entry or re-entry into an inpatient rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation. Defendant acknowledges and agrees that the Board may use such information against Defendant in any future disciplinary proceedings.

W. Defendant will comply with all recommendations of Rush Behavioral Health Center.


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

4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs, and shall keep current all payments for monitoring his compliance with this agreement.

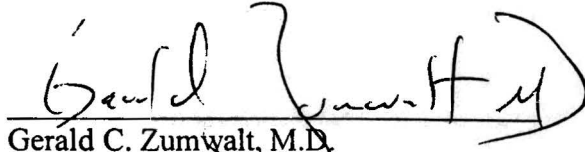
Dated this 18 day of July, 2002.


John Alexander, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision

AGREED AND APPROVED:



Richard P. Paczynski, M.D.
License No. 19224



Gerald C. Zumwalt, M.D.
Secretary & Medical Advisor
Oklahoma State Board of
Medical Licensure and Supervision



Charles Alden
211 N. Robinson
Oklahoma City, OK 73102

Attorney for the Defendant

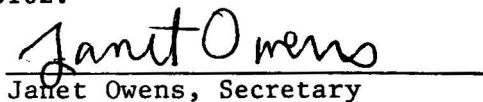


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405/848-6841

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

I certify that on the 19th day of July, 2002, I mailed a true and correct copy of the Voluntary Submittal to Jurisdiction to Charles Alden, Attorney 211 N. Robinson, Oklahoma City, OK 73102.



Janet Owens, Secretary