

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

FILED

IN THE MATTER OF THE)
APPLICATION OF)

DEC 06 2002

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

DAVID LEE SPIVEY, M.D.)

Application No. 23066

FOR MODIFICATION TO TERMS OF)
AGREEMENT)

**ORDER MODIFYING
TERMS OF AGREEMENT**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on November 21, 2002, at the Board office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

David Lee Spivey, M.D., Applicant, appeared in person, *pro se*, thereby waiving his right to legal counsel.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

Applicant currently holds Oklahoma medical license no. 23066.

2. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

3. On July 30, 2002, after due notice and hearing, the Board issued Applicant a license under terms of an Agreement for Licensure based upon a history of substance abuse.

4. The Applicant requests that his Agreement for Licensure be modified to allow him to be an attending anesthesiologist on adult services at the University of Oklahoma Health Sciences Center.

5. The Applicant presented sufficient evidence to support his application for modification to his Agreement for Licensure.

CONCLUSIONS OF LAW

The Board has jurisdiction to hear this matter pursuant to 59 O.S. §480 et seq.

2. Applicant has presented satisfactory evidence to justify modifying his Agreement for Licensure to allow him to be an attending anesthesiologist on adult services at the University of Oklahoma Health Sciences Center.

ORDER

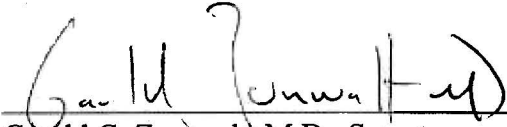
IT IS THEREFORE ORDERED by the Board of Medical Licensure and Supervision as follows:

1. Applicant's Agreement for Licensure shall be modified to allow him to be an attending anesthesiologist on adult services at the University of Oklahoma Health Sciences Center.

2. All remaining terms of the Agreement for Licensure entered July 30, 2002 shall remain in full force and effect.

3 This Order shall be effective November 21, 2002.

Dated this 6 day of December, 2002.



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

Certificate of Service

On the 6 day of December, 2002, a true and correct copy of this order was mailed, postage prepaid, to the Applicant, David Lee Spivey, M.D., 125 N.W. 15th Street, #702, Oklahoma City, OK 73103.



Janet Swindle

Excerpt from the November 21, 2002 Board meeting
David L. Spivey, MD

Stout: Mister President, I move in the matter of David Lee Spivey that his licensure under terms of Agreement be modified to allow him to be an attending anesthesiologist on adult services at the University of Oklahoma Health Sciences Center.

Gormley: Is there a second?

Smalley: Second.

Gormley: Everyone understand the motion? Doctor Smalley.

All vote aye.

Gasbarra: Can we ask for some kind of report as to exactly how many hours?

Sosbee: What is it you have in mind, Doctor?

Gasbarra: I said can we ask for a report of exactly how many hours he's working?

Sosbee: That's already a part of his reporting that he does each month.

Smalley: In effect, we just eliminated in Agreement, number nine, right?

Stout: Well, we just added to it. He's still in his fellowships. He still has his fellowship but he's not limited to the fellowship.