

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

FILED

**IN THE MATTER OF THE)
APPLICATION OF)

DAVID LEE SPIVEY, M.D.)

FOR MODIFICATION TO TERMS OF)
AGREEMENT)
)
)**

AUG 07 2003

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Application No. 23066

**THIRD ORDER MODIFYING
TERMS OF AGREEMENT**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on July 17, 2003, 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

1. 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. On November 21, 2002, the Board granted Applicant's request 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. On May 8, 2003, the Board granted Applicant's request that his Agreement be further modified to allow him to perform general anesthesia at Specialists Surgery Center and Oklahoma Surgicare.

6. Applicant requests that his Agreement be further modified to allow the Board Secretary to approve his practice setting.

7. 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 the Board Secretary to approve his practice setting.

ORDER

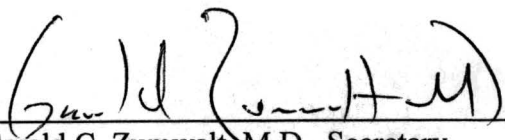
IT IS THEREFORE ORDERED by the Board of Medical Licensure and Supervision as follows:

1. Applicant's Agreement for Licensure shall be modified to allow the Board Secretary to approve his practice setting.

2. All remaining terms of the Agreement for Licensure entered July 30, 2002, the Order Modifying Terms of Agreement dated November 21, 2002, and the Second Order Modifying Terms of Agreement dated May 8, 2003 shall remain in full force and effect.

3. This Order shall be effective July 17, 2003.

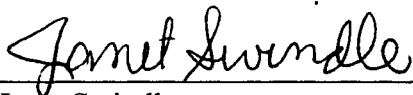
Dated this 7 day of August, 2003.



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

Certificate of Service

On the 7 day of August, 2003, 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