

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

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

Plaintiff,

v.

**ADAM LEROY, M.D.,
SPECIAL TRAINING LICENSE NO. 24160**

Defendant.

FILED

MAY 1 1 2006

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 05-08-2976

**ORDER ACCEPTING
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, Adam Leroy, M.D., Oklahoma special training license no. 24160, who appears in person and through counsel, Stephen J. Modovsky, 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 January 13, 2006 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, Adam Leroy, 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.* 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, Adam Leroy, M.D., holds Oklahoma training license no. 24160, and is a second year resident in the Family Medicine Residency Program at the University of Oklahoma College of Medicine in Tulsa, Oklahoma.

3. During Defendant's medical school training in Florida, he failed the first year, then was asked to leave for one (1) additional year during which time he was required to consult with a psychiatrist.

4. Defendant began his residency at the Family Medicine Residency Program in Tulsa, Oklahoma in July 2004.

5. In February 2005, Defendant was dismissed by his attending physician for the OU Physicians Inpatient Pediatrics Department based upon an incident where he was specifically instructed by a senior resident to communicate certain information to the family of a pediatric patient. Defendant later admitted that he did not communicate this information as he had been directed.

6. In February 2005, Defendant was dismissed by another attending physician for the OU Physicians Inpatient Pediatrics Department based upon the following incidents:

a. Despite being told that all orders needed to be reviewed by his senior resident, Defendant failed to do so on several occasions.

b. Defendant turned off the oxygen on a severely ill child, then left the room without informing anyone that he had done this, resulting in substantial desaturation and increased respiratory distress to the child. Other reported incidents include instances where he turned off IV pumps, CPO monitors and oxygen without notifying nurses of his actions.

c. There were numerous complaints about Defendant's behavior around patients and other medical staff and physicians, including sexually inappropriate comments, profanity, sarcasm, abrasive and condescending attitude, irritability and insubordination.

7. Based upon these incidents, defendant failed two (2) one month rotations in Pediatrics during his first year of residency.

8. The Family Practice Residency Program directed that Defendant obtain a comprehensive assessment, which he did at Talbott from May 2-6, 2005. During his assessment, Defendant admitted alcohol and drug use or abuse over a thirteen (13) year period of time, including the use or abuse of marijuana, cocaine, LSD, psilocybin, Ritalin, Adderall, Oxycodone, Xanax, Valium and Rohophenol over a ten (10) year period ending during medical school, and a thirteen (13) year history of the use or abuse of alcohol up through his assessment and continuing after his assessment.

9. At the completion of the assessment, Talbott recommended that Defendant complete treatment for professional disruptive behavior in a residential center geared towards healthcare providers and treating dual diagnosed patients. Defendant agreed that he would follow through with this recommendation. However, Defendant did not obtain residential treatment at that time and returned to the residency training program in Tulsa, Oklahoma.

10. In or around July 2005, both Defendant and his residency chair asked John E. Doyle, III, M.D., Clinical Director at Talbott, if Talbott would be willing to modify its recommendation that Defendant obtain residential treatment based upon his behavior and performance since his evaluation at Talbott.

11. On or about August 11, 2005, Dr. Doyle advised that he had met with the treatment team at Talbott and they would not change their recommendation that Defendant obtain extended treatment.

12. At the time the Complaint was filed on January 13, 2006, Defendant had not obtained the long-term residential treatment recommended by Talbott.

13. On or about March 20, 2006, Defendant returned to Talbott for another assessment. At the conclusion of this assessment, Talbott changed its previous recommendation of residential treatment and made additional recommendations for continued monitoring.

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

A. 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).

- 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 OAC 435:10-7-4(39) and 59 O.S. §492.1.
- C. Was unable to practice medicine with reasonable skill and safety to patientsas a result of any mental ...condition in violation of 59 O.S. §509 (15) and OAC 435:10-7-4(40).
- D. Was physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).
- E. Has engaged in the habitual intemperance or the habitual use of habit-forming drugs in violation of 59 O.S. §509 (4).

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, Adam Leroy, M.D., Oklahoma special training medical license 24160, is guilty of unprofessional conduct set forth below based on the foregoing facts:

- A. 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).
- 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 OAC 435:10-7-4(39) and 59 O.S. §492.1.
- C. Was unable to practice medicine with reasonable skill and safety to patientsas a result of any mental ...condition in violation of 59 O.S. §509 (15) and OAC 435:10-7-4(40).
- D. Was physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

- E. Has engaged in the habitual intemperance or the habitual use of habit-forming drugs in violation of 59 O.S. §509 (4).

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, Defendant is hereby **REPRIMANDED** and shall be placed on **PROBATION** for a period of five (5) years 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, 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 will not prescribe, administer or dispense any medications for personal use or for that of any family member.

H. 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.

I. 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.

J. Defendant will authorize in writing the release of any and all information regarding his treatment at Talbott and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

K. Defendant will abide by the terms and recommendations of Talbott.

L. Defendant will affiliate with and execute a contract with the Health Professionals Recovery Program.

M. Defendant shall enter and continue counseling with a therapist approved in advance 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. Defendant will remain in counseling until both the counselor and the Board Secretary authorize his release from counseling.

N. Defendant shall enter and continue treatment with a psychiatrist not previously disciplined by this Board and approved in advance by the Board Secretary for medication management. Defendant 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 psychiatrist to the Board Secretary for this review. Defendant will remain in treatment until both his psychiatrist and the Board Secretary authorize his release from treatment.

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

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

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

R. 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 dollar (\$100.00) per month fee during the term of probation.

S. 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.

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

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

V. 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.

3. 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.

Dated this 11 day of May, 2006.

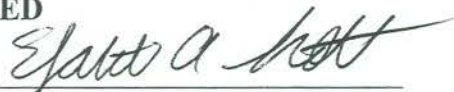


Dianne Gasbarra, M.D., President
Oklahoma State Board of
Medical Licensure and Supervision



Adam Leroy, M.D.
License No. 24160

AGREED AND APPROVED



Elizabeth A. Scott, OBA #12470
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Attorney for the Oklahoma State
Board of Medical Licensure and
Supervision



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



Stephen J. Modovsky, OBA #18594
1204 South Cheyenne
Tulsa, OK 74119

Attorney for Defendant,
Adam Leroy, M.D.

CERTIFICATE OF MAILING

I certify that on the 15 day of May, 2006, a mailed a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction to Stephen J. Modovsky, 1204 South Cheyenne, Tulsa, OK 74119.



Janet Swindle