

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

STATE OF OKLAHOMA, *ex rel.*)
 OKLAHOMA STATE BOARD)
 OF MEDICAL LICENSURE)
 AND SUPERVISION,)
)
 Plaintiff,)
)
 v.)
)
 JOHN JULES SCHIPUL, M.D.,)
 LICENSE NO. MD 26614,)
)
 Defendant.)

FILED

MAY 13 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 18-01-5581

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

The State of Oklahoma, *ex rel.* Oklahoma State Board of Medical Licensure and Supervision (“Board”), by and through the undersigned counsel for the Plaintiff, as represented by the Secretary of the Board, Billy H. Stout, M.D., and the Executive Director of the Board, Lyle Kelsey, along with John Jules Schipul M.D. (“Defendant”), Oklahoma medical license no. 26614, who appears in person, and through counsel Daniel Gamino of Daniel J. Gamino & Associates, P.C. (collectively, the “Parties”), and offer this Order Accepting Voluntary Submittal to Jurisdiction (herein, “Order” or “Agreement”) for acceptance by the Board. Okla. Admin. Code § 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant admits to the allegations herein contained and further acknowledges that a hearing before the Board could result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (“Act”). 59 O.S. § 480, *et seq.*

Defendant, John Jules Schipul 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 an 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 may be reviewed and discussed with him by legal counsel prior to execution.

If the Board does not accept this Order, the Parties stipulate that it shall be regarded as null and void. Admissions by Defendant herein, if any, shall not be regarded as evidence against him in a subsequent disciplinary hearing. Defendant will be free to defend himself and no inferences

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will be made from his willingness to have this Order accepted by the Board. The Parties stipulate that neither the presentation of this Order nor the Board's consideration of this Order shall be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, shall not be grounds for precluding the Board nor any individual Board member from further participation in proceedings related to the matters set forth herein.

Findings of Fact

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

1. In Oklahoma, Defendant holds medical license no. 26614, originally issued April 19, 2011.
2. On December 8, 2020, a Verified Complaint ("2019 Complaint") and Citation were each filed by the Board. Defendant was served on December 21, 2020 by certified mail.
3. On December 16, 2017 the Oklahoma State Board of Medical Licensure and Supervision ("OSMBLS") Investigator Robbin Roberts received information that Defendant, while working at Grady Memorial Hospital, treated patient D.C. in the ER for Benzodiazepine abuse and withdrawal after taking all her medications within a 3-4-day period. According to patient D.C., and her father, Defendant knew of her history of repeated overdoses but continued to write prescriptions for CDS for patient D.C. On March 12, 2018, a review of D.C.'s PMP indicated Dr. Schipul prescribed her Hydrocodone, Xanax and Soma.
4. On or about April 12, 2018, Grady Memorial Hospital provided eleven (11) medical charts for review. A review of the medical records revealed several instances of professional misconduct.
5. Several of the patient charts had little to no social history regarding previous illicit drug use, alcohol use or misuse and or abuse of prescription-controlled medications mentioned in the chart notes. This was true in spite of several patients who either have criminal history for illicit drug use or public intoxication or had admitted to a history of addiction to illicit drugs, painkillers and tranquilizers. Defendant continued to prescribe multiple controlled dangerous substances ("CDS") to these patients.
6. There were very limited or no physical exam findings on the progress notes. There was also little evidence or use of alternative treatments to CDS for pain control and mental health treatment. The records showed limited or inconsistent documentation of alternative therapies such as non-opioid medications, physical therapy and consultation with other medical specialists. Most patients were prescribed CDS on their first visit to Defendant. Many had repeated requests for early refills which Defendant did not treat as a red flag for patient misuse or diversion and were allowed on multiple occasions.
7. Dosages and frequencies of CDS escalated rapidly for several patients. Further, several diagnostic tests and referrals were mentioned in the progress notes which were either not done or the results were not recorded in the record. Several instances of inconsistent urine

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drug screens were recorded with no consequences to patients. Multiple patients violated their pain management/narcotic agreements, yet continued to be prescribed CDS.

8. Defendant either does not appreciate the risks of polypharmacy or is reckless in his prescribing practice. Many patients were on opioid pain medicines as well as benzodiazepines and other controlled medications.
9. Of the 11 patient's whose charts were reviewed, 5 died of drug overdoses. One (1) in 2013, three (3) in 2016 and one (1) in 2017. Four (4) of those deaths occurred in a span of less than 9 months.
10. The 11 patient charts were sent for expert review on June 25, 2018. The expert determined that the patient care provided by Defendant repeatedly fell below the standard of care.

Conclusions of Law

11. The Board has jurisdiction over the subject matter and is the duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma. 59 O.S. § 480 *et seq.* and Okla. Admin. Code §§ 435:5-1-1 *et seq.*
12. Notice was provided as required by law and the rules of the Board. 75 O.S. § 309; 59 O.S. § 504; Okla. Admin. Code §§ 435:3-3-5, 435:3-3-6.
13. The Board is authorized to suspend, revoke or order any other appropriate conditions against the license of any physician or surgeon holding a license to practice medicine in the State of Oklahoma for unprofessional conduct. 59 O.S. §§ 503, 513(A)(1). The Board's action is authorized by 59 O.S. § 509.1.
14. The Board is authorized to accept voluntary submittals to jurisdiction mutually agreed to by parties to a disciplinary action to resolve the action without need for a hearing. 75 O.S. § 309(E); Okla. Admin. Code § 435:5-1-5.1.
15. Based on the foregoing, Defendant is guilty of unprofessional conduct as follows:
 - a. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards in violation of Title 59 § 509(16),
 - b. Failure to maintain an office record for each patient which accurately reflects the evaluation, treatment and medical necessity of treatment of the patient in violation of Title 59 § 509(18),

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- c. Failure to provide a proper and safe medical facility setting and qualified assistive personnel for a recognized medical act, including but not limited to an initial in-person patient examination, office surgery, diagnostic service or any other medical procedure or treatment. Adequate medical records to support diagnosis, procedure, treatment or prescribed medications must be produced and maintained in violation of Title 59 § 509(20) and OAC 435:10-7-4(41),
- d. Indiscriminate or excessive prescribing, dispensing or administering of Controlled or Narcotic Drugs in violation of OAC 435:10-7-4(1),
- e. Prescribing, dispensing or administering of Controlled substances or Narcotic drugs in excess of the amount considered good medical practice or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards OAC 435:10-7-4(2);
- f. Dispensing, prescribing or administering a Controlled substance or Narcotic drug without medical need in violation of OAC 435:10-7-4(6),
- g. Conduct likely to deceive, defraud, or harm the public in violation of OAC 435:10-7-4(11),
- h. Gross or repeated negligence in the practice of medicine and surgery in violation of OAC 435:10-7-4(15),
- i. Being physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17),
- j. Practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18),
- k. Except as otherwise permitted by law, prescribing, selling, administering, distributing, ordering, or giving to a habitue or addict or any person previously drug dependent, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug in violation of OAC 435:10-7-4(25) and,
- l. Improper management of medical records in violation of OAC 435:10-7-4(36).

Orders

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

- 1. The Board hereby adopts the Agreement of the Parties in this Order Accepting Voluntary Submittal to Jurisdiction, including the findings of fact and conclusions of law stated herein.

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2. **JOHN JULES SCHIPUL M.D.**, Oklahoma medical license no. 26614, is formally **REPRIMANDED**.
3. **JOHN JULES SCHIPUL M.D.**, is not to engage in the practice of pain management.
4. **JOHN JULES SCHIPUL M.D.**, is not to prescribe any Controlled Dangerous Substances for a minimum of two years at which time the Board Secretary is authorized to review this requirement.
5. **JOHN JULES SCHIPUL M.D.**, will get prior approval of the Board Secretary or the Medical Board for any future prospective employment and workplace setting for any job for which he utilizes his Oklahoma medical license.
6. **JOHN JULES SCHIPUL M.D.**, is fined \$10,000 to be paid within one year of this Order.
7. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.
8. A copy of this Order shall be provided to Defendant as soon as it is processed.

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Dated this 13th day of May, 2021.

Billy H. Stout

Billy H. Stout, M.D., Board Secretary
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

James M. Brinkworth

James M. Brinkworth, M.D., President
OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION

John Jules Schipul

John Jules Schipul M.D.
License MD 26614
Defendant

Joseph L. Ashbaker

Joseph L. Ashbaker, OBA 19395
Assistant Attorney General
STATE OF OKLAHOMA,
OFFICE OF ATTORNEY GENERAL
Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision

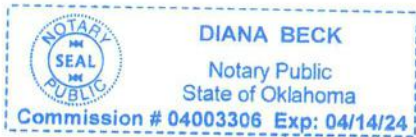
Daniel J. Gamino

Daniel J. Gamino, OBA# 3227
Jamestown Office Park, North Building
3035 NW 63rd Street, Suite 214
Oklahoma City, OK 73116
Attorney for Defendant

ACKNOWLEDGMENT

STATE OF OKLAHOMA)
)
COUNTY OF Oklahoma) ss.

This instrument was acknowledged before me on the 22nd day of April,
2021, by John Jules Schipul.



Diana Beck
Notary Public
Commission Expiration: _____

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Certificate of Service

This is to certify that on the 14th day of May, 2021, 2020, a true and correct copy of this Order was transmitted as indicated, postage prepaid, to the following:

U.S. Certified Mail

John Jules Schipul M.D.
7908 S. Frisco Avenue
Tulsa, Oklahoma 74132
Defendant

E-Mail

Joseph L. Ashbaker
Assistant Attorney General
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(405) 962-1499 facsimile
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Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision

U.S. First Class Mail, and E-Mail

Daniel J. Gamino, OBA# 3227
Daniel J. Gamino & Associates
Jamestown Office Park, North Building
3035 NW 63rd Street, Suite 214
Oklahoma City, OK 73116
Attorney for Defendant,
John Jules Schipul M.D.



Nancy Thiemann, Legal Assistant

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

STATE OF OKLAHOMA, *ex rel.*
OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,

Plaintiff,

v.

JOHN JULES SCHIPUL, M.D.,
LICENSE NO. MD 26614,

Defendant.

FILED

JUN 14 2021

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 18-01-5581

**REVISED CERTIFICATE OF SERVICE,
ORDER ACCEPTING VOLUNTARY SUBMITTAL TO JURISDICTION**

This is to certify that a true and correct copy of the Order Accepting Voluntary Submittal to Jurisdiction, filed May 13, 2021, was transmitted as indicated below, by email on June 14, 2021 and by postage prepaid mail on June 14, 2021, to the following:

U.S. Certified Mail

John Jules Schipul M.D.
5534 Mockingbird Lane
Blanchard, Oklahoma 73010

Defendant

U.S. First Class Mail, and E-Mail

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dgamino@coxinet.net
***Attorney for Defendant,
John Jules Schipul M.D.***

E-Mail

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***Attorney for Plaintiff,
Oklahoma State Board of Medical
Licensure and Supervision***



Nancy Thiemann, Legal Assistant