

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

FILED

MAY 16 2013

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

Plaintiff,)

v.)

DAVID HILL STALLCUP,)
R.C. LICENSE NO. 364,)

Defendant.)

Case No. 12-05-4553

**ORDER ACCEPTING
VOLUNTARY SUBMITTAL TO JURISDICTION**

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through its attorney, Scott Randall Sullivan, Special Prosecutor, 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, David Hill Stallcup, RC, Oklahoma license no. RC364, who appears in person, offer this Agreement effective May 16, 2013, for acceptance by the Board *en banc* pursuant to *Oklahoma Administrative Code* section 435:5-1-5.1.

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on December 18, 2012, and further acknowledges that a hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act ("Act").

Defendant, David Hill Stallcup, RC, 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 has been reviewed and discussed with him and his legal counsel, if any.

Agreements and Stipulations

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

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 David Hill Stallcup, RC, holds Oklahoma license no. 364.
3. On or around May 18, 2012, Defendant provided a pre-employment urine specimen at the request of Oklahoma State University Medical Center in Tulsa. The specimen tested positive for Marijuana. Defendant subsequently admitted to Board Investigator Steve Washbourne that he had smoked marijuana and that his pre-employment drug screen was positive.

Conclusions of Law

4. Defendant is guilty of unprofessional conduct in that he:
 - A. Is unfit or incompetent by reason of negligence, *habits*, or other causes of incompetency in violation of *Okla. Stat. tit. 59, §2040(2) (emphasis added)*.
 - B. Is addicted to, or has improperly obtained, possessed, used or distributed habit forming drugs or narcotics in violation of *Okla. Stat. tit. 59, §2040(4)*.
 - C. Habitually intemperate or addicted use of any drug, chemical or substance which could result in behavior that interferes with the practice of respiratory care and the responsibilities of the licensee in violation of *Oklahoma Administrative Code* section 435:45-5-3(1).
 - D. Unauthorized possession and use of illegal or controlled substances or pharmacologic agents without lawful authority or prescription by an authorized and licensed independent practitioner of the state of Oklahoma in violation of *Oklahoma Administrative Code* section 435:45-5-3(2).
 - E. Violated any provision of the Respiratory Care Practice Act or the rules promulgated by the Board in violation of *Oklahoma Administrative Code* section 435:45-5-3(21) and *Okla. Stat. tit. 59, §2040(8)*.

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 his Voluntary Submittal to Jurisdiction; and

2. It is ORDERED that the Defendant will be placed on PROBATION for a period of five (5) years and said probation shall have the following provisions:

Standard Terms:

- a) Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order 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 Board or its designee.
- b) Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
- c) Defendant will not supervise allied health professionals that require surveillance of a licensed physician.
- d) Defendant will keep the Board informed of his current address.
- e) Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- f) Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- g) Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.
- h) Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Coordinator or designee.

- i) Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator to obtain copies of medical records and authorize the Compliance Coordinator to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.
- j) 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 license after due notice and hearing.

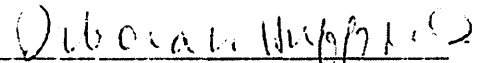
Specific Terms:

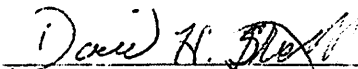
- k) Defendant will submit for analysis biological fluid specimens including, but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay for the costs attendant thereto.
- l) Defendant will take no medication except that which is authorized by a physician treating 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.
- m) Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.
- n) Defendant shall follow all guidelines and recommendations as set forth in the report of Richard Davison, MS., LADC, CRC, VHA-CM, CM of Rehabilitation & Recover Therapeutic Care, LLC, dated April 2, 2013.
- o) Defendant will enroll in intensive outpatient behavioral counseling in a facility to be approved by the Board Secretary with quarterly reports sent to the Board Secretary.
- p) Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.
- q) Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.
- r) Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Coordinator or other Board designee to obtain copies of medical records and authorize the Compliance Coordinator or other Board designee to discuss Defendant's case with Defendant's treating physicians

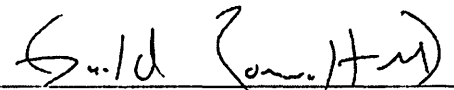
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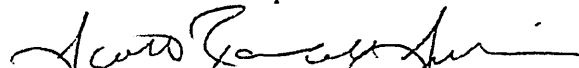
- s) Defendant is hereby placed on **PROBATION** for a term of five years beginning from the date of this Order.

Dated this 26 day of ^{April} ~~May~~, 2013.


Deborah Huff, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision


David Hill Stallcup, RC
License No. MD364

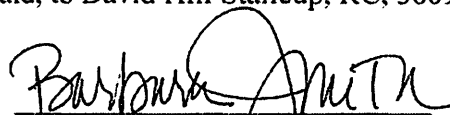

Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board Of Medical
Licensure And Supervision


Scott Randall Sullivan, OBA #11179
101 N.E. 51st Street
Oklahoma City, OK 73105

Attorney for Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF MAILING

This is to certify that on this 16th day of May, 2013, a true and correct copy of this order was mailed, postage prepaid, to David Hill Stallcup, RC, 3889 South Highway 48, Mannford, OK 74044.


Barbara J. Smith, Legal Assistant