

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.)
)
WENDELL EDWARD MILES, P.A.) CASE NO. 88-2-568
Oklahoma Certificate No. 414,)
)
Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 14th day of October, 1988, at the office of the Oklahoma State Medical Association, 601 NW Expressway, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Wendell Edward Miles, P.A., Defendant, appeared by announcement and by and through Voluntary Submittal to Jurisdiction previously signed and submitted to the staff of the Board.

The Board of Medical Licensure and Supervision en banc having reviewed statements of counsel and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, Wendell Edward Miles, P.A., holds Oklahoma Certificate No. 414.
2. That the Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That the Defendant had previously executed a Voluntary Submittal to Jurisdiction and the Board finds that instrument does preserve and protect public health, safety and welfare, and the Board accepts that as the terms and conditions herein.

CONCLUSIONS OF LAW

1. The Oklahoma Board of Medical Licensure and Supervision has lawful jurisdiction over this Defendant pursuant to the terms and conditions of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1987, Sec. 481 et seq., and rules and regulations promulgated thereunder.

ORDER

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

1. That the Defendant, Wendell Edward Miles, P.A., holding Oklahoma Certificate No. 414, should be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and

Supervision to continue for a period of five (5) years from September 21, 1988, unless earlier modified by the Board, on its own motion or on the motion of the Defendant, under the following terms and conditions:

(a) That during the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous use of controlled dangerous substances and alcohol.

(b) That during the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.

(c) That during the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any Investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.

(d) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.

(e) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

(f) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

(g) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the costs of investigation, prosecution and probation of this case.

(h) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

2. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion, or on the motion of the Defendant, or on the recommendation of the Physician Assistant Advisory Committee.

3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Physician Assistant Certificate, after due notice and hearing.

DATED this 3^d day of November, 1988.

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

APPROVED AS TO FORM:

Daniel J. Gamino
DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 4th day of November, 1988, to:

WENDELL EDWARD MILES, P.A.

Route 2
Box 237-T
Jones, OK 73049

Leetta Moore