

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

ABEL JAY SANDS, M.D.
Medical License No. 5560,

Defendant.

)
) CASE NO. 88-12-764
)
)
)

ORDER FINDING COMPLAINT OF CONTEMPT

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on November 2, 1991, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, 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 Abel Jay Sands, M.D., Defendant, did not appear in person, by representative, or by announcement.

The Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Abel Jay Sands, M.D., holds Oklahoma Medical License No. 5560.

2. That the Oklahoma 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 on or around October 26, 1990, following notice and hearing, the Oklahoma Board of Medical Licensure and Supervision issued a Final Order to Defendant.

4. Said Final Order provided in pertinent part as follows, to-wit:

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

5. That said portion of the aforesaid Final Order has remained in full force and effect and has not been modified or amended by the Oklahoma Board of Medical Licensure and Supervision.

6. That subsequent to receiving service of process, the Defendant did pay the aforesaid amount and brought current any arrearage. However, Defendant did not appear in person, by representative, or by announcement, and did not offer any

evidence concerning basis for nonpayment that was not contemptuous of the Board order.

CONCLUSIONS OF LAW

1. That Defendant's late payment of the aforesaid arrearage and failure to appear to provide evidence of some basis for nonpayment that was not contemptuous does support a finding of contempt of the Board order.

ORDER

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

1. That the Defendant, Abel Jay Sands, M.D., holding Oklahoma Medical License No. 5560, should be and is hereby FORMALLY REPRIMANDED for nonpayment of costs of investigation, prosecution and probation of this case.

2. That the Defendant's term of probation to the Oklahoma Board of Medical Licensure and Supervision originally for a period of five years beginning on October 26, 1990, should be extended for an additional six months and therefore shall remain in force and effect until April 26, 1996, under the following terms and conditions:

Defendant will not prescribe, administer or dispense any Schedule II or Schedule III drugs or controlled dangerous substances.

During the period of probation Defendant may prescribe, administer or dispense Schedule IV and Schedule V controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, to include all dispensing records on CDS to include sample medication.

Defendant shall maintain patient records to document diagnosis and medical need for any prescriptions of Schedule IV or Schedule V controlled dangerous substances and shall make said patient records available to investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request.

- (d) That Defendant shall present evidence of successful completion of twenty (20) hours of continuing medical education on proper prescription writing or an equivalent amount of counseling by staff of the Oklahoma Board of Medical Licensure and Supervision within two (2) years of October 26, 1990.
- (e) 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.
- (f) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (g) 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.

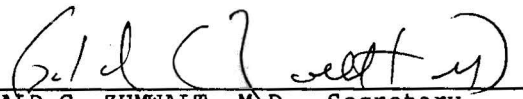
Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case.

- (i) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Board Order and supply a copy thereof.
- (j) 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.

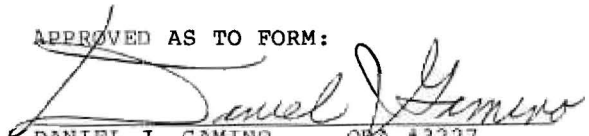
3. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

4. 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 Oklahoma Medical License, after additional due notice and hearing.

DATED this 8 day of November, 1991.


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

APPROVED AS TO FORM:


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 12 day of November, 1991, to:

ABEL JAY SANDS, M.D.
316 S. Midwest Blvd.
Midwest City, OK 73110

