

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

FILED
MAY 20 1993

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

ORDER REDUCING PROBATION
TO LEVEL III

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on May 15, 1993, 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, appeared in person and by legal counsel, Anthony W. Speck and Pamela L. Mitchell, of Speck, Easter & Hayden, Attorneys, 1141 N. Robinson, Suite 300, Oklahoma City, OK 73103-4919.

The Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits and being fully advised in the premises, the Oklahoma Board finds and orders 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, Defendant was placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five years, and following notice and hearing of November 2, 1991, probation was extended for an additional six months and therefore to remain in force and effect until April, 1996, under certain enumerated terms and conditions.
4. That by letter of March 16, 1993, from legal counsel, Defendant requested termination of probation or modification of probation.
5. That the Defendant failed to present evidence to support termination of probation and that his request for termination of probation should be denied.
6. That Defendant did provide evidence to show and support reduction in his level of supervision from Level I to Level III.

CONCLUSIONS OF LAW

1. That the Oklahoma Board has jurisdiction of this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq.

ORDER

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

1. That the Defendant's request for termination of probation should be and the same is hereby DENIED.

2. That the Defendant's request for reduction in level of probation from Level I to Level III should be and is hereby GRANTED.

3. That the Defendant's term of probation to the Oklahoma State Board of Medical Licensure and Supervision shall otherwise remain in force and effect until April 26, 1996, under the following terms and conditions:

- (a) Defendant will not prescribe, administer or dispense any Schedule II or Schedule III drugs or controlled dangerous substances.
- (b) 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.
- (c) 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.

- (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 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.

4. 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.

5. 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 20 day of May, 1993.

Gerald C. Zumwalt, M.D.
 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 21 day of May, 1993, to:

ABEL JAY SANDS, M.D.
 c/o Anthony W. Speck
 Pamela L. Mitchell
 Speck, Easter & Hayden
 1141 N. Robinson, Suite 300
 Oklahoma City, OK 73103-4914

Gamino & Associates