

IN AND BEFORE THE OKLAHOMA BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

FILED

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

JUL 25 1997

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

vs.)

CASE NO. 96-12-1871

MARVA MCLAUGHLIN, P.A.)
P.A. Certificate No. 596,)

Defendant.)

VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER

NOW ON THIS 25 day of JULY, 1997, there comes on before the Oklahoma State Board of Medical Licensure and Supervision, the above styled and numbered cause of action. The defendant, Marva McLaughlin, P.A., the undersigned, states that she is of sound mind and not under the influence of any medication or drug or impaired thereby and that the defendant fully recognizes her right to appear before the Oklahoma State Board of Medical Licensure and Supervision, for evidentiary hearing on the allegations against the defendant herein. Of her own volition and decision, the defendant waives her right to appear before the Oklahoma State Board of Medical Licensure and Supervision for a full hearing and pleads no contest to the allegations as set forth in the Complaint. Further, the defendant, Marva McLaughlin, P.A., believes that a hearing before the Oklahoma State Board of Medical Licensure and Supervision would result in some sanction invoked by the Board under the Medical and Surgical Licensure and Supervision Act. Therefore, Defendant Marva McLaughlin, P.A. hereby voluntarily and of her own volition submits to the jurisdiction of the Board, acknowledges the allegations herein and agrees to abide by the conditions and terms of the Order.

FINDINGS OF FACT

1. That Marva McLaughlin, P.A., holding P.A. Certificate No. 596, is in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. Supp. 1996, Sec. 509(5) and (16), to-wit:

"(5). Habitual intemperance or the habitual use of habit-forming drugs."

"(16). The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition."

2. That Defendant McLaughlin is also in violation of the rules and regulations promulgated by this Board, specifically Rule 435:10-7-4, paragraphs (3), (17), and (40), to wit:

"(3). The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

"(17). Being physically or mentally unable to practice medicine and surgery with reasonable skill and safety."

"(40). The inability to practice medicine and surgery with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition."

3. That Defendant McLaughlin is also in violation of Physician Assistant Rule 435:15-5-11, paragraphs (1) and (7), to-wit:

"The State Board of Medical Licensure and Supervision may reprimand or place on probation any holder of a certificate or revoke or suspend any certificate issued to a Physician Assistant who:

(1) Habitually uses intoxicating liquors or habit-forming drugs.

(7) Has violated any provisions of the Medical Practice Act or the rules promulgated by this Board."

4. That during 1996 Defendant telephoned prescriptions for Tylenol #3 under the name of her supervising physician without a doctor's authorization or her supervising physician's permission and did take those unauthorized

medications.

5. That Defendant was admitted to Rush Behavioral Health Center, Downers Grove, Illinois, on or around January 6, 1997, for in-patient treatment for substance abuse and was released approximately March 11, 1997.

CONCLUSIONS OF LAW

1. The Oklahoma State Board of Medical Licensure and Supervision has jurisdiction in the matter.

2. The Defendant, by reason of the above facts, is in violation of 59 O.S. Supp. 1996, Sec. 509(5) and (16), to wit:

“(5). Habitual intemperance or the habitual use of habit-forming drugs.”

“(16). The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition.”

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(1) Habitually uses intoxicating liquors or habit-forming drugs.

(7) Has violated any provisions of the Medical Practice Act or the rules promulgated by this Board."

ORDER

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

1. The Defendant, Marva McLaughlin, P.A., holding certificate no. 596, shall be placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years under the following terms and conditions:

a) Defendant will conduct her practice in compliance with the Physician Assistant Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the questions will be taken by Defendant until clarification of interpretations is received by Applicant from the Board.

(b) During the period of probation, Defendant will furnish to each and every state in which she holds certification/licensure or applies for certification/licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege, a copy of the Board Order stipulating sanctions imposed by the Board.

(c) 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 the Board or its designee, and Defendant will pay for the analysis thereof.

(d) During the period of probation, Defendant will not prescribe, administer or dispense any medications for personal use.

(e) During the period of probation, Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Applicant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation of treatment.

(f) During the period of probation, Defendant will abide by the post care contract from Rush Behavioral Health Center (attached).

(g) During the period of probation, Defendant will keep the Board informed of her current address.

(h) During the period of probation Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of her case.

(i) Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

2. 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.

3. 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 Physician Assistant Certification, after additional due notice and hearing.

Marva McLaughlin
Marva McLaughlin, P.A.

7-25-97
Date

Gerald C. Zumwalt
Gerald C. Zumwalt, M.D.
Secretary/Medical Advisor

7-25-97
Date

Continuing Care Plan

MARNA McLAUGHLIN
(addressograph)

Name: MARNA McLaughlin Age: 46 Male/Female: F

Address: 13118 West Park Place

Phone (Home): 405-728-7438 Work: _____

Admission Date: 1/6/97 (May we contact you at work?) Yes No
Discharge Date: 3/11/97

Primary Counselor: Peg Tilford, M.Ed. Physician: Paul Eldman, MD

Referral Source Name: Harold Thiem, MD Phone #: 405-376-9728

Referral Source Title/Relation to Patient: _____

Progress reports to referral source? yes [] no Verbal Written

Frequency of reports: _____ Release of Information signed? yes [] no

RECOMMENDATIONS

1. Continuing Care Group: Co-dependence AA

Place: _____

Day/Time: Mon 8:00 AM Start Date: _____

Issues to be addressed (include unresolved problems from problem list): _____

crack cocaine, triggers to addiction

2. Self Help Group: AA/NA Recommended Frequency: 7-6x/week

Recommendations regarding sponsorship: daily contact sponsor

Issues to be addressed (include unresolved problems from problem list): _____

ask for help, powerlessness/surrender, step 1-3

3. Professional Services (i.e. Individual/Marital/Family Therapy, Medical/Psychiatric Follow Up, Vocational Counseling, etc.)

Specific Services Recommended: Individual therapy female therapist to work to address assertiveness, self-esteem

Provider Name: _____ Phone #: _____

Address: pt to obtain therapist in state of DC

Date/Time of Initial Appointment: N/A

Release of Information signed? yes [] no []

Provider Name: Brian Picard MD Phone #: 405-271-7878

Address: _____ 405-271-6655

Date/Time of Initial Appointment: to be scheduled

Release of Information signed? yes [] no []

Issues to be addressed (include unresolved problems from problem list): _____

Longing for admission, managing general insufficiency

4. Other continuing care recommendations: _____

5. Patient Comments Related to Continuing Care Planning: Participate in

completing that care planning, verbalizes understanding & agreement.

Marva McLaughlin
(Patient Signature)

3/10/97 error 97
(Date)

Reg Tifford MEd CADC
(Staff Signature)

3/10/97
(Date)

CERTIFICATE OF MAILING

This is to certify that on this 28 day of July,
1997, a true and correct copy of this order was mailed, postage
prepaid to:

Marva McLaughlin, P.A.
13118 WestPark Place
Oklahoma City, Ok 73142