

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
STATE BOARD OF MEDICAL
EXAMINERS,

Plaintiff

v.

J. DOUGLAS GREEN, M.D.,
Medical License No. 6459

Defendant

FINAL ORDER

This cause comes on for hearing before the Oklahoma Board of Medical Examiners en banc on September 5, 1986, at 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 the Defendant did not appear in person but did appear by announcement with the assistance of Kentucky counsel, Fox DeMoisey, Attorney, on this Final Order.

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

FINDINGS OF FACT

1. That J. Douglas Green, M.D., holds Oklahoma Medical License No. 6459.
2. That the Board of Medical Examiners 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 June 28, 1984, in the Federal District Court for the Western District of Kentucky in Docket No. Cr. 84-00070-01-L, the Defendant, upon advice of counsel, pled guilty to a charge of "a conspiracy to defraud the United States Department of Treasury in violation of Title 18, United States Code, Section 371." As charged in Count 1 of the Indictment filed June 5, 1984, by the Grand Jury convened in said Court. A copy of the Judgment and Sentence and of the Indictment are attached hereto and incorporated herein as if fully set out herein.
4. That on or around November 21, 1985, the Kentucky State Board of Medical Licensure made certain findings of fact and the Defendant entered into an Agreement and Stipulation of Fact wherein the Defendant did stipulate and agree that:

"Dr. Green did display poor judgment in handling the medical situation presented by "Patient A", especially the treatment of Patient A's drug addiction to Vicodin when the addiction became known to Dr. Green, and that in retrospect, Dr. Green now realizes said amounts that he did prescribe were excessive under the attendant circumstances and under the accepted and prevailing medical practice standards and that during the period that Patient A was a patient of Dr. Green's, Dr. Green did attempt to enlist the cooperation of Patient A in an illegal activity involving the "laundering" of money."

5. That after making those findings and stipulation, the Commonwealth of Kentucky State Board of Medical Licensure entered in the following Agreed Order with the Defendant which provided in pertinent part, to-wit:

"(A) Dr. J. Douglas Green's license to practice medicine in the Commonwealth of Kentucky shall, and it hereby is suspended for a period of one and one-half years, said suspension to have begun on June 15, 1984, until December 15, 1985; the Kentucky State Board of Medical Licensure recognizes that Dr. J. Douglas Green has observed the voluntary suspension of practice agreement begun in July, 1985, and extended during the pendency of this action;

(B) Dr. J. Douglas Green may resume the practice of medicine in the Commonwealth of Kentucky on December 15, 1985, under the following terms and conditions:

(1) That Dr. J. Douglas Green's license to practice medicine in the Commonwealth of Kentucky shall, and it hereby is placed upon probation for a period of five (5) years beginning upon December 15, 1985, and ending December 15, 1990, unless said term of probation be modified by the Kentucky State Board of Medical Licensure;

(2) That Dr. J. Douglas Green pay a fine in the amount of \$2,000.00 to the Kentucky State Board of Medical Licensure, and that said payment be received on or before June 15, 1986;

(3) That on or before June 15, 1986, Dr. J. Douglas Green will volunteer and otherwise make available on a voluntary basis without compensation his services to JDAC or another similar agency that may hereinafter be agreed upon by and with the Kentucky State Board of Medical Licensure; that this voluntary service shall average ten hours per month, and Dr. J. Douglas Green shall extend this voluntary service for a period of one year beginning June 15, 1986, and ending June 15, 1987;

(4) With respect to the utilization of controlled substances as defined in KRS Chapter 218A:

(a) During the period of probation as described above, Dr. J. Douglas Green agrees to forego the utilization of any Schedule II controlled substances; agrees to limit the use of Schedule III controlled substances to only the following enumerated preparations:

- (i) Talwin-NX
- (ii) Tylenol II
- (iii) Tylenol III
- (iv) Empirin II
- (v) Empirin III
- (vi) Tylenol with 3 mg. codeine
- (vii) Phenobarbital
- (viii) Synalgose DC

No other Schedule III controlled substance may be used by Dr. J. Douglas Green during the probationary term without the express written consent of the Kentucky State Board of Medical Licensure; further, Dr. J. Douglas Green may utilize any of the controlled substances enumerated in Schedules IV or V as set forth in KRS Chapter 218A.

(b) During the term of the probation, Dr. J. Douglas Green agrees to make all medical records and prescriptions written available to the authorized agents of the Kentucky State Board of Medical Licensure for their immediate examination, said examination to be either with or without advance notice to Dr. J. Douglas Green."

A complete copy of the Waiver of Rights; Stipulation of Facts; and Agreed Final Order from the Commonwealth of Kentucky State Board of Medical Licensure is attached hereto and incorporated herein as if fully set out.

6. The above actions taken by the Federal District Court for the Western District of Kentucky and by the Kentucky State Board of Medical Licensure are the only disciplinary actions that have been instituted against this Defendant by Federal law enforcement authorities or by any licensing Board.

7. The Defendant has fully complied with all conditions of probation imposed by the Kentucky State Board of Medical Licensure with the exception that the Defendant's financial condition did not allow him to pay the fine in the amount of \$2,000.00 that was due on or before June 15, 1986, and that the Defendant did file a motion with the Kentucky State Board of Medical Licensure to continue the due date for payment of the fine.

8. That the Defendant presently resides and practices general medicine in the state of Kentucky and has no immediate plans to return to the state of Oklahoma.

CONCLUSIONS OF LAW

1. That J. Douglas Green, M.D., holding Oklahoma Medical License No. 6459, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Section 509, Paragraphs 1 and 6, to-wit:

"1. Procuring, aiding or abetting a criminal operation."

Conviction of a felony or of any offense involving moral turpitude."

ORDER

IT IS THEREFORE ORDERED by the Board of Medical Examiners of Oklahoma as follows:

1. That the Defendant, J. Douglas Green, M.D., holding Oklahoma Medical License No. 6459, be and is hereby placed on probation to the Oklahoma State Board of Medical Examiners for a period of five (5) years, beginning on September 5, 1986, under the following terms and conditions:


That the Defendant shall comply with all terms and conditions set out by the Kentucky State Board of Medical Licensure in its Agreed Final Order dated November 21, 1985, which is attached hereto and incorporated by reference as if fully set out herein. That any violation of the terms or conditions set out by the Kentucky State Board of Medical Licensure shall also serve as grounds for violation of probation proceedings by the state of Oklahoma.

(b) That during the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Examiners all current legal addresses and any change of address in writing.

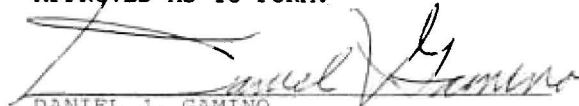
That the Defendant shall appear before the Oklahoma Board of Medical Examiners or any designated member thereof whenever requested to do so.


- d) That in the event the Defendant desires to establish active medical practice or consultation privileges within the borders of the state of Oklahoma, the Defendant shall first notify the Board in writing of his intentions and personally appear before the Board en banc for a review of these matters and his present state of medical training and competence.
- e) That the Oklahoma Board of Medical Examiners of Oklahoma retains continuing jurisdiction over this Defendant in the event of his return to active practice or consultation within the state of Oklahoma in order to make any further and additional orders concerning training or limitation on practice at that time.


DATED this 6th day of October, 1986.


MARK R. JOHNSON, M.D., Secretary
State Board of Medical Examiners

APPROVED AS TO FORM:


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DEFENDANT