

IN AND BEFORE THE OKLAHOMA STATE BOARD
OF MEDICAL LICENSURE AND SUPERVISION
STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
DARRELL A. SEELIG, M.D.,)
MEDICAL LICENSE NO. 6539,)
)
Defendant.)

MAY 29 1998

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 98-03-1986

VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER

Plaintiff, the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Susan Moebius Henderson, Assistant Attorney General for the State of Oklahoma and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Darrell A. Seelig, M.D., Medical License No. 6539, who appears in person, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

Background Facts

Defendant's Complaint and Citation result from the Board's investigation of Susan Jane Waldenville, Physician Assistant 627, Oklahoma State Board of Medical Licensure and Supervision Case No. 98-03-1984. The unprofessional acts committed by Defendant were acts and omissions made by him while supervising Waldenville. Defendant admitted to the acts and omissions in the Complaint and Citation while fully cooperating in Waldenville's investigation.

Agreement and Acknowledgment by Defendant

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on April 23, 1998 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Darrell A. Seelig, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has been advised of his legal right to appear before the Board with legal counsel and that he has waived that right. Defendant further acknowledges that he has read and understands the terms and conditions stated herein.

Parties' Agreement and Stipulations

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

Findings of Fact

1. Defendant, Darrell A. Seelig, M.D., is the holder of Oklahoma Medical License No. 6539.
2. Defendant was the supervising physician for a physician assistant named Susan Jane Waldenville, Oklahoma P.A. 627 from October 30, 1997 to March 19, 1998. Waldenville and Defendant both were employed by Comprehensive Family Health Clinic in Guthrie, Oklahoma. Defendant reviewed Waldenville's dictation of charts one morning per week.
3. At Waldenville's request, Defendant signed and left blank prescriptions at the Guthrie clinic for Waldenville to use to prescribe controlled drugs to patients. Waldenville did not consult Defendant about patient prescriptions.
4. Defendant did not prepare a policy or protocol for Waldenville to operate under or provide proper supervision as required by 59 Okla. Stat. §519.6 and OAC 435:15-5-1.
5. Defendant, again at Waldenville's request, signed an open letter authorizing Waldenville to "treat her family in a professional manner" although Defendant had never seen Waldenville or any of her family members as patients.
6. Defendant is guilty of unprofessional conduct under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and Board's regulations in that he:
 - A. Confessed to a crime involving violation of the anti-narcotic laws of the federal government and this state in violation of 59 Okla. Stat. §509(8) and (10) and OAC 435:10-7-4(27).
 - B. Prescribed drugs or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 Okla. Stat. §509(13).

- C. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(14) and OAC 435:10-7-4(39).
- D. Aided and abetted, directly or indirectly, the practice of medicine by a person not duly authorized under the laws of this state in violation of 59 Okla. Stat. §509(15) and OAC 435:10-7-4(21).

7. As a result of these acts and omissions, Defendant was perpetuating significant harm to the public health, safety and welfare.

8. Defendant has cooperated fully in the Board's investigation of Waldenville.

9. The Board has jurisdiction of the subject matter herein, and proper notice has been given as required by law and the rules of the Board.

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Act and the OAC. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Darrell A. Seelig, M.D., License No. 6539, by reason of the above facts, is guilty of unprofessional conduct under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and Board's regulations in that he:

- A. Confessed to a crime involving violation of the anti-narcotic laws of the federal government and this state in violation of 59 Okla. Stat. §509(8) and (10) and OAC 435:10-7-4(27).
- B. Prescribed drugs or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 Okla. Stat. §509(13).
- C. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(14) and OAC 435:10-7-4(39).
- D. Aided and abetted, directly or indirectly, the practice of medicine by a person not duly authorized under the laws of

this state in violation of 59 Okla. Stat. §509(15) and OAC 435:10-7-4(21).

Order

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


1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, Darrell A. Seelig, M.D. holding Oklahoma Medical License No. 6539, should be and is hereby FORMALLY REPRIMANDED for the conduct described above.

3. Defendant shall not supervise allied health professionals for a period of five (5) years. Thereafter Defendant will not supervise licensed allied health professionals without first obtaining a copy of the applicable practice act and regulations and diligently adhering to the obligations and responsibilities of supervising physicians stated therein.

4. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs.

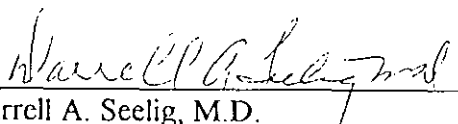
Dated this 29 day of May, 1998.

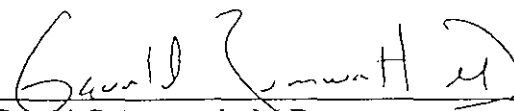


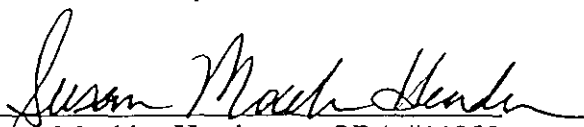
~~Deborah L. Huff, M.D., President~~
Oklahoma State Board of Medical
Licensure and Supervision

Eric E. Frishe, M.D.
Vice President

AGREED AND APPROVED:


Darrell A. Seelig, M.D.
Oklahoma Medical License No. 6539


Gerald C. Zumwalt, M.D.
Secretary & Medical Advisor
Oklahoma State Board of Medical
Licensure and Supervision

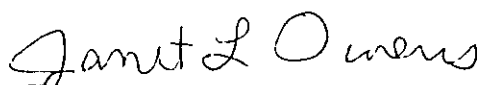

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State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118
405/848-6841

Attorney for the Oklahoma State Board
of Medical Licensure and Supervision

CERTIFICATE OF MAILING

This is to certify that on this 1st of June 1998, a true and correct copy of this order was mailed, postage prepaid to:

Darrell A. Seelig, M.D.
416 S. Oak Ave.
Chandler, OK 74834



Janet L. Owens, Secretary