

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.)

(DONALD GUTHRIE HINDS, P.A.,)
P.A. LICENSE NO. PA680,)

Defendant.)

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OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 98-08-2023

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, Donald Guthrie Hinds, P.A. License No. 680, who appears in person, without an attorney, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

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 October 5, 1998 and acknowledges that hearing before the Board would result in some sanction under the Physician Assistant Practice Act (the "Act").

Defendant, Donald Guthrie Hinds, P.A., 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 further acknowledges that he is entitled to have his interests represented by legal counsel and that he has elected to proceed without legal representation, thereby waiving his right to an attorney. Defendant 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, Donald Guthrie Hinds, P.A., holds physician assistant license no. PA680 in the State of Oklahoma.

2. Within the last several months, Defendant has stolen for his personal consumption approximately 14 bottles of Vicodin (hydrocodone-C-III), each containing 40 tablets, from clinic supplies kept by his employer.

3. After his supervising physician confronted him about the diversion, Defendant began outpatient treatment for drug abuse at the St. Anthony's Start Program. Defendant currently is participating in the Physician's Recovery Group and has returned to work.

4. Defendant has engaged in unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation of OAC 435:15-5-11(1).

B. Violated the following provisions of the Medical Practice Act or rules promulgated by the Board in violation of OAC 435:15-5-11(7) by:

(1) Habitually using habit-forming drugs in violation of OAC 435:10-7-4(5).

(2) Engaging in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 Okla. Stat. §509(9) and OAC 435:10-7-4(11).

(3) Committing an act which is a violation of the criminal laws of any state when such act is connected with the physician [assistant]'s practice of medicine in violation of 59 Okla. Stat. §509(10).

(4) Prescribing, selling, administering, distributing, ordering, or giving a drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

- (5) Violating a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

5. These allegations raise serious concerns about Defendant's ability to practice as a physician assistant in the State of Oklahoma with reasonable skill and safety.

6. 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 Physician Assistant Practice Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant, Donald Guthrie Hinds, P.A. License No. 680, by reason of the above facts, is guilty of unprofessional conduct under the Physician Assistant Practice Act and the rules of Board in that he:

A. Habitually uses habit-forming drugs in violation of OAC 435:15-5-11(1).

B. Violated the following provisions of the Medical Practice Act or rules promulgated by the Board in violation of OAC 435:15-5-11(7) by:

(1) Habitually using habit-forming drugs in violation of OAC 435:10-7-4(5).

(2) Engaging in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 Okla. Stat. §509(9) and OAC 435:10-7-4(11).

(3) Committing an act which is a violation of the criminal laws of any state when such act is connected with the physician [assistant]'s practice of medicine in violation of 59 Okla. Stat. §509(10).

(4) Prescribing, selling, administering, distributing, ordering, or giving a drug legally classified as a controlled substance or recognized as an addictive

dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

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, Donald Guthrie Hinds, P.A., holding Oklahoma License No. 680, is hereby placed upon PROBATION for a period of five (5) years, with the following terms and conditions:

- a. In the event that Defendant has prescriptive authority now or at any time during the period of probation, Defendant will not prescribe, administer, or dispense any drugs in Schedules III, IV or V or any addictive drugs.
- b. Defendant will conduct his practice in compliance with the Physician Assistant Practice Act as interpreted by the Board. Any question of interpretation regarding the Act or this Order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board.
- c. Defendant will furnish to each and every state in which he holds licensure or applies for licensure and to each and every hospital, clinic or other institution in which he holds or anticipates holding any form of staff privileges or employment a copy of this Order stipulating sanctions imposed by the Board.
- d. Defendant will submit for analysis biological fluid specimens, including but not limited to, blood and urine, upon request of the Board or its designee, and Defendant will pay the costs attendant thereto.
- e. To the extent that Defendant has authority now or at any time during the period of probation, Defendant

will not prescribe, administer or dispense any medications for personal use.


- f. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant will have the affirmative duty to inform any and every doctor treating him of this Order prior to the commencement of, or continuation of presently ongoing, treatment.
- g. Defendant will have the affirmative duty not to ingest any other substance which will cause a body fluid sample to test positive for prohibited substances.
- h. Defendant will comply with the recommendations and post-care contract from St. Anthony's Start Program and the terms of Defendant's Return to Work Agreement dated August 11, 1998 and will undertake all necessary or recommended subsequent treatment.
- i. Defendant will keep the Board informed of his current address.
- j. Defendant will keep current payment of all assessments made by the Board for costs of prosecution, investigation and monitoring of his case.
- k. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.
- l. Defendant will execute releases of medical, counseling and psychiatric records for use by the Compliance Consultant or other agents of the Board and will authorize the Compliance Consultant or other agents of the Board to discuss Defendant's case with Defendant's treating physicians, counselors and/or other custodians of Defendant's records.
- m. Defendant will authorize and cause all hospitals,

clinics, facilities, institutions or other work sites at which he anticipates he will practice to furnish, at the request of the Board, reviews based on monitoring his practice while performing services at that site.

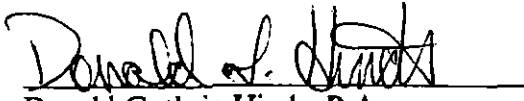
- n. Defendant will notify the Board or its designee of any entry, or re-entry, into a rehabilitation, assessment, or evaluation program and shall provide to the Board or its designee written authorization for any and all records associated with said treatment, assessment or evaluation.
- o. Defendant shall actively participate in the Oklahoma Physician's Recovery Group and will comply with all terms of his recovery contract.
- p. Defendant shall actively participate in a community twelve step program such as AA or NA and shall provide a completed monthly self-report to the Board.
- q. Defendant shall not apply for a narcotics permit from the Drug Enforcement Administration or the Oklahoma Bureau of Narcotics and Dangerous Drugs Control for two (2) years from the entry of this order.

3. 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, and shall keep current all payments for monitoring his compliance with this agreement.

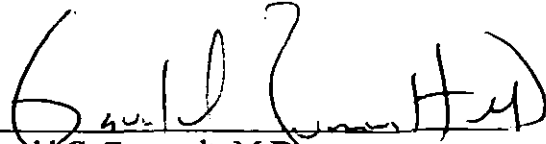
Dated this 12th day of November, 1998.


Eric E. Frische, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

AGREED AND APPROVED:



Donald Guthrie Hinds, P.A.
License No. 680



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



Susan Moebius Henderson, OBA #11858
Assistant Attorney General
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

November

This is to certify that on this 16th of ~~October~~ 1998, a true and correct copy of this order was mailed, postage prepaid to:

Donald G. Hinds, P.A.
904 Westbury Terrace
Yukon, OK 73099

Janet Owens

Janet L. Owens, Secretary