

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. )

)

WINFRED L. MEDCALF, M.D.  
Medical License No. 7115,

CASE NO. 90-08-1093

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 27, 1990, 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 Winfred L. Medcalf, M.D., Defendant, appeared in person and by counsel, Mona S. Lambird, of Andrews, Davis, Legg, Bixler, Milsten & Price, 500 West Main, Oklahoma City, Oklahoma 73102.

The Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Winfred L. Medcalf, M.D., holds Oklahoma Medical License No. 7115.

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 Defendant is 62 years of age, he received his medical degree and commenced practice in Oklahoma in 1957 and has practiced with The Arthritis Clinic in Ardmore, Oklahoma, continuously since 1968 without any previous record of investigation, complaint or discipline.

4. That before hearing any testimony or reviewing any exhibits, the Board reviewed a Voluntary Submittal to Jurisdiction submitted by the Defendant wherein Dr. Medcalf agreed to be cooperative with the Board and to be more accountable with the record keeping of prescriptions of controlled substances and documentation in patient records.

5. That the Board found the Voluntary Submittal to Jurisdiction and the terms and conditions thereof were an appropriate disposition of this case and accepted same.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1989, Sec. 481 et seq., and by the Voluntary Submittal to Jurisdiction executed by the Defendant.

ORDER

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

1. That the Defendant, Winfred L. Medcalf, M.D., holding Oklahoma Medical License No. 7115, should be and is hereby placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of three (3) years beginning on October 27, 1990, under the following terms and conditions:

That during the period of probation Defendant may prescribe 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 controlled dangerous substances other than sample medication.

- (b) That Defendant shall document in patient records his efforts to re-establish a diagnosis in writing on an annual basis, but to not necessarily include laboratory work on an annual basis.
- (c) That Defendant shall document in patient charts his efforts to change the patient's medication from controlled dangerous substances to non-controlled dangerous substances.
- (d) That anytime Defendant prescribes controlled dangerous substances in excess of four doses within 24 hours it must be strictly based on the patient's documented need for said medication, and further Defendant should document his advice to the patient concerning risks of medication and possible non-controlled pharmaceutical agents as alternatives.
- (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.

Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.

During the period of probation Defendant will submit to the Investigative 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 cost

of investigation, prosecution and probation of this case.

- (i) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after due notice to the Defendant.

That Defendant will receive education from the medical and investigative staff of the Board on standards for prescription writing.

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. The Defendant further agrees 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 15<sup>th</sup> day of November, 1990.

G. 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 16<sup>th</sup> day of November, 1990, to:

WINFRED L. MEDCALF, M.D.  
c/o Mona S. Lambird  
Andrews, Davis, Legg, Bixler,  
Milsten & Price  
500 West Main  
Oklahoma City, OK 73102

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