

IN AND BEFORE THE 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.

STEVE A. LeVALLEY, M.D.
Medical License No. 8158,
Defendant.

CASE NO. 89-11-990

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on February 2, 1990, at the office of the Oklahoma State Medical Association, 601 N.W. Expressway, 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 Steve A. LeValley, M.D., Defendant, appeared in person, pro se, and waived his right to legal counsel and agreed to proceed.

The Oklahoma Board of Medical Licensure and Supervision en banc heard testimony from the Defendant, oral argument of counsel, reviewed exhibits tendered, and being fully advised in the premises the Oklahoma Board of Medical Licensure and Supervision therefore finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Steve A. LeValley, M.D., holds Oklahoma Medical License No. 8158.
2. That the 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 on or around August 12, 1988, the Colorado Board of Medical Examiners did accept a Stipulation and Order concerning Steve A. LeValley, M.D. A true and correct copy of that Stipulation and Order was introduced into evidence.
4. That the Colorado Board of Medical Examiners did find, in part, that the Defendant from approximately March, 1984, to February 1, 1988, did not practice medicine and surgery and was determined to have a disability which rendered him unable to perform medical services with reasonable skill and safety to the patients.
5. That on or around August 12, 1988, the Colorado Board of Medical Examiners found that the Defendant had no current diagnosis or psychopathology that prevented him from practicing with reasonable skill and safety to patients.
6. That on or around August 12, 1988, the Colorado Board of Medical Examiners did find that a case of unprofessional conduct existed and did place the Defendant on a period of probation for two years under terms and conditions that included monitoring the Defendant's medical practice by another Colorado-licensed physician approved by the Board, and to require

the monitoring physician to report in writing on a quarterly basis to the Board concerning the Defendant's medical practice, and that the Defendant should obtain psychiatric treatment on a regular, continuing basis by a physician acceptable to the Colorado Board and that treating physician shall report to the Board in writing concerning the mental status of the Defendant, and that in the event the Defendant relocated to another state, he should promptly notify the Colorado Board of his change of address, and allow the Colorado Medical Board to notify its counterpart in any sister state concerning the Defendant.

CONCLUSIONS OF LAW

1. That Steve A. LeValley, M.D., holding Oklahoma Medical License No. 8158, was in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraph 16, to-wit:

"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."

ORDER

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

1. That the Defendant, Steve A. LeValley, M.D., Oklahoma Medical License No. 8158, should be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for the period from February 2, 1990, to August 12, 1990, under the following terms and conditions:


- (a) The medical practice of Defendant in Colorado shall be monitored by a licensed Colorado physician approved in advance by the Panel ("practice monitor"). Said monitor shall be responsible for oversight of the entire medical practice of Defendant. To promote the ability of the practice monitor to carry out the monitoring function, the practice monitor shall be granted access to the entire medical practice of Defendant, including, but not limited to, all activities of Defendant at any hospital where he practices. The practice monitor shall visit all locations where Defendant practices medicine on a random, rotating basis, such that the practice monitor visits each such location at least once every 30 days. During the visits of the practice monitor to the medical practice locations of Defendant, the practice monitor shall review a random sampling of any records maintained by Defendant to determine whether the Defendant's medical practice is conducted in accordance with the generally accepted standards of medical care.
- (b) The practice monitor shall report to the Panel in writing on a quarterly basis concerning the medical practice of Defendant and his compliance with this Order. The initial report shall be submitted to the Board within 30 days of the effective date of this Order and shall include the written acknowledgment of the practice monitor that this Stipulation and Order was read by the practice monitor and that the obligations of the practice monitor are understood. After submission of the initial practice monitor

report, the practice monitor shall report in writing to the Board on a quarterly basis, the reports due on the last day of the third month in each reporting period. All reports from the practice monitor shall set forth the action taken by the practice monitor to effectuate this Stipulation and Order, as well as whether Defendant is practicing medicine with skill and safety to his patients, and in conformity with this Stipulation and Order.

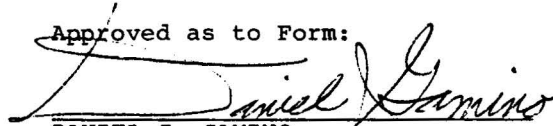
- c) It shall be the obligation and responsibility of Defendant to insure the timely submission by his practice monitor of the reports required by the Panel from that monitor. The failure of the monitor to submit said reports to the Panel on a timely basis in complete form may be construed by the Panel as a violation of the probation of Defendant.
- (d) All costs or expenses incurred for the practice monitor, treatment monitor, and treating physician as set forth in this Stipulation and Order shall be the sole responsibility of the Defendant and not the Board.
- (e) Defendant shall obtain psychiatric treatment on a regular, continuing basis by a physician acceptable to the Panel (treatment monitor). Defendant shall see the treating psychiatrist on such a basis as is recommended by the treating psychiatrist, but in no event shall he see the treating psychiatrist less than once every 30 calendar days. The treatment monitor shall be responsible for determining Defendant's condition and reporting to the Panel in writing, on a regular basis concerning the mental status of Defendant. All of the reports of the treatment monitor shall set forth the condition of Defendant and state whether Defendant is competent to practice medicine with reasonable skill and safety to his patients. The treatment monitor shall report the results of his observations to the Panel in writing, the first such report to be submitted on the last day of the first full month after the effective date of this Order and all subsequent reports are due on the last day of every third month thereafter. In his first report, the treatment monitor shall also acknowledge that he read this Agreement and understands his obligation as the treatment monitor for Defendant. In any instance where the treatment monitor believes that Defendant is not capable of practicing medicine with skill and with safety to his patients, he shall report such belief on an immediate basis, in writing, to the Panel, including an explanation of same in his report.
- (f) At any time that the practice monitor or treatment monitor believes it to be appropriate for Defendant to be evaluated for substance abuse, Defendant will undergo an evaluation for substance abuse.

- (g) The Colorado Stipulation and Order shall be a public record in the custody of the Oklahoma Board.
- (h) In the event Defendant should relocate to another state, he should promptly notify the Board of his change of address and hereby gives his consent to the Board that it may notify the Board of Medical Examiners, or its counterpart agency in any state to which Defendant relocates, of the existence and terms of this Stipulation and Order.
- (i) In the event the Defendant returns to the State of Oklahoma in order to actively practice medicine and surgery, said Defendant shall re-appear before the Oklahoma Board before entering the active practice of medicine and surgery within the State of Oklahoma and shall provide the Oklahoma Board with a copy of the final report from his psychiatrist that was submitted to the Colorado Medical Board in August, 1990, and such other evidence as the Board may desire in order to review his circumstances and ability to practice medicine and surgery within the State of Oklahoma.

DATED this 8 day of February, 1990.


GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

Approved as to Form:


DANIEL J. GAMINO
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 12 day of February, 1990, to:

STEVE A. LeVALLEY, M.D.
185 S. Elm St
Denver CO 80222-1130