

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,)

ust
FILED

JAN 27 1988

Plaintiff,

STATE BOARD OF
MEDICAL EXAMINERS

v.

JAMES C. WALKER, M.D.
Medical License No. 8186

CASE NO. 87-5-497

Defendant

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 23rd day of January, 1988, at the office of the Oklahoma State Medical Association, 601 NW 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 James C. Walker, M.D., Defendant, appeared in person, pro se for the Defendant.

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

FINDINGS OF FACT

1. That Defendant, James C. Walker, M.D., holds Oklahoma Medical License No. 8186.

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 from February 1, 1987, through April 30, 1987, Dr. Walker wrote approximately 170 prescriptions for 11,120 dosage units of Schedule II, III, IV, and V drugs.

4. That a prescription survey conducted in reference to certain scheduled drugs reveals that patient R.J. received approximately 9 prescriptions for 660 dosage units of Schedule II, III, IV, and V drugs from the period February 23, 1987, through April 17, 1987, for an average of 12.22 dosage units per day.

5. That the survey reveals that patient C.T. received 8 prescriptions for 570 dosage units of Schedule II and Schedule IV drugs from March 3, 1987, through April 28, 1987, for an average of 10.00 dosage units per day.

6. That the survey reveals that patient W.J. received 8 prescriptions for Schedule II and Schedule IV drugs from February 5, 1987, through April 6, 1987, for an average of 9.51 dosage units per day.

7. That the survey reveals that patient M.R. received 9 prescriptions for Schedule II and Schedule IV drugs from February 23, 1987, through April 20, 1987, for an average of 8.95 dosage units per day.

8. That the survey reveals that patient L.F. received 6 prescriptions for 500 dosage units of Schedule IV drugs from February 3, 1987, through April 8, 1987, for an average of 7.69 dosage units per day.

9. That patient records reveal that scheduled drugs were being prescribed in excess of the amount considered for the medical need presented.

10. That in August and September, 1987, while a patient at Country View Hospital, the Defendant was possibly suicidal and suffering from chronic anxiety and depression.

CONCLUSIONS OF LAW

1. That James C. Walker, M.D., holding Oklahoma Medical License No. 8186, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraphs 16 and 17, 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."

"17. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards."

2. That James C. Walker, M.D., is in violation of the rules and regulations promulgated by this Board, specifically Section IX, Rules 1, 2, and 6, to-wit:

"Rule 1. Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."

"Rule 2. Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."

"Rule 6. Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

ORDER

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

1. That the Defendant, James C. Walker, M.D., Oklahoma Medical License No. 8186, will be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on January 23, 1988, under the following terms and conditions:

(a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use or family use, to specifically include controlled dangerous substances.

(b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need, and

Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous chemical dependency, chronic anxiety and depression.

- (c) That the Defendant shall continue to have lithium levels checked at regular intervals and shall cause the results of those checks to be forwarded to the Investigative Division of the Oklahoma Board of Medical Licensure and Supervision.
- (d) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (e) Defendant will not prescribe, administer or dispense any Schedule II controlled dangerous substance to any patient or family member.
- (f) During the period of probation Defendant may prescribe controlled dangerous substances of Schedules III, IV, and V, 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.
- (g) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
- (h) During the period of probation Defendant will continue under psychiatric care and authorize said physician to report to the Board periodically on Defendant's progress and to continue all supportive programs recommended thereby.
- (i) 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.
- (j) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (k) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (l) 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 costs of investigation, prosecution and probation of this case.

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

2. The Board orders further that jurisdiction of the Board in this individual proceeding will continue in this matter until lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion or on the motion of the undersigned.

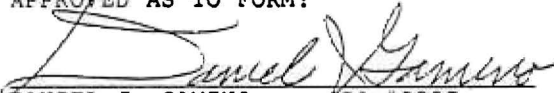
3. Failure to meet any of the above terms of probation will constitute cause for the Board to initiate proceedings to suspend or revoke his Oklahoma Medical License, after due notice and hearing.

DATED this 27th day of JANUARY, 1988.



MARK R. JOHNSON, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:



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 4 day of February, 1988, to:

James C. Walker

3601 E. 70th

Tulsa, OK 74136

