

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.                                        )  
  )  
JAMES C. WALKER, M.D.,            ) CASE NO. 87-05-497 A  
Medical License No. 8186,           )  
  )  
                                  Defendant.

FINAL ORDER  
ON COMPLAINT OF CONTEMPT  
OF BOARD 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 James C. Walker, M.D., Defendant, did not appear in person or by representative.

The Oklahoma Board of Medical Licensure and Supervision en banc heard 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, 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 on or around January 23, 1988, following notice and hearing, the Board issued a Final Order on the aforesaid Defendant, James C. Walker, M.D., Oklahoma Medical License No. 8186. The Order placed Defendant on a term of five years probation under terms and conditions that included the following, to-wit:

- (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.

- (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.

4. That said Final Order in the above provisions is still in force and effect and has not been amended, modified or vacated by the Board.

5. That on or around October 20, 1989, following notice and hearing, the Board issued an Order Reducing Probation Supervision from Level I to Level II but the Board did not amend, modify or vacate any of the aforesaid provisions in its original Order of January 23, 1988.

6. That on or around October 27, 1989, a representative of the Oklahoma Board of Medical Licensure and Supervision obtained a routine fluid sample from the Defendant which was analyzed by Medical Arts Laboratory and showed positive for barbiturates. That when confronted with that information, the Defendant stated he had taken an esgic and that it had not been prescribed by any other physician but was taken by the Defendant from some samples stored at the Defendant's home.

7. That on or around December 6, 1989, Defendant admitted he had been taking Parafon Forte every six hours for approximately four days without any prescription from any other physician, and that also on December 6, 1989, Defendant refused routine request for fluid sample by a representative of the Oklahoma Board of Medical Licensure and Supervision stating, "It will just be full of chemicals."

8. Testimony from J. Darrel Smith, M.D., Director, Physician Recovery Program, Oklahoma State Medical Association, indicated that Defendant was in drug rehabilitation treatment at Talbott Recovery Center, Atlanta, Georgia, and had been there since approximately December 22, 1989, and that it was anticipated he will remain there for the various phases of treatment for at least the next four months. Testimony from Dr. Smith further indicated that Defendant may be transferred from the Talbott facility in Atlanta, Georgia, to a similar facility in Jackson, Mississippi.

#### CONCLUSIONS OF LAW

1. That evidence as found above constitutes contempt of the Board Order issued herein on or around January 23, 1988, to the aforesaid Defendant.

#### ORDER

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

1. That the medical license of Defendant, James C. Walker, M.D., Oklahoma Medical License No. 8186, should be and the same is hereby SUSPENDED for a period of five (5) years beginning on February 2, 1990.

2. That in the event the Defendant can produce evidence of successful completion of in-patient treatment for substance abuse and can demonstrate and document renewed fitness to practice medicine and surgery in the State of Oklahoma, Defendant may appear before the Board and seek reinstatement of his license before the five-year suspension period has elapsed.

3. That a copy of this Order should be mailed to the Defendant as soon as possible for his records.

DATED this 8 day of February, 1990.

Gerald 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  
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:

JAMES C. WALKER,  
3601 E. 70th  
Tulsa, OK 74136-2651

Janet R. Owens