

IN AND BEFORE THE OKLAHOMA BOARD OF
MEDICAL LICENSURE AND SUPERVISION

FILED

STATE OF OKLAHOMA

JUL 25 1997

STATE OF OKLAHOMA, ex rel.,)
OKLAHOMA BOARD OF MEDICAL)
LICENSURE AND SUPERVISION,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

vs.)

CASE NO. 97-05-1903

[LUYERNE A. HUSEN, M.D.])
MEDICAL LICENSE NO. [8191])

Defendant.)

VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER

NOW ON THIS 25 day of July, 1997, there comes on before the Oklahoma State Board of Medical Licensure and Supervision, the above styled and numbered cause of action. The Defendant, Luverne Husen, M.D., the undersigned, states that he is of sound mind and not under the influence of any medication or drug or impaired thereby and that the Defendant fully recognizes his right to appear before the Oklahoma State Board of Medical Licensure and Supervision, for evidentiary hearing on the allegations against the defendant herein. Of his own volition and decision, the Defendant waives his right to appear before the Oklahoma State Board of Medical Licensure and Supervision for a full hearing and pleads no contest to the allegations as set forth in the Complaint. Further, the Defendant, Luverne Husen, M.D., believes that a hearing before the Oklahoma State Board of Medical Licensure and Supervision would result in some sanction invoked by the Board under the Medical and Surgical Licensure and Supervision Act. Therefore, Defendant Luverne Husen, M.D. hereby voluntarily and of his own volition submits to the jurisdiction of the Board, acknowledges the allegations herein and agrees to abide by the conditions and terms of the Order.

FINDINGS OF FACT

1. That Luverne Husen, M.D., License No. 8191, is in violation of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. Supp. 1996, Sec. 509(5) and (16), to-wit:

"(5). Habitual intemperance or the habitual use of habit-forming drugs."

"(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."

2. That Defendant Husen is also in violation of the rules and regulations promulgated by this Board, specifically Rule 435:10-7-4, paragraphs (3), (17), and (40), to wit:

"(3). The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

"(17). Being physically or mentally unable to practice medicine and surgery with reasonable skill and safety."

"(40). The inability to practice medicine and surgery 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."

3. That Defendant was admitted to Talbott-Marsh Recovery Campus, Atlanta, Georgia, on or around March 27, 1997, for in-patient treatment for substance abuse and was released approximately July 19, 1997.

CONCLUSIONS OF LAW

1. The Oklahoma State Board of Medical Licensure and Supervision has jurisdiction in the matter.

2. The Defendant, by reason of the above facts, is in violation of 59 O.S. Supp. 1996, Sec. 509(5) and (16), to wit:

"(5). Habitual intemperance or the habitual use of habit-forming drugs."

"(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."

3. That Defendant Husen is also in violation of the rules and regulations promulgated by this Board, specifically Rule 435:10-7-4, paragraphs (3), (17), and (40), to wit:

"(3). The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

"(17). Being physically or mentally unable to practice medicine and surgery with reasonable skill and safety."

"(40). The inability to practice medicine and surgery 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 State Board of Medical Licensure and Supervision that:

1. The Defendant, Luverne Husen, M.D., holding License No. 8191, shall be placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years under the following terms and conditions:

(a) Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

(b) During the period of probation, Defendant will furnish to each and every state in which he holds licensure or applies for licensure and

hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege, a copy of the Board Order stipulating sanctions imposed by the Board.

(c) 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 the Board or its designee, and Defendant will pay for the analysis thereof.

(d) During the period of probation, Defendant will not prescribe, administer or dispense any medications for personal use.

(e) 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. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation of treatment.

(f) During the period of probation, Defendant will abide by the post care contract from Talbott-Marsh Recovery Campus (attached).

(g) During the period of probation, Defendant will keep the Board informed of his current address.

(h) During the period of probation Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.

(i) Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

(j) During the period of probation, Defendant will request all hospitals in which he anticipates practice to furnish to the Oklahoma State Board of Medical Licensure and Supervision, a written statement regarding monitoring of his practice while performing services in or to that hospital.

(k) During the period of probation, Defendant will place himself in a rehabilitation program approved by the Secretary for inpatient evaluation and subsequent treatment. Defendant will authorize in writing the release of any and all information regarding said treatment to the Oklahoma State Board of Medical Licensure and Supervision.

(l) 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.

(m) As a condition of this probation Defendant cannot supervise a Physician Assistant.

(n) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

(o) 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. 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. 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.

Luverne A. Husen, M.D. 7/25/97
Luverne A. Husen, M.D. Date

Gerald C. Zumwalt, M.D. 7-25-97
Gerald C. Zumwalt, M.D. Date
Secretary/Medical Advisor

CERTIFICATE OF MAILING

This is to certify that on this 28 day of July,
1997, a true and correct copy of this order was mailed, postage
prepaid to:

Luverne A. Husen, M.D.
Box 386
Mead, OK 73449-9801