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9/20/86

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,     )  
STATE BOARD OF MEDICAL        )  
EXAMINERS,                     )  
                                  )  
                          Plaintiff,     )  
  )

vs.

JOHN B. FREIDENBERGER, M.D.,  
Medical License No. 9270,        )  
  )  
                          Defendant.     )

FINAL ORDER

This cause comes on for hearing before the Oklahoma Board of Medical Examiners en banc on September 5, 1986, at 5104 North 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 the Defendant, John D. Freidenberger, M.D., appeared in person, agreed to proceed without counsel, and waived his right to representation by legal counsel.

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

FINDINGS OF FACT

1. That John B. Freidenberger, M.D., holds Oklahoma Medical License No. 9270.
2. That the Board of Medical Examiners 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 began using the controlled dangerous substance, Anexsia-D, in October, 1985 when he twisted his back and same was prescribed by his physician.
4. That by mid-February, 1986 Defendant was taking between 4 dosage units per day of Anexsia-D to as many as 16 to 20 dosage units per day of Anexsia-D, much of which came from samples at his office and much of which was not prescribed by his attending physician and that the Defendant was admitted to St. John's Hospital, Tulsa, Oklahoma, in part for treatment of addiction to and dependency on Anexsia-D.
5. That the substance Anexsia-D is a controlled drug under Oklahoma law and is a habit-forming drug.
6. That the Board of Medical Examiners took judicial notice of prior Orders regarding this Defendant dated March 17,

1975, April 26, 1980, May 14, 1982, September 18, 1982, January 7, 1983, April 21, 1983.

CONCLUSION OF LAW

1. That John B. Freidenberger, M.D., holding Oklahoma Medical License No. 9270, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraph 5, to-wit:

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


ORDER

IT IS THEREFORE ORDERED BY THE Board of Medical Examiners of Oklahoma as follows:

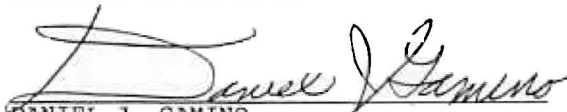
1. That the Defendant, John B. Freidenberger, M.D., holding Oklahoma Medical License 9270, be and is hereby retained on probation to the Oklahoma State Board of Medical Examiners for the remainder of the term set forth by Order of May 21, 1983, under the following terms and conditions:

- (a) That during the period of probation, Dr. Freidenberger has an affirmative duty to advise all treating physicians of his prior dependency disease and that his disease is poly-chemical.
- (b) That during the period of probation Dr. Freidenberger will not take any scheduled drugs.
- (c) All other terms and conditions of the five-year probation established by Order of the Board of May 21, 1983 are specifically reiterated and incorporated herein as if fully set out.

DATED this 6<sup>th</sup> day of October, 1986.

  
MARK R. JOHNSON, M.D., Secretary  
State Board of Medical Examiners

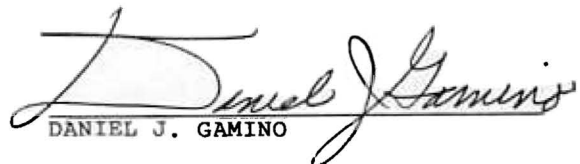
APPROVED AS TO FORM:

  
DANIEL J. GAMINO  
Daniel J. Gamino & Associates, P.C.  
3315 Northwest 63rd Street  
Oklahoma City, Oklahoma 73116  
(405) 840-3741  
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that on the 7<sup>th</sup> day of October, 1986, I deposited in the U. S. Mails, postage prepaid, a true and correct copy of the above and foregoing Final Order addressed to:

John B. Freidenberger, M.D.  
2620 Ridge Oak Rd.  
Sapulpa, OK 74066-8860

  
DANIEL J. GAMINO