

IN AND BEFORE THE OKLAHOMA 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.)

JOHN B. FREIDENBERGER, M.D. CASE NO. 88-5-596
Medical License No. 9270,

Defendant.)

FILED

SEP 29 1988

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 15th day of September, 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 W.C. Bill Sellers, Attorney, appeared for the Defendant, and Defendant appeared in person.

The Board of Medical Licensure and Supervision en banc having reviewed statements of counsel and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, John B. Freidenberger, M.D., holds Oklahoma Medical License No. 9270.
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. Defendant was lawfully served with a Complaint and Citation that alleged certain violations of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509.
4. That for the purposes of effectuating a compromised settlement of the aforesaid claims, Defendant chose to consent to the jurisdiction of the State Board of Medical Licensure and Supervision insofar as it entails the activities and restrictions set forth below.
5. Neither the execution of any document herein nor the submittal to the Board jurisdiction is to be construed as an admission by the Defendant of the allegations of the Complaint; Defendant denies all material allegations therein.

CONCLUSIONS OF LAW

1. The Board has lawful jurisdiction over this Defendant pursuant to the Oklahoma Medical Practice Act, 59 O.S. Supp. 1987, Sec. 41 et seq.

ORDER

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

1. That the Defendant, John B. Freidenberger, M.D., holding Oklahoma Medical License No. 9270, 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 September 15, 1988, unless earlier modified by the Board, under the following terms and conditions:

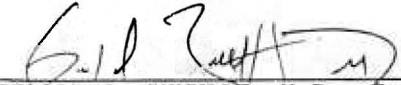
- (a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous use of controlled dangerous substances.
- (c) 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 and surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (d) 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.
- (e) During the period of probation Defendant will continue to regularly attend AA and NA meetings and to provide evidence of such attendance when requested by agents of the Board.
- (f) 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.
- (g) Defendant shall appear before the Board en banc or a designated member thereof whenever requested to do so.
- (h) During the period of probation Defendant will submit to the Investigative Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

- i Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigative Division of the Board the costs of investigation, prosecution and probation of this case.
- (j) That violation of any the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.
- (k) That Defendant shall be maintained on Level I probation for not more than two years so long as there are no positive body fluids or any other probation violations during that time, with the remainder of probation to be at a Level II or below as set by the Investigative Division.

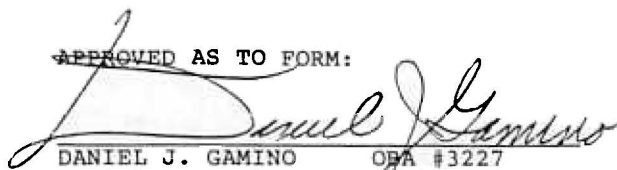
2. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.


3. The Defendant further agrees that 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.

DATED this 29th day of September, 1988.


GERALD C. ZUMWALT, 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


W.S. BILL SELLERS
Attorney at Law
P.O. Box 1404
Sapulpa, OK 74067-1404
(918) 224-5357
ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 5 day of October, 1988, to:

W.C. BILL SELLERS
Attorney at Law
P.O. Box 1404
Sapulpa, OK 74067-1404

Janet L Owens