

IN AND BEFORE THE OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

FILED

JUL 0 1 1993

IN THE MATTER OF
THE APPLICATION OF

JOHN B. FREIDENBERGER)

)

FOR REINSTATEMENT OF
MEDICAL LICENSE.

) CASE NO. 92-08-139

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

ORDER GRANTING LICENSURE
UNDER TERMS AND CONDITIONS OF PROBATION

That Applicant's application for medical licensure in Oklahoma as a physician and surgeon came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 26, 1993, at the office of the Oklahoma Board of Medical Licensure and Supervision, 5104 N. 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 staff of the Oklahoma Board of Medical Licensure and Supervision; and John B. Freidenberger, Applicant, appeared in person, pro se, waived his right to legal counsel, and agreed to proceed without counsel.

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

FINDINGS OF FACT

1. That Applicant, John B. Freidenberger, SMD, holds Oklahoma SMD Certificate No. 3008.
2. That the Oklahoma 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 the Applicant's application for medical licensure in Oklahoma previously came before this Board on October 16, 1992. At that time, the Board voted to extend the Applicant's SMD certificate for a period of one year and ordered Applicant to remain on probation to the Oklahoma Board of Medical Licensure and Supervision for a period of five years beginning on October 16, 1992, under certain enumerated terms and conditions.
4. That evidence indicated since the imposition of probation Applicant had complied with terms and conditions thereof and that the Applicant would have completed four years of sobriety in September, 1993, and that the Applicant did qualify for licensure as a physician and surgeon and said license could be granted without danger to public health, safety and welfare in the event that the probation to the Board would continue.

CONCLUSIONS OF LAW

1. That the Applicant fulfilled requirements of 59 O.S. 1991, Sec. 493 et seq., and applicable rules and regulations of the Oklahoma Board of Medical Licensure and Supervision, to qualify for licensure in Oklahoma as a physician and surgeon.
2. That probation should be kept in force and effect in order to monitor professional activities of the Applicant.

ORDER

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

1. That the application of John B. Freidenberger for licensure as a physician and surgeon in Oklahoma should be and the same is hereby GRANTED.

2. That the Applicant should be and is hereby ordered to remain on probation to the Oklahoma Board of Medical Licensure and Supervision for a period of five (5) years beginning on October 16, 1992, under the following terms and conditions:

- (a) During the period of probation Applicant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (b) During the period of probation Applicant will take no medication except that which is authorized by a physician treating him for a legitimate medical need and Applicant shall have an affirmative duty to inform any physician treating him of Applicant's previous substance abuse.
- (c) During the period of probation Applicant 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.
- (d) During the period of probation Applicant 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 Applicant will maintain a program of abstinence through participation in and/or association with any and all organizations, groups or individuals selected by the Board or its designee and deemed appropriate for assessment, treatment or support. Applicant further agrees to provide proof thereof to the Board or its designee.

Applicant is to secure weekly or bi-monthly out-patient counseling with a chemical dependency therapist acceptable to the Board or its designee.
- (f) During the period of probation Applicant 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) That Applicant shall appear before the Board or a designated member thereof whenever requested to do so.

During the period of probation Applicant 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.

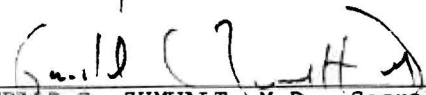
Pursuant to Title 59 O.S. Sec. 506, Applicant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Applicant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

- (j) During the period of probation Applicant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Board Order and supply a copy thereof.
- (k) During the period of probation the Applicant shall not supervise a Physician Assistant.
- (l) 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 Applicant.

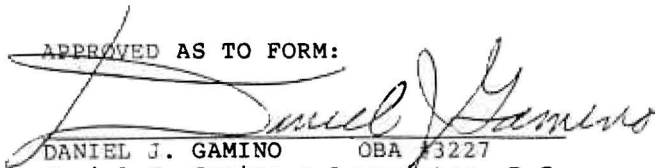
3. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Applicant.

4. 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 Applicant's SMD Certificate and/or Oklahoma Medical License, after additional due notice and hearing.

DATED this 1 day of July, 1993.


GERALD C. ZUMWALT, M.D., Secretary
State Board of Medical Licensure
and Supervision

APPROVED AS TO FORM:


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ATTORNEY FOR STAFF OF THE OKLAHOMA
BOARD OF MEDICAL LICENSURE AND SUPERVISION

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 7th day of July, 1993, to:

JOHN B. FREIDENBERGER
c/o Drumright Medical Clinic
500 Lou S. Allard Drive
Drumright, OK 74030

Sherry Chapman