

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.)
)
STANLEY J. DOMBEK, JR., M.D.) CASE NO. 88-6-656
Medical License No. 9647,)
)
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 on September 21, 1989, at the Oklahoma Department of Agriculture Building, 2800 N. Lincoln Blvd., 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 Mack Martin, Attorney, appeared for the Defendant, who also appeared in person.

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

FINDINGS OF FACT

1. That Defendant, Stanley J. Dombek, Jr., M.D., holds Oklahoma Medical License No. 9647.

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 June 9, 1989, following notice and hearing, the Board issued a Final Order on the aforesaid Defendant, Stanley J. Dombek, Jr., M.D., holding Oklahoma Medical License No. 9647. The Order placed Defendant on a term of three(3) years probation beginning on June 9, 1989, under terms and conditions that included the following, to-wit:

"(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.

(k) During the period of probation Defendant 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."

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

5. That on July 28, 1989, August 1, 1989, and August 7, 1989, Defendant failed to comply with the Board Order insofar as Board Investigators failed to collect bodily fluids from the Defendant as ordered by the Board, but the failure of the Defendant to comply was not willful and was not contemptuous of the Board Order.

6. That since June 9, 1989, Defendant did fail to inform the Administrator at Midwest City Hospital, South Community Hospital, Baptist Medical Center, and St. Anthony's Hospital, of the terms and conditions of the aforesaid Board Order, and further failed to supply a copy of the Board Order to each hospital as required by the Board. However, the Defendant's failure was not willful and was not contemptuous of the Board's prior Order and the Defendant did on or around August 24, 1989, advise each of the aforesaid hospitals in writing of the nature of the Board Order and sent a copy of the Board Order by certified mail, return receipt requested.

7. That the aforesaid acts and omissions do not constitute a deliberate attempt to circumvent and nullify the terms and conditions of the Board Order and do not form the basis for any punitive action or additional sanction against the Defendant.

CONCLUSIONS OF LAW

1. That the acts and omissions set forth above of the Defendant were not willful and do not legally constitute contempt of the Board Order issued following hearing on June 9, 1989.

2. That the aforesaid acts and omissions do not constitute a basis for any additional punitive action or sanction against the Defendant.

ORDER

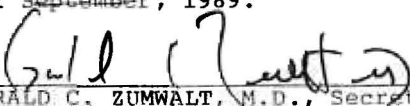
IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That the Defendant, Stanley J. Dombek, Jr., M.D., Oklahoma Medical License No. 9647, is not found to have willfully violated the Board's Order issued on or around June 9, 1989, and is not in contempt thereof and therefore no finding of contempt is made and no punitive action or additional sanction should be or is hereby taken against the Defendant.

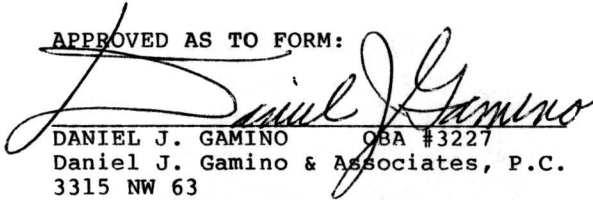
2. That the Defendant remains under probation under all of the terms and conditions set forth in the Board Order following hearing on June 9, 1989, and those conditions are adopted and republished herein as if fully set out.

3. That the Board staff should review compliance efforts of the Defendant henceforth and should report to the Board within six (6) months of the nature and extent of the Defendant's fulfillment of terms and conditions enumerated in the Board Order following hearing on June 9, 1989, to determine Defendant's fulfillment of the aforesaid terms and conditions.

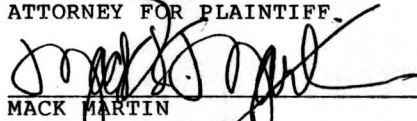
DATED this 5 day of ~~September~~^{October}, 1989.


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.



MACK MARTIN
Attorney at Law
119 N. Robinson, Suite 360
Oklahoma City, OK 73102
(405) 236-8888
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 6 day of ~~September~~, 1989, to:

^{October}
MACK MARTIN
Attorney at Law
119 N. Robinson, Suite 360
Oklahoma City, OK 73102

