

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

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
)
STANLEY JOSEPH DOMBEK, M.D.,)
LICENSE NO. 9647)
)
Defendant.)

MAY 17 2006
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 04-03-2778

FINAL ORDER OF PROBATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on May 11, 2006, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Johnny Akins.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
2. Defendant, Stanley Joseph Dombek, M.D., holds Oklahoma license no. 9647.
3. On or about June 9, 1989, Defendant was placed on **PROBATION** for a period of three (3) years by the Board based upon a finding that he had illegally written false prescriptions

in the names of persons who did not receive the medications, but instead he administered the medications to his spouse, and that he had written prescriptions for controlled dangerous substances without a sufficient physical examination and the establishment of a legitimate physician patient relationship.

4. On or about February 11, 2004, Defendant was involved in an automobile accident, at which time he was admitted to the University of Oklahoma Medical Center for treatment. As part of his treatment, a drug test was performed on February 11, 2004, which subsequently tested positive for Cocaine and Valium. Defendant has admitted that he did not obtain the Valium through a legitimate prescription, but obtained it from a known drug user, who had illegally obtained it.

5. On or about January 27, 2005, the Board entered a Final Order of Suspension whereby Defendant's license was suspended indefinitely until he completed treatment and all recommendations of Rush Behavioral Institute and provided a report from Rush to the Board.

6. Defendant is guilty of unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

C. Is unable 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 physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

D. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).

E. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

F. Confessed to a crime involving the violation of the antinarcotics or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).

B. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

C. Is unable 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 physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).

D. Purchased or prescribed a regulated substance in Schedules I through V for the physician's personal use in violation of OAC 435:10-7-4(5).

E. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

F. Confessed to a crime involving the violation of the antinarcotics or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).

3. The Board further found that the Defendant's license should be placed on probation based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (4), (7), (13) and (15), and OAC Title 435:10-7-4 (3), (5), (27), (39) and (40).

Order

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

1. The license of Defendant, Stanley Joseph Dombek, M.D., Oklahoma license no. 9647, is hereby placed on **PROBATION** for a period of five (5) years following the lifting of his January 27, 2005 suspension 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 Board. Any question of interpretation regarding the Act or this order 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 Board or its designee.

B. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.

C. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

D. Upon request of the Board Secretary, Defendant will request all hospitals in which he anticipates practicing to furnish to the Board Secretary of 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.

E. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

F. 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, or continuation of treatment.

G. Defendant will have the affirmative duty not to ingest any substance, including but not limited to alcohol, which will cause a

body fluid sample to test positive for prohibited substances.

H. Defendant will authorize in writing the release of any and all information regarding his treatment at Rush and any other records of his medical, emotional or psychiatric treatment to the Oklahoma State Board of Medical Licensure and Supervision.

I. Defendant will abide by the terms and recommendations of Rush and with all terms of his postcare contract with Rush.

J. Defendant will abide by the terms and recommendations of her postcare contract with the Health Professionals' Recovery Program.

K. Defendant will attend four (4) meetings per week of a local 12-step program, including one (1) meeting per week of the Health Professionals' Recovery Program.

L. During the first year of probation, Defendant will be proctored by another physician and will work only as an assistant surgeon. Defendant will submit quarterly reports from his proctor(s) to the Board Secretary for his review.

M. Defendant may prescribe, administer, dispense or possess only those drugs in Schedule V and may not prescribe, administer, dispense or possess any drugs in Schedules II through IV.

N. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with Defendant's treating physicians and/or any physicians holding Defendant's records.

O. Defendant will not supervise allied health professionals for whom a formal supervisory arrangement is required under Oklahoma law, e.g., physician assistants or advanced registered nurse practitioners.

P. Defendant shall promptly notify the Board of any citation or arrest for any criminal offenses, excluding traffic violations.

Q. Defendant will keep the Board informed of his current address.

R. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month monitoring fee.

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

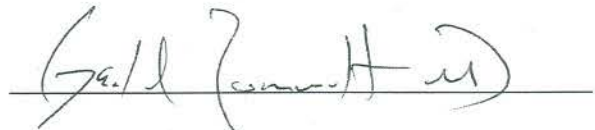
T. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

U. Defendant shall submit any required reports and forms on a timely basis to the Compliance Coordinator or designee.

V. Failure to meet any of the terms of your Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify your license after due notice and hearing.

2. Defendant's suspension will be lifted, and his license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma on or before May 12, 2006.


Dated this 17 day of May, 2006



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of
Medical Licensure and Supervision

CERTIFICATE OF SERVICE

I certify that on the 18 day of May, 2006, I mailed by first class mail a true and correct copy of the Order of Probation to Johnny J. Akins, 4101 Perimeter Center Drive, Suite 250, Oklahoma City, OK 73112.


Janet Swindle