

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

BRUCE S. HINKLEY, M.D.
Medical License No. 9999,

CASE NO. 88-11-748

Defendant.

FINAL ORDER

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 9th day of June, 1989, at the Doubletree Hotel at Warren Place, 6100 S. Yale Tulsa, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Bruce S. Hinkley, M.D., appeared in person, pro se, and waived his right to representation by legal counsel.

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, Bruce S. Hinkley, M.D., holds Oklahoma Medical License No. 9999.

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 December 2, 1987, the Board of Directors of McAlester Regional Health Center meeting in open session did adopt and modify the report of the Medical Staff Executive Committee re Defendant and as set forth below:

1. Within 60 days from today, December 2, 1987, Dr. Hinkley is to be under the care of a psychiatrist, chosen by Dr. Hinkley from a list of three provided by the Oklahoma State Medical Society. However, extent and duration shall be within discretion of the treating psychiatrist, who will make written report of condition to the Chief of Staff upon discharge of Dr. Hinkley.

2. Limit probationary period to 12 months but require drug screening urinalysis by the hospital lab to be performed during the period twice a week at the discretion of the Chief of Staff.

3. Reduce the time required for physically demonstrating his presence in the community to 16 hours prior to surgery, presence to be personally demonstrated to the emergency room physicians.

Discussion relative to the Chief of Staff receiving written reports from psychiatrists. Consensus of Board agreed this was a good idea. Dr. Hinkley and his attorney, Mr. Warren Gotcher, agreed to sign a waiver permitting the psychiatrist to provide reports to the hospital's Chief of Staff.

4. That on or around December 7, 1988, the Board of Directors of McAlester Regional Health Center meeting in open session did revoke the Defendant's hospital staff privileges.

5. That on or around September 7, 1988, a urine sample of the Defendant was taken by Dr. Bellamy and tested by Medical Arts Laboratory, Oklahoma City, and found positive for cocaine. Two subsequent confirmation tests on the sample also showed positive for cocaine.

6. That on or around November 25, 1988, Defendant was found with a gun crawling in a pasture near his home with his wife. Defendant said the mafia or Nazis were after him over a "drug deal in Dallas." Defendant complained of severe stomach pain, shortness of breath, had slurred speech, dilated pupils, difficulty walking, and appeared agitated and incoherent. A urine sample taken on November 25, 1988, was tested by Medical Arts Laboratory, Oklahoma City, and found positive for cocaine. Two subsequent confirmation tests on the sample also showed positive for cocaine.

7. That since approximately December, 1988, or January, 1989, Defendant has not practiced medicine and surgery but has been a voluntary patient at the Center for Addictive Disease, Baylor University Medical Center, under the direct care and supervision of Dr. Robert ~~Goering~~ *GEHRING, CA*

CONCLUSIONS OF LAW

1. That Bruce S. Hinkley, M.D., holding Oklahoma Medical License No. 9999, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 5 and 16, to-wit:

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

"16. The inability 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 physical condition."

ORDER

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

1. That Defendant, Bruce S. Hinkley, M.D., Oklahoma Medical License No. 9999, 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 June 9, 1989, 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, or for the use of any family member.

(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 cocaine.

(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 or 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 not prescribe, administer or dispense any Schedule drugs or controlled dangerous substances.

(f) During the period of probation Defendant will continue to participate in the Recovery Committee of the Oklahoma State Medical Association, and the Defendant does hereby authorize said Committee to report to the Board periodically on Defendant's progress and rehabilitation therein.

(g) During the period of probation 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.

(h) During the period of probation Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

(i) During the period of probation Defendant 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.

(j) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case.

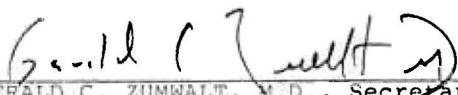
(k) During the period of probation Defendant shall notify any hospital where he holds staff privileges or clinic or group where he practices of the terms and conditions of this Board Order and supply a copy thereof.

(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 Defendant.

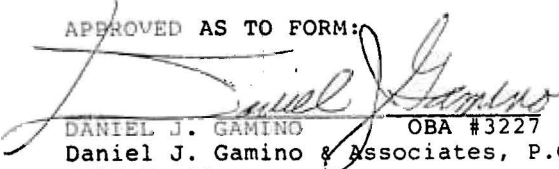
2. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

3. 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 his Oklahoma Medical License, after additional due notice and hearing

DATED this 27 day of June, 1989


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

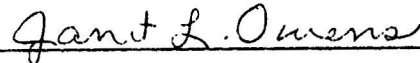
APPROVED AS TO FORM:


DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 27 day of June, 1989, to:

BRUCE S. HINKLEY, M.D.
6514 Duffield
Dallas, TX 75248


Janet L. Owens