

IN AND BEFORE THE OKLAHOMA BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

IN THE MATTER OF
THE APPLICATION OF

DANA DUBER STULL

FOR AN OKLAHOMA
MEDICAL LICENSE.

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ORDER GRANTING LICENSURE
UNDER TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on July 27, 1996, 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.

The Applicant appeared in person, pro se, waived her right to counsel and agreed to proceed without counsel.

The Board of Medical Licensure and Supervision reviewed the application and all attached exhibits, heard sworn testimony and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That the Applicant is applying for licensure in Oklahoma as a physician and surgeon.

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 evidence indicated that Defendant completed a three year monitoring agreement in January, 1995 with the Physicians' Health Program in Pennsylvania as well as an inpatient treatment program at Rush Behavioral Health Center on or around March 11, 1996 to May 15, 1996.

CONCLUSIONS OF LAW

1. That when all evidence is considered, the Applicant does fulfill the requirements of 59 O.S. 1995, Sec. 481 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 the Board does have jurisdiction over this Applicant, and the Applicant must fulfill terms and conditions of a five-year probation beginning on or around July 27, 1996, as set forth below.

ORDER

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

1. That the application of Dana Duber Stull for licensure in Oklahoma as a physician and surgeon should be and the same is hereby GRANTED.

2. That the Applicant/Defendant accepts and agrees to and does hereby begin a term of probation to the Oklahoma State Board of Medical Licensure and Supervision to continue for a period of five (5) years, unless earlier modified by the Board, on its own motion or on the motion of the Applicant/Defendant, under the following terms and conditions:

(a) During the period of probation, Defendant will not prescribe, administer, dispense or possess any drugs in Schedules II through V.

(b) Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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.

(c) Defendant will not allow the initiation of any therapeutic regimen by any personnel under her supervision unless Defendant is in the immediate geographic vicinity of said personnel.

(d) During the period of probation, Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege, a copy of the Board Order stipulating sanctions imposed by the Board.

(e) During the period of probation, Defendant will not supervise a Physician Assistant.

(f) 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 the Board or its designee, and Defendant will pay for the analysis thereof.

(g) During the period of probation, Defendant will not prescribe, administer or dispense any medications for personal use.

(h) During the period of probation, Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation of treatment.

(i) During the period of probation, Defendant will participate in the Oklahoma State Medical Association Physician Recovery Committee meetings and recovery program as designated by its leadership and fulfill the terms of the Rush Behavioral Health Center Discharge Agreement.

(j) During the period of probation, Defendant will keep the Board informed of her current address.

(k) During the period of probation, Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of her case.

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

DATED this 1 day of August, 1996.

Gerald C. Zumwalt
GERALD C. ZUMWALT, M.D., SECRETARY
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 2 day of August, 1996, to:

DANA DUBER STULL
118 Lake Aluma Drive
Oklahoma City, OK 73121



RUSH BEHAVIORAL HEALTH CENTER-DuPAGE

CADUCEUS AFTERCARE AGREEMENT

I, Dana Stull, having completed the primary treatment phase of the Rush Behavioral Health Professional's Program, agree to the following terms concerning my on-going aftercare and monitoring. I understand that Rush Behavioral Health will act in an advocacy capacity regarding my professional standing so long as I adhere to the following conditions:

1. The terms of this contract shall be in effect for a period of twenty months from the contract date.
2. I agree to enroll in and abide by the conditions of my State Professional's Assistance Program under the direction of: Dr. Darrel Smith
3. I agree to practice my profession in the following location (specify profession, specify type of practice and location):

Profession: Psychiatry resident

Type of practice: Hospital based inpatient/outpatient clinics

Location: University of Oklahoma School of Medicine/Dept. of Psychiatry

4. I agree to the following terms concerning the prescribing of handling of mood-altering chemicals: Prescription of schedule IV and greater/no dispensing
5. I agree to the following restrictions or conditions regarding my professional practice:
No call no weekends with gradual re-entry into residence
6. I agree to provide urine toxicology screens at a frequency indicated below or whenever requested by Rush Behavioral Health, the State Professional's Assistance Program, or my primary care physician. The urine-monitoring shall be random, observed, and performed through an approved agency. (Specify which facility will be handling the monitoring and frequency of drops.

Facility: St. Anthony Medical Center

Frequency: 2x/month

Monitor: TBA

7. If forms need to be sent, such as quarterly reports, toxicologies, etc. please state which forms need to be sent and frequency of mailing:
- Name: _____
- Address: _____
- Name: _____
- Address: _____
- Name: _____
- Address: _____

If this information changes, please contact the M.D. Secretary at Rush Behavioral Health at (708) 969-7300.

8. I agree to obtain a primary care physician who will assume responsibility for my medical health maintained. Preferably one knowledgeable about addiction.
- Name of physician: TBA
- Address: _____
9. I agree to the following recommendations concerning individual therapy, family therapy, or halfway house placement: Individual therapy 1 x Weekly with Dr. Vera Gatch.
10. I agree to attend the following professional's monitoring and support group:
Caduceus A.A. with Dr. Darrel Smith
11. I agree to attend a recovery self-help group and obtain a sponsor. (Indicate self-help group and frequency): A.A. 4 x/week (minimum)
12. I agree to take responsibility for expenses associated with treatment and aftercare.
13. I agree to meet with my Rush Behavioral Health-aftercare coordinator on a quarterly basis, or as indicated. If located outside the area, indicate type and frequency of aftercare contact: Weekly with Dr. Darrel Smith/quarterly (?) with OSBMLS.
14. I agree to abstain from the use of all mood-altering chemicals, except as prescribed by my primary or treating physicians, and, whenever possible, in consultation with my supervising physician at Rush Behavioral Health at the earliest opportunity. Further, I agree to a policy of not self-prescribing medications for any reason.
15. I agree to notify Rush Behavioral Health immediately in the event of a relapse.

Certificate of Service

On the 12 day of MAY, 2005, a true and correct copy of this order was mailed, postage prepaid, to Steve Peterson, 211 N. Robinson, Suite 800N, Oklahoma City, OK 73102 and to Stephen Lester Greer, 8831 S. 69th Street, Tulsa, OK 74133.



Janet Swindle

IN AND BEFORE THE OKLAHOMA BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

IN THE MATTER OF
THE APPLICATION OF

DANA DUBER STULL

FOR AN OKLAHOMA
MEDICAL LICENSE.

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ORDER GRANTING LICENSURE
UNDER TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on July 27, 1996, 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.

The Applicant appeared in person, pro se, waived her right to counsel and agreed to proceed without counsel.

The Board of Medical Licensure and Supervision reviewed the application and all attached exhibits, heard sworn testimony and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That the Applicant is applying for licensure in Oklahoma as a physician and surgeon.

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 evidence indicated that Defendant completed a three year monitoring agreement in January, 1995 with the Physicians' Health Program in Pennsylvania as well as an inpatient treatment program at Rush Behavioral Health Center on or around March 11, 1996 to May 15, 1996.

CONCLUSIONS OF LAW

1. That when all evidence is considered, the Applicant does fulfill the requirements of 59 O.S. 1995, Sec. 481 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 the Board does have jurisdiction over this Applicant, and the Applicant must fulfill terms and conditions of a five-year probation beginning on or around July 27, 1996, as set forth below.

ORDER

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

1. That the application of Dana Duber Stull for licensure in Oklahoma as a physician and surgeon should be and the same is hereby GRANTED.

2. That the Applicant/Defendant accepts and agrees to and does hereby begin a term of probation to the Oklahoma State Board of Medical Licensure and Supervision to continue for a period of five (5) years, unless earlier modified by the Board, on its own motion or on the motion of the Applicant/Defendant, under the following terms and conditions:

(a) During the period of probation, Defendant will not prescribe, administer, dispense or possess any drugs in Schedules II through V.

(b) Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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.

(c) Defendant will not allow the initiation of any therapeutic regimen by any personnel under her supervision unless Defendant is in the immediate geographic vicinity of said personnel.

(d) During the period of probation, Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege, a copy of the Board Order stipulating sanctions imposed by the Board.

(e) During the period of probation, Defendant will not supervise a Physician Assistant.

(f) 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 the Board or its designee, and Defendant will pay for the analysis thereof.

(g) During the period of probation, Defendant will not prescribe, administer or dispense any medications for personal use.

(h) During the period of probation, Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation of treatment.

(i) During the period of probation, Defendant will participate in the Oklahoma State Medical Association Physician Recovery Committee meetings and recovery program as designated by its leadership and fulfill the terms of the Rush Behavioral Health Center Discharge Agreement.

(j) During the period of probation, Defendant will keep the Board informed of her current address.

(k) During the period of probation, Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of her case.

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

DATED this 1 day of August, 1996.

Gerald C. Zumwalt
GERALD C. ZUMWALT, M.D., SECRETARY
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 2 day of August, 1996, to:

DANA DUBER STULL
118 Lake Aluma Drive
Oklahoma City, OK 73121

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

IN THE MATTER OF
THE APPLICATION OF

DANA DUBER STULL, M.D.

FOR MODIFICATION OF
LICENSE NO. 19920

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ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on May 29, 1998, at the Conference Center of the Oklahoma Association of Insurance Agents, 1000 N.W. 50th Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Dana Duber Stull, M.D., Oklahoma medical license no. 19920, appeared in person and with counsel, Terry T. Wiens.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials presented, and being fully apprised of the premises, made the following Findings of Fact:

FINDINGS OF FACT

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
2. On July 27, 1996, Dr. Stull was granted a license as a physician and surgeon under terms of probation. Her license number is 19920.
3. Dr. Stull now seeks modification of her license to allow her to prescribe, administer, dispense or possess scheduled drugs.
4. Tom Sosbee, Compliance and Education Coordinator for the Board, testified that Dr. Stull had complied to date with the terms of probation and that Board staff did not object to the requested modification as long as Dr. Stull's prescriptions were made on duplicate, serially-numbered prescription pads that could be submitted for review by the Board at its request.
5. Harold Thiessen, M.D., testified in support of the modification.

6. Dr. Stull presented satisfactory evidence to justify modification of the terms of her probation to allow her to prescribe controlled substances in schedules II-V, using duplicate, serially-numbered prescription pads to be reviewed by the Board upon its request.

7. All other terms of Dr. Stull's probation remain in full force and effect.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear this matter pursuant to 59 O. S. § 481 *et seq.*

2. Dr. Stull has presented satisfactory evidence to justify modification of the terms of her probation to allow her to prescribe controlled substances in schedules II-V, using duplicate, serially-numbered prescription pads to be made available to the Board for review upon its request.

ORDER

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

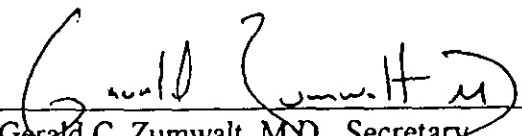
1. Dr. Stull's application to modify the terms of her probation is GRANTED.

2. The terms of Dr. Stull's probation are MODIFIED to allow her to prescribe controlled substances in schedules II-V, using duplicate, serially numbered prescription pads to be made available to the Board upon its request.

3. Except as expressly modified in this order, all other terms and conditions of the Order Granting Licensure Under Terms of Probation entered July 27, 1996 shall remain in full force and effect until further modified or terminated by Board order upon its own motion or pursuant to motion of Dr. Stull.

4. A copy of this written order shall be sent to Dr. Stull as soon as it is processed.

Dated this 12 day of June, 1998.



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

Certificate of Service

On the 16 day of June, 1998, a true and correct copy of this order was mailed, postage prepaid, to:

Dana Duber Stull, M.D.
118 Lake Aluma
Oklahoma City, OK 73121

Terry T. Wiens, Esq.
3015 N.W. 59th
Oklahoma City, OK 73112

Janet L Owens
Janet Owens

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

IN THE MATTER OF
THE APPLICATION OF

DANA DUBER STULL, M.D.

FOR MODIFICATION OF
LICENSE NO. 19920

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ORDER MODIFYING PROBATION

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on May 29, 1998, at the Conference Center of the Oklahoma Association of Insurance Agents, 1000 N.W. 50th Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

Dana Duber Stull, M.D., Oklahoma medical license no. 19920, appeared in person and with counsel, Terry T. Wiens.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials presented, and being fully apprised of the premises, made the following Findings of Fact:

FINDINGS OF FACT

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

2. On July 27, 1996, Dr. Stull was granted a license as a physician and surgeon under terms of probation. Her license number is 19920.

3. Dr. Stull now seeks modification of her license to allow her to prescribe, administer, dispense or possess scheduled drugs.

4. Tom Sosbee, Compliance and Education Coordinator for the Board, testified that Dr. Stull had complied to date with the terms of probation and that Board staff did not object to the requested modification as long as Dr. Stull's prescriptions were made on duplicate, serially-numbered prescription pads that could be submitted for review by the Board at its request.

5. Harold Thiessen, M.D., testified in support of the modification.

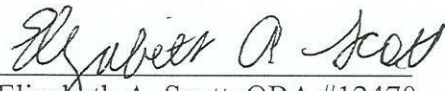
- O. Failed to provide a proper setting and assistive personnel in violation of OAC 435:10-7-4(41).

Conclusion

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 10th day of August, 2007 at 1:00 p.m.

Respectfully submitted,



Elizabeth A. Scott, OBA #12470
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118

Attorney for the State of Oklahoma ex rel.
Oklahoma State Board of Medical
Licensure and Supervision

Certificate of Service

On the 16 day of June, 1998, a true and correct copy of this order was mailed, postage prepaid, to:

Dana Duber Stull, M.D.
118 Lake Aluma
Oklahoma City, OK 73121

Terry T. Wiens, Esq.
3015 N.W. 59th
Oklahoma City, OK 73112

Janet L Owens
Janet Owens

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

FILED

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STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,

Plaintiff,

v.

DANA D. STULL, M.D.,
LICENSE NO. 19920

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 03-04-2656

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 11, 2003, 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 pro se.

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.*

2. 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.

3. Defendant, Dana D. Stull, M.D., holds Oklahoma license no. 19920.

4. On or about July 27, 1996, Defendant was issued a license under terms of probation based upon a history of substance abuse, specifically Lortab.

5. On or about May 29, 1998, the Board entered an Order Modifying Probation whereby it allowed Defendant to prescribe controlled dangerous substances in Schedules II-V.

6. On or about May 7, 1999, the Board entered an Order Terminating Probation two (2) years early so as to allow Defendant to sit for the American Board of Psychiatry Certification examination.

7. Beginning in November 1999 and continuing through April 2003, Defendant periodically wrote prescriptions for Propoxyphene, Acetaminophen with Codeine, Ambien, Alprazolam, Lorazepam, Hydro-Tussin and Hydrocodone, all controlled dangerous substances, in the name of Patricia Herman, Defendant's household employee. Defendant picked up these medications at at least two (2) different pharmacies in the Oklahoma City area. The controlled dangerous substances were not for the use of Ms. Herman but were for the personal use of Defendant. Defendant obtained the drugs by disguising herself and presenting herself as Patricia Herman.

8. On or about April 28, 2003, Defendant entered treatment at Rush Behavioral Health Center.

9. On Defendant's Applications for Renewal of Oklahoma License dated July 2, 2000 and July 1, 2001, in response to the question "Are you now using any drug or chemical substance including alcohol which has an adverse impact on your ability to practice your profession" within the past year, Defendant answered "NO".

10. On Defendant's Application for Renewal of Oklahoma License dated July 2, 2002, in response to the question "Have you been addicted to or abused any drug or chemical substance including alcohol" within the past year, Defendant answered "NO".

11. Defendant is guilty of unprofessional conduct in that she:

A. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(5) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

C. 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(14) and OAC 435:10-7-4(39).

- D. 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(16) and OAC 435:10-7-4(40).
- E. 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).
- F. Prescribed, sold, administered, distributed, ordered or gave a drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).
- G. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).
- I. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(10).
- J. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27) and 63 O.S. §2-402 .
- K. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(12).
- L. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).
- M. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance

with published standards in violation of 59 O.S. §509(17) and OAC 435:10-7-4(2) and (6).

N. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

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 she:

A. Habitually uses habit-forming drugs in violation 59 O.S. §509(5) and OAC 435:10-7-4(3).

B. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(9) and OAC 435:10-7-4(11).

C. 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(14) and OAC 435:10-7-4(39).

D. 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(16) and OAC 435:10-7-4(40).

E. 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).

F. Prescribed, sold, administered, distributed, ordered or gave a drug legally classified as a controlled substance or recognized as an addictive dangerous drug to a family member or to himself or herself in violation of OAC 435:10-7-4(26).

G. Engaged in fraud or misrepresentation in applying for or

procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

H. Prescribed, sold, administered, distributed, ordered or gave any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug for other than medically accepted therapeutic purposes in violation of OAC 435:10-7-4(24).

I. Committed any act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(10).

J. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27) and 63 O.S. §2-402 .

K. Wrote a false or fictitious prescription for any drugs or narcotics declared by the laws of this state to be controlled or narcotic drugs in violation of 59 O.S. §509(12).

L. Prescribed or administered a drug or treatment without sufficient examination and the establishment of a valid physician patient relationship in violation of 59 O.S. §509(13).

M. Prescribed, dispensed or administered controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribed, dispensed or administered controlled substances or narcotic drugs without medical need in accordance with published standards in violation of 59 O.S. §509(17) and OAC 435:10-7-4(2) and (6).

N. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509(5), (9), (10), (12), (13), (14), (16) and (17) and OAC 435: 10-7-4 (2), (3), (5), (6), (8), (11), (19), (24), (26), (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, Dana D. Stull, M.D., Oklahoma license no. 19920, is hereby **SUSPENDED** as of the date of this hearing, September 11, 2003 until January 1, 2004.

2. At the conclusion of the term of suspension, Defendant shall be placed on **INDEFINITE PROBATION** under the following terms and conditions:

A. Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals in which she anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of her practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I through V, with the exception that Defendant may prescribe Klonopin and Ambien on duplicate, serially numbered prescriptions. Defendant may never prescribe any opiates.

F. 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.

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

H. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need and in consultation with her pain management physicians at the University of Oklahoma Physicians Pain Management Clinic. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.

I. 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.

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

K. Defendant will abide by the terms and recommendations of her postcare contracts with Rush and the Physicians' Recovery Program, copies of which are attached hereto, including psychiatric treatment or counseling with a doctor or therapist approved by the Oklahoma State Board of Medical Licensure and Supervision. Defendant will authorize in writing the release of any and all records of that treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss her case and treatment with the individuals providing Defendant's treatment.

L. Defendant will attend four (4) meetings per week of a local 12-step program, to include the weekly Physicians' Recovery Program meetings.

M. Defendant will enter and continue counseling with Joan Holloway or another therapist approved in advance by the Board Secretary, and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant

shall additionally submit quarterly reports from her therapist to the Board Secretary for his review.

N. Defendant shall not practice in excess of thirty (30) hours per week.

O. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

P. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

Q. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of her current address.

R. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case, which shall include but is not limited to a one hundred dollar (\$100.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

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

T. Defendant shall make herself 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 and prompt basis to the Compliance Coordinator or designee.

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

3. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

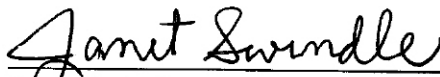
4. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 17 day of September, 2003.


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

CERTIFICATE OF SERVICE

I certify that on the 17 day of September, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Dana D. Stull, 118 Lake Aluma Drive, Oklahoma City, OK 73121.


Janet Swindle

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.

DANA D. STULL, M.D.,
LICENSE NO. 19920,

Defendant.

JAN 31 2008

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 03-04-2656

CITATION

YOU ARE HEREBY NOTIFIED that on the 31 day of January, 2008, a sworn Complaint was filed with the undersigned Secretary of the Oklahoma State Board of Medical Licensure and Supervision, State of Oklahoma, charging you with violations of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act at 59 O.S. §509(8) and (13) and OAC 435: 10-7-4 (11), (18), (19), (27), (37) and (39) . A copy of the Complaint is attached hereto and made a part thereof.

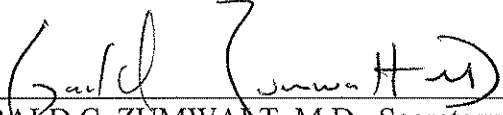
On March 13, 2008, the Board will be in regular session at 9:00 o'clock a.m., at its offices located at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, at which time your Complaint will be considered by the Board, and a hearing will be held pursuant to the Oklahoma Administrative Procedures Act, 75 Okla. Stat. §309, *et seq.*, as amended.

If the Board decides, after considering all the testimony and evidence, that you are guilty as charged, your license to practice as a physician within the State of Oklahoma may be suspended or revoked or other disciplinary action may be taken by the Board as authorized by law, including the assessment of costs and attorney's fees for this action as provided by law.

Under the laws of the State of Oklahoma, you are required to file your written Answer under oath with the Secretary of the Board within twenty (20) days after the Citation is served upon you. Unless your Answer is so filed, you will be considered in default, and the Board may accept the allegations set forth in the complaint as true at the hearing of the complaint. If the charges are deemed sufficient by the Board, your license to practice as a physician in the State of Oklahoma may be suspended or revoked.

THEREFORE, you are cited to appear at the hearing. If you are not present in person, you may be present through your attorney.

DATED this 31 day of January, 2008 at 9⁰⁰ am o'clock.



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

RETURN OF SERVICE BY AGENT

Received the attached and foregoing Citation, Complaint and Scheduling
Order in the investigation of Dana Stull, MD, at Oklahoma City,
Oklahoma, on the 31 day of January, 2008, and on the
1 day of February 2008, at 3:00 o'clock P.M. served it on the
within named defendant by delivering a copy to: Linda Scoggins (atty)
(name of person served)

at (address):

OSBMCS
5104 N. Francis
OKC, OK 73118

Served by: Janet Lane

Subscribed and sworn to before me on this 1 day of Feb,
2008.



Janet Swindle
Notary Public

My Commission expires:

8-22-2010

CASE NAME: Stull, MD

CASE #: 03-01-2656

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

FILED

JAN 31 2008

STATE OF OKLAHOMA
EX REL. THE OKLAHOMA BOARD
OF MEDICAL LICENSURE
AND SUPERVISION,

Plaintiff,

v.

DANA D. STULL, M.D.,
LICENSE NO. 19920,

Defendant.

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 03-04-2656

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Dana D. Stull, M.D., alleges and states as follows:

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.*

2. Defendant, Dana D. Stull, M.D., holds Oklahoma license no. 19920.

1996 PROBATION

3. On or about July 27, 1996, Defendant was issued a license under terms of probation based upon a history of substance abuse, specifically Lortab.

4. On or about May 29, 1998, the Board entered an Order Modifying Probation whereby it allowed Defendant to prescribe controlled dangerous substances in Schedules II-V.

5. On or about May 7, 1999, the Board entered an Order Terminating Probation two (2) years early so as to allow Defendant to sit for the American Board of Psychiatry Certification examination.

2003 SUSPENSION AND INDEFINITE PROBATION

6. Beginning in November 1999 and continuing through April 2003, Defendant periodically wrote prescriptions for Propoxyphene, Acetaminophen with Codeine, Ambien, Alprazolam, Lorazepam, Hydro-Tussin and Hydrocodone, all controlled dangerous substances, in the name of Patricia Herman, Defendant's household employee. Defendant picked up these medications at at least two (2) different pharmacies in the Oklahoma City area. The controlled dangerous substances were not for the use of Ms. Herman but were for the personal use of Defendant. Defendant obtained the drugs by disguising herself and presenting herself as Patricia Herman.

7. On or about April 28, 2003, Defendant entered treatment at Rush Behavioral Health Center.

8. On Defendant's Applications for Renewal of Oklahoma License dated July 2, 2000 and July 1, 2001, in response to the question "Are you now using any drug or chemical substance including alcohol which has an adverse impact on your ability to practice your profession" within the past year, Defendant answered "NO".

9. On Defendant's Application for Renewal of Oklahoma License dated July 2, 2002, in response to the question "Have you been addicted to or abused any drug or chemical substance including alcohol" within the past year, Defendant answered "NO".

10. After hearing by the Board en banc, the Board issued an Order dated September 11, 2003 whereby Defendant's license was **SUSPENDED** for three (3) months and twenty-one (21) days and was thereafter placed on **INDEFINITE PROBATION** beginning January 1, 2004.

CURRENT UNPROFESSIONAL CONDUCT ALLEGATIONS

11. Defendant is currently licensed under an indefinite term of probation under the following terms and conditions:

A. Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

H. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need and in consultation with her pain management physicians at the University of Oklahoma Physicians Pain Management Clinic. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.

I. 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.

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

12. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's licensure under terms of indefinite probation.

13. On or about December 13, 2007, Defendant provided a urine specimen at the request of Tom Sosbee, Compliance and Education Coordinator for the Board. The specimen subsequently tested positive for Methylphenidate, which was not prescribed for her. When questioned by Mr. Sosbee, Defendant initially had no explanation, but later advised Mr. Sosbee that she must have gotten some on her fingers while assisting a patient with Daytrana patches on December 12, 2007.

14. On or about January 10, 2008, Defendant provided a urine specimen at the request of Mr. Sosbee. The specimen subsequently tested positive for norpropoxyphene (Darvon/Darvocet). When questioned by Mr. Sosbee on January 28, 2008, Defendant explained that while staying in Mexico with her husband, she became ill and was treated by a Mexican doctor, who gave her Neo-Percodan. She stated that she forgot to mention this to Mr. Sosbee at the time he collected the urine specimen.

15. On or around January 10, 2008, Defendant provided a urine specimen at the request of the Oklahoma Health Professionals Recovery Program ("HPRP"). The specimen subsequently tested positive for norpropoxyphene. Defendant admits that she failed to advise the HPRP of her alleged ingestion of Neo-Percodan in Mexico at the time she provided the urine specimen.

16. On or about January 15, 2008, Defendant submitted her Monthly Supervision Self-Report to Mr. Sosbee as part of her probation monitoring. When asked if she had been treated by a health care provider during the past month, Defendant did not disclose her treatment

by the Mexican doctor. Additionally, when asked what medications had been issued for her use during the past month, Defendant did not disclose the Neo-Percodan she allegedly received from the Mexican doctor.

17. Defendant's indefinite term of probation additionally provides as follows:

E. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I through V, with the exception that Defendant may prescribe Klonopin and Ambien on duplicate, serially numbered prescriptions. Defendant may never prescribe opiates.

18. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's licensure under terms of indefinite probation.

19. Defendant's permit issued by the Oklahoma Bureau of Narcotics and Dangerous Drugs ("OBN") likewise limits her ability to prescribe controlled dangerous substances to Klonopin and Ambien.

20. A review of pharmacy records reflects that from January 1, 2006 until January 11, 2008, Defendant wrote or authorized **ONE-HUNDRED AND EIGHTY (180)** prescriptions for controlled dangerous substances which were not Klonopin or Ambien and which were not authorized under the terms of her probation. Medications prescribed by Defendant include Alprazolam, Diazepam, Provigil, Lunesta, Lorazepam, Temazepam, Lyrica, Oxazepam and Meridia. Defendant did not write these prescriptions on the duplicate, serially numbered prescription pad she used for the Klonopin and Ambien and turned in to Mr. Sosbee, but instead, wrote them on another prescription pad or authorized them by telephone.

21. When questioned by Mr. Sosbee regarding these unauthorized prescriptions, Defendant first denied that she had written or authorized them. However, Defendant eventually admitted that she had been deceiving Mr. Sosbee and the OBN by concealing the fact that she was issuing prescriptions for controlled dangerous substances for which she was not authorized.

22. Defendant is guilty of unprofessional conduct in that she:

A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

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. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).

D. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).

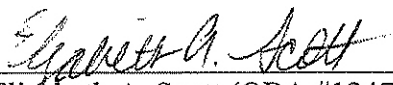
E. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).

F. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

Conclusion

WHEREFORE, the Plaintiff respectfully requests that the Board conduct a hearing, and, upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)
Assistant Attorney General
State of Oklahoma
5104 N. Francis, Suite C
Oklahoma City, OK 73118
Attorney for the Plaintiff

**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.

DANA D. STULL, M.D.,
LICENSE NO. 19920

Defendant.

JUL 18 2008

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 03-04-2656

FINAL ORDER OF SUSPENSION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on July 17, 2008, 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, Linda G. Scoggins.

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, Dana D. Stull, M.D., holds Oklahoma license no. 19920.

3. On or about July 27, 1996, Defendant was issued a license under terms of probation based upon a history of substance abuse, specifically Lortab.

4. On or about May 29, 1998, the Board entered an Order Modifying Probation whereby it allowed Defendant to prescribe controlled dangerous substances in Schedules II-V.

5. On or about May 7, 1999, the Board entered an Order Terminating Probation two (2) years early so as to allow Defendant to sit for the American Board of Psychiatry Certification examination.

6. Beginning in November 1999 and continuing through April 2003, Defendant periodically wrote prescriptions for Propoxyphene, Acetaminophen with Codeine, Ambien, Alprazolam, Lorazepam, Hydro-Tussin and Hydrocodone, all controlled dangerous substances, in the name of Patricia Herman, Defendant's household employee. Defendant picked up these medications at at least two (2) different pharmacies in the Oklahoma City area. The controlled dangerous substances were not for the use of Ms. Herman but were for the personal use of Defendant. Defendant obtained the drugs by disguising herself and presenting herself as Patricia Herman.

7. On or about April 28, 2003, Defendant entered treatment at Rush Behavioral Health Center.

8. On Defendant's Applications for Renewal of Oklahoma License dated July 2, 2000 and July 1, 2001, in response to the question "Are you now using any drug or chemical substance including alcohol which has an adverse impact on your ability to practice your profession" within the past year, Defendant answered "NO".

9. On Defendant's Application for Renewal of Oklahoma License dated July 2, 2002, in response to the question "Have you been addicted to or abused any drug or chemical substance including alcohol" within the past year, Defendant answered "NO".

10. After hearing by the Board en banc, the Board issued an Order dated September 11, 2003 whereby Defendant's license was **SUSPENDED** for three (3) months and twenty-one (21) days and was thereafter placed on **INDEFINITE PROBATION** beginning January 1, 2004.

11. Defendant is currently licensed under an indefinite term of probation under the following terms and conditions:

A. Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

H. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need and in consultation with her pain management physicians at the University of Oklahoma Physicians Pain Management Clinic. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.

I. 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.

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

12. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's licensure under terms of indefinite probation.

13. On or about December 13, 2007, Defendant provided a urine specimen at the request of Tom Sosbee, Compliance and Education Coordinator for the Board. The specimen subsequently tested positive for Methylphenidate, which was not prescribed for her. When questioned by Mr. Sosbee, Defendant initially had no explanation, but later advised Mr. Sosbee that she must have gotten some on her fingers while assisting a patient with Daytrana patches on December 12, 2007.

14. On or about January 10, 2008, Defendant provided a urine specimen at the request of Mr. Sosbee. The specimen subsequently tested positive for norpropoxyphene (Darvon/Darvocet). When questioned by Mr. Sosbee on January 28, 2008, Defendant explained that while staying in Mexico with her husband, she became ill and was treated by a Mexican doctor, who gave her Neo-Percodan. She stated that she forgot to mention this to Mr. Sosbee at the time he collected the urine specimen.

15. On or around January 10, 2008, Defendant provided a urine specimen at the request of the Oklahoma Health Professionals Recovery Program ("HPRP"). The specimen subsequently tested positive for norpropoxyphene. Defendant admits that she failed to advise the HPRP of her alleged ingestion of Neo-Percodan in Mexico at the time she provided the urine specimen.

16. On or about January 15, 2008, Defendant submitted her Monthly Supervision Self-Report to Mr. Sosbee as part of her probation monitoring. When asked if she had been treated by a health care provider during the past month, Defendant did not disclose her treatment by the Mexican doctor.

17. Defendant's indefinite term of probation additionally provides as follows:

E. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I through V, with the exception that Defendant may prescribe Klonopin and Ambien on duplicate, serially numbered prescriptions. Defendant may never prescribe opiates.

18. The provisions cited above have not been modified or deleted but remain in full force and effect as terms and conditions of Defendant's licensure under terms of indefinite probation.

19. Defendant's permit issued by the Oklahoma Bureau of Narcotics and Dangerous Drugs ("OBN") likewise limits her ability to prescribe controlled dangerous substances to Klonopin and Ambien.

20. A review of pharmacy records reflects that from January 1, 2006 until January 11, 2008, Defendant wrote or authorized **ONE-HUNDRED AND EIGHTY (180)** prescriptions for controlled dangerous substances which were not Klonopin or Ambien and which were not authorized under the terms of her probation. Medications prescribed by Defendant include Alprazolam, Diazepam, Provigil, Lunesta, Lorazepam, Temazepam, Lyrica, Oxazepam and Meridia. Defendant did not write these prescriptions on the duplicate, serially numbered prescription pad she used for the Klonopin and Ambien and turned in to Mr. Sosbee, but instead, wrote them on another prescription pad or authorized them by telephone.

21. When questioned by Mr. Sosbee regarding these unauthorized prescriptions, Defendant first denied that she had written or authorized them. However, Defendant eventually admitted that she had been deceiving Mr. Sosbee and the OBN by concealing the fact that she was issuing prescriptions for controlled dangerous substances for which she was not authorized.

22. Defendant is guilty of unprofessional conduct in that she:

A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

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

D. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

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 she:

A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

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

D. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (8) and (13), and OAC Title 435:10-7-4(11), (27), (37) and (39).

Order

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

1. The license of Defendant, Dana D. Stull, M.D., Oklahoma license no. 19920, is hereby **SUSPENDED** as of the date of this hearing, July 17, 2008 for a minimum of **ONE (1) YEAR**.

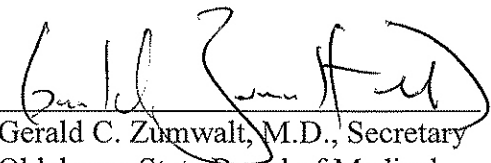
2. After one (1) year, Defendant may apply for reinstatement of her license at which time she must provide a current assessment from a nationally recognized treatment center approved in advance by the Board Secretary. During Defendant's suspension, she must submit to random drug testing at least two (2) times per month through the Oklahoma Health Professionals Recovery Program and must comply with all requirements of her contract with the Oklahoma Health Professionals Recovery Program.

3. Defendant shall pay an **ADMINISTRATIVE FINE** in the amount of \$10,000.00, to be paid on or before January 17, 2009.

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

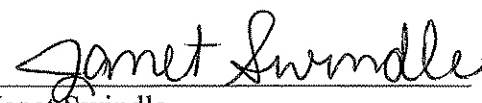
5. Defendant's suspended license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 18 day of July, 2008.


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 July, 2008, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Linda G. Scoggins, Scoggins & Cross, PLLC, 204 N. Robinson, Suite 3100, Oklahoma City, OK 73102 and to Dana Stull, 111 Lake Aluma Drive, Oklahoma City, OK 73121.


Janet Swindle

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

FILED

JAN 21 2011

IN THE MATTER OF THE
APPLICATION OF

DANA D. STULL, M.D.,

FOR REINSTATEMENT OF OKLAHOMA
MEDICAL LICENSE NO. 19920

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 03-04-2656

**ORDER GRANTING REINSTATEMENT OF
LICENSE UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on January 13, 2011, at the Board office, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73105, pursuant to notice given as required by law and rules of the Board.

Defendant, Dana D. Stull, M.D., appeared in person and through counsel, Daniel Gamino.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
2. Defendant, Dana D. Stull, M.D., holds Oklahoma license no. 19920.
3. On or about July 27, 1996, Defendant was issued a license under terms of probation based upon a history of substance abuse, specifically Lortab.
4. On or about May 29, 1998, the Board entered an Order Modifying Probation whereby it allowed Defendant to prescribe controlled dangerous substances in Schedules II-V.

5. On or about May 7, 1999, the Board entered an Order Terminating Probation two (2) years early so as to allow Defendant to sit for the American Board of Psychiatry Certification examination.

6. Beginning in November 1999 and continuing through April 2003, Defendant periodically wrote prescriptions for Propoxyphene, Acetaminophen with Codeine, Ambien, Alprazolam, Lorazepam, Hydro-Tussin and Hydrocodone, all controlled dangerous substances, in the name of Patricia Herman, Defendant's household employee. Defendant picked up these medications at at least two (2) different pharmacies in the Oklahoma City area. The controlled dangerous substances were not for the use of Ms. Herman but were for the personal use of Defendant. Defendant obtained the drugs by disguising herself and presenting herself as Patricia Herman.

7. On or about April 28, 2003, Defendant entered treatment at Rush Behavioral Health Center.

8. On Defendant's Applications for Renewal of Oklahoma License dated July 2, 2000 and July 1, 2001, in response to the question "Are you now using any drug or chemical substance including alcohol which has an adverse impact on your ability to practice your profession" within the past year, Defendant answered "NO".

9. On Defendant's Application for Renewal of Oklahoma License dated July 2, 2002, in response to the question "Have you been addicted to or abused any drug or chemical substance including alcohol" within the past year, Defendant answered "NO".

10. After hearing by the Board en banc, the Board issued an Order dated September 11, 2003 whereby Defendant's license was **SUSPENDED** for three (3) months and twenty-one (21) days and was thereafter placed on **INDEFINITE PROBATION** beginning January 1, 2004 as follows:

A. Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

H. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need and in consultation with her pain management physicians at the University of Oklahoma Physicians Pain Management Clinic. Defendant has the affirmative duty to inform any and every doctor

treating her of the Board Order immediately upon initiation, or continuation of treatment.

I. 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.

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

11. On or about December 13, 2007, Defendant provided a urine specimen at the request of Tom Sosbee, Compliance and Education Coordinator for the Board. The specimen subsequently tested positive for Methylphenidate, which was not prescribed for her. When questioned by Mr. Sosbee, Defendant initially had no explanation, but later advised Mr. Sosbee that she must have gotten some on her fingers while assisting a patient with Daytrana patches on December 12, 2007.

12. On or about January 10, 2008, Defendant provided a urine specimen at the request of Mr. Sosbee. The specimen subsequently tested positive for norpropoxyphene (Darvon/Darvocet). When questioned by Mr. Sosbee on January 28, 2008, Defendant explained that while staying in Mexico with her husband, she became ill and was treated by a Mexican doctor, who gave her Neo-Percodan. She stated that she forgot to mention this to Mr. Sosbee at the time he collected the urine specimen.

13. On or around January 10, 2008, Defendant provided a urine specimen at the request of the Oklahoma Health Professionals Recovery Program ("HPRP"). The specimen subsequently tested positive for norpropoxyphene. Defendant admits that she failed to advise the HPRP of her alleged ingestion of Neo-Percodan in Mexico at the time she provided the urine specimen.

14. On or about January 15, 2008, Defendant submitted her Monthly Supervision Self-Report to Mr. Sosbee as part of her probation monitoring. When asked if she had been treated by a health care provider during the past month, Defendant did not disclose her treatment by the Mexican doctor. Additionally, when asked what medications had been issued for her use during the past month, Defendant did not disclose the Neo-Percodan she allegedly received from the Mexican doctor.

15. Defendant's indefinite term of probation additionally provided as follows:

E. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I through V, with the exception that Defendant may prescribe Klonopin and Ambien on duplicate, serially numbered prescriptions. Defendant may never prescribe opiates.

16. Defendant's permit issued by the Oklahoma Bureau of Narcotics and Dangerous Drugs ("OBN") likewise limited her ability to prescribe controlled dangerous substances to Klonopin and Ambien.

17. A review of pharmacy records reflects that from January 1, 2006 until January 11, 2008, Defendant wrote or authorized **ONE-HUNDRED AND EIGHTY (180)** prescriptions for controlled dangerous substances which were not Klonopin or Ambien and which were not authorized under the terms of her probation. Medications prescribed by Defendant include Alprazolam, Diazepam, Provigil, Lunesta, Lorazepam, Temazepam, Lyrica, Oxazepam and Meridia. Defendant did not write these prescriptions on the duplicate, serially numbered prescription pad she used for the Klonopin and Ambien and turned in to Mr. Sosbee, but instead, wrote them on another prescription pad or authorized them by telephone.

18. When questioned by Mr. Sosbee regarding these unauthorized prescriptions, Defendant first denied that she had written or authorized them. However, Defendant eventually admitted that she had been deceiving Mr. Sosbee and the OBN by concealing the fact that she was issuing prescriptions for controlled dangerous substances for which she was not authorized.

19. Based upon these violations of her probation, the State filed a Complaint against Defendant. After hearing by the Board en banc, the Board issued an Order dated July 17, 2008 whereby Defendant's license was **SUSPENDED** for a **MINIMUM OF ONE (1) YEAR**, and she was ordered to pay an **ADMINISTRATIVE FINE** in the amount of **\$10,000.00**. Defendant was also ordered to complete an assessment at a nationally recognized treatment center and to submit to random drug tests at least two (2) times per month.

20. On or about June 25, 2010, Defendant appeared before the Board seeking reinstatement of her license. The Board **DENIED** her request based upon her failure to demonstrate the ability to practice with reasonable skill and safety. The Board advised Defendant to stop taking all narcotic medications except Suboxone.

21. Defendant is now seeking reinstatement of her Oklahoma medical license no. 19920.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to reinstate the license of a physician pursuant to 59 O.S. §508.1.

2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §480 *et seq.*

ORDER

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

1. Defendant's medical license shall be reinstated under the following terms and conditions of a **FIVE (5) YEAR PROBATION** under the following terms and conditions:

A. Defendant will conduct her practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act 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 Oklahoma State Board of Medical Licensure and Supervision.

B. Upon request of the Board Secretary, Defendant will request all hospitals in which she anticipates practicing to furnish to the Board Secretary of the Oklahoma State Board of Medical Licensure and Supervision a written statement regarding monitoring of her practice while performing services in or to that hospital.

C. Defendant will furnish to each and every state in which she holds licensure or applies for licensure and hospitals, clinics or other institutions in which she holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

D. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

E. Defendant will not prescribe, administer, dispense or possess any drugs in Schedules I through V.

F. Defendant shall execute a contract with the Oklahoma Health Professionals Recovery Program and shall comply with all requirements of her contract.

G. 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.

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

I. Defendant will take no medication except that which is authorized by a physician treating her for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating her of the Board Order immediately upon initiation, or continuation of treatment.

J. 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.

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

L. Defendant will abide by the terms and recommendations of the Oklahoma Health Professionals Recovery Program and Professional Enhancement Program at Pine Grove. Defendant will authorize in writing the release of any and all records of that treatment to the Oklahoma State Board of Medical Licensure and Supervision and will authorize the Compliance Consultant to the Board to discuss her case and treatment with the individuals providing Defendant's treatment.

M. Defendant will attend five (5) meetings per week of a local 12-step program, to include the weekly Health Professionals Recovery Program meetings.

N. Defendant will enter and continue therapy with Suzanne Smart or another therapist approved in advance in writing by the Board Secretary, and will authorize in writing the release of any and all records of that treatment to the Board or its designee. Defendant shall additionally submit quarterly reports from her therapist to the Board Secretary for his review.

O. Defendant shall utilize one (1) physician who specializes in pain management and addiction medicine for all of her pain management needs. This physician shall be William Yarborough,

M.D. or another physician approved in advance in writing by the Board Secretary. All pain medications taken by Defendant shall be prescribed by this physician and all other medications taken by Defendant shall be approved and monitored by this one (1) physician.

P. Defendant's practice setting shall be limited to a group practice to include at least three (3) physicians and shall be approved in advance in writing by the Board Secretary.

Q. Defendant shall promptly notify the Board of any relapse, including any entry, or re-entry, into a treatment program for substance abuse.

R. Defendant shall promptly notify the Board of any citation or arrest for traffic or for criminal offenses involving substance abuse.

S. Defendant will keep the Oklahoma State Board of Medical Licensure and Supervision informed of her current address.

T. Defendant will keep current payment of all assessments by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of her case, which shall include but is not limited to a one hundred fifty dollar (\$150.00) per month fee during the term of probation, unless Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.

U. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

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

W. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

X. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to

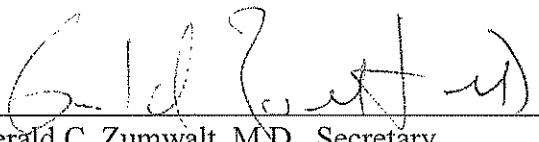
suspend, revoke or modify Defendant's license after due notice and hearing.

2. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's license, after due notice and hearing.

3. Defendant's license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma.

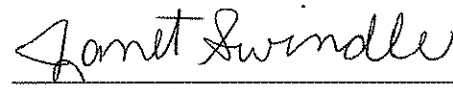
4. A copy of this written order shall be sent to Defendant as soon as it is processed.

Dated this 21 day of January, 2011.


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

Certificate of Service

On the 21 day of January, 2011, a true and correct copy of this order was mailed, postage prepaid, to Dana D. Stull, 111 Lake Aluma Drive, Oklahoma City, OK 73121 and to Daniel Gamino, 3315 N.W. 63rd Street, Oklahoma City, OK 73116.


Janet Swindle