

IN AND BEFORE THE OKLAHOMA BOARD OF
MEDICAL LICENSURE AND SUPERVISION

STATE OF OKLAHOMA

STATE OF OKLAHOMA ex rel.
OKLAHOMA BOARD OF MEDICAL
LICENSURE AND SUPERVISION,

Plaintiff,

vs.

Case No. 95-01-1680

EDGAR M. CLEAVER, M.D.,
MEDICAL LICENSE NO. 12107,

Defendant.

VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER

NOW ON this 1st day of May, 1995, there comes on before the Oklahoma Board of Medical Licensure and Supervision, the above styled and numbered cause of action. The defendant, Edgar M. Cleaver, M.D., the undersigned, states that he is of sound mind and not under the influence of any medication or drug or impaired thereby and that the defendant fully recognizes his right to appear before the Oklahoma Board of Medical Licensure and Supervision, en banc, for evidentiary hearing on the allegations against the defendant herein. Of his own volition and decision, the defendant waives his right to appear before the Board for a full hearing inasmuch as the defendant believes a controversy exists as to whether the Board should invoke some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and further the defendant hereby voluntarily and of his own volition submits to the jurisdiction of the Board in the following Conclusions of Law and Order of the Board which are based on the allegations in this matter:

DF 95-01-91

FINDINGS OF FACT

1. During a period of time from approximately 1992 through the present, the defendant prescribed, administered, distributed or ordered controlled dangerous substances or drugs recognized as addictive or dangerous for reasons other than medically accepted therapeutic purposes, contrary to the provisions of OAC 435:10-7-4 paragraph (24).

2. During a period of time from approximately 1992 through the present, the defendant prescribed, administered, distributed or ordered controlled dangerous substances or drugs recognized as addictive or dangerous to persons who are addicted, habituated or chemically dependent, specifically patients J.L., C.R., and S.R., contrary to the provisions of OAC 435:10-7-4 paragraph (25).

3. During a period of time during approximately 1994 through the present, the defendant has maintained a romantic relationship with patient J.L., a drug dependent patient to whom he prescribed controlled dangerous substances as alleged in paragraph 2, above, contrary to the provisions of 59 O.S.Supp.1994, § 509 (18).

Defendant submits to the jurisdiction of the Board and admits to the allegations set forth above.

CONCLUSIONS OF LAW

1. The Oklahoma Board of Medical Licensure and Supervision has jurisdiction in this matter by virtue of the provisions of the Oklahoma Medical Practice Act, 59 O.S.1991, §§ 481 et seq., as amended;

2. By virtue of the provisions of the Oklahoma Medical Practice Act, the Board has the power and jurisdiction to enforce the

provisions of the Oklahoma Medical Practice Act as the Board deems necessary to protect the public health, safety and welfare;

3. The defendant, by reason of the above facts, is in violation of the 59 O.S.Supp.1993, § 509, and OAC 435:10-7-4.

ORDER

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

1. The defendant, Edgar M. Cleaver, M.D. holding medical license number 12107, is hereby REPRIMANDED by the Board.

2. The defendant is placed on a term of probation to the Board for a period of five (5) years beginning May 1, 1995, under the following terms and conditions:

a. Defendant will immediately surrender to the proper authorities any permit possessed by him to allow his prescription, sale, administration, distribution or order of controlled dangerous drugs, specifically to include but not be limited to the defendant's Oklahoma Bureau of Narcotics and Dangerous Drugs permit and his United States Drug Enforcement Administration permit.

b. During the period of probation the defendant will not prescribe, administer or dispense any controlled dangerous substances;

c. During the period of probation the defendant shall appear before the Board or the Secretary of the Board whenever requested to do so;

d. During the period of probation the defendant shall submit to the Investigative Division of the Board any required reports and forms on a timely basis;

e. The defendant shall promptly pay within thirty (30) days of receipt of an invoice from the Board all costs of the investigation, prosecution and probation of this case. Costs of probation which are incurred on a monthly basis shall be paid by the defendant within

thirty (30) of invoice therefor. The defendant may seek deferment of payment in accordance with the rules of the Board;

f. During the period of probation the defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices of the terms and conditions of this order and provide a copy thereof;

g. During the period of probation the defendant shall not supervise a Physician Assistant;

h. During the period of probation the defendant shall meet with the Secretary of the Board on no less than a quarterly basis. It shall be the affirmative duty of the defendant to schedule the date, place and time of one meeting each annual quarter. In addition, the defendant shall meet with the Secretary as requested by the Secretary. The defendant shall provide for the Secretary during such meetings any and all charts and patient records requested by the Secretary.

i. The defendant shall immediately terminate his personal relationship with patient J.L. and refrain permanently from re-engaging such relationship.

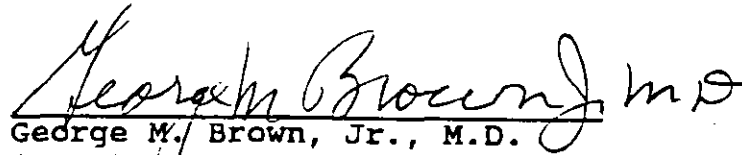
3. Violation of any term of probation shall be grounds for additional charges to be presented to the Board after notice to the defendant.

4. The defendant shall conduct his practice in compliance with the Oklahoma Medical Practice Act and shall keep the Board apprised of his current practice address.

5. The defendant shall not allow the initiation of any therapeutic regimen by any personnel under his supervision unless the defendant is in the immediate vicinity of said personnel.

5. The jurisdiction of the Board in this action shall continue until the terms and conditions of probation are ended, or modified or lifted by the Board upon motion.

Dated this 1st day of May, 1995.



George M. Brown, Jr., M.D.
Secretary
Board of Medical Licensure and
Supervision

By my signature below, I accept the terms
of this Voluntary Submittal to Jurisdiction
and agree to the Findings and Conclusions
therein.


Edgar M. Cleaver, M.D.

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION.)

Plaintiff,)

v.)

EDGAR M. CLEAVER, M.D.)
MEDICAL LICENSE NO. 12107)

Defendant.)

CASE NO. 95-01-1680

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on May 13, 1995, 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.

James R. Johnson, Assistant Attorney General, appeared for the Plaintiff; and Edgar M. Cleaver, M.D., Defendant, was not present.

The Board of Medical Licensure and Supervision heard oral statements of counsel, 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, Edgar M. Cleaver, M.D., holds Oklahoma Medical License No. 12107.

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 before hearing any testimony or reviewing any exhibits, the Board reviewed a Voluntary Submittal to Jurisdiction executed by the Defendant on or around May 1, 1995.

4. That the Board finds that the Voluntary Submittal to Jurisdiction and the terms and conditions thereof were an appropriate disposition of this case and accepted same.

CONCLUSIONS OF LAW

1. That the Oklahoma Board of Medical Licensure and Supervision has jurisdiction over this matter pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. Supp. 1990, Sec. 481 et seq., as amended and by the Voluntary Submittal to Jurisdiction executed by the Defendant.

ORDER

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

1. The Defendant, Edgar M. Cleaver, M.D. holding Oklahoma Medical License No. 12107, is hereby **REPRIMANDED** by the Oklahoma Board of Medical Licensure and Supervision.

2. The Defendant is placed on a term of probation to the Oklahoma Board of Medical Licensure and Supervision for a period of five (5) years beginning May 1, 1995, under the following terms and conditions:

a. Defendant will immediately surrender to the proper authorities any permit possessed by him to allow his prescription, sale, administration, distribution or order of controlled dangerous drugs, specifically to include but not be limited to the Defendant's Oklahoma Bureau of Narcotics and Dangerous Drugs permit and his United States Drug Enforcement Administration permit.

b. During the period of probation the Defendant will not prescribe, administer or dispense any controlled dangerous substances.

c. During the period of probation the defendant shall appear before the Board or the Secretary of the Board whenever requested to do so.

d. During the period of probation the Defendant shall submit to the Investigative Division of the Board any required reports and forms on a timely basis.

e. The Defendant shall promptly pay within thirty (30) days of receipt of an invoice from the Board all costs of the investigation, prosecution and probation of this case. Costs of probation which are incurred on a monthly basis shall be paid by the Defendant within thirty (30) days of invoice therefor. The Defendant may seek deferment of payment in accordance with the rules of the Board.

f. During the period of probation the Defendant shall

notify any hospital where he holds staff privileges, or clinic, or group where he practices of the terms and conditions of this Order and provide a copy thereof.

g. During the period of probation the Defendant shall not supervise a Physician Assistant.

h. During the period of probation the Defendant shall meet with the Secretary of the Board on no less than a quarterly basis. It shall be the affirmative duty of the Defendant to schedule the date, place and time of one meeting each annual quarter. In addition, the Defendant shall meet with the Secretary as requested by the Secretary. The Defendant shall provide for the Secretary during such meetings any and all charts and patient records requested by the Secretary.

i. The Defendant shall immediately terminate his personal relationship with patient J.L. and refrain permanently from re-engaging such relationship.

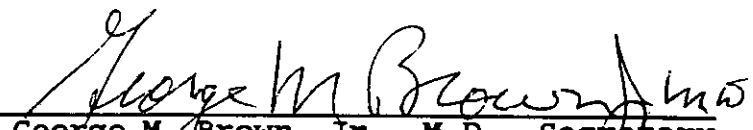
3. Violation of any term of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

4. The Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and shall keep the Board apprised of his current practice address.

5. The Defendant shall not allow the initiation of any therapeutic regimen by any personnel under his supervision unless the Defendant is in the immediate vicinity of said personnel.

6. The jurisdiction of the Board in this action shall continue until the terms and conditions of probation are ended, or modified or lifted by the Board upon motion.

DATED this 19th day of May, 1995.


George M. Brown, Jr., M.D., Secretary
State 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 22 day of May, 1995 to:

Edgar M. Cleaver, M.D.
3442 E. 84th Pl.
Tulsa, OK 74137-1709

Janet L. Owens
Janet L. Owens, Secretary

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)

vs.)

EDGAR M. CLEAVER, M.D.)
MEDICAL LICENSE NO. 12107)

Defendant)

CASE NO. 95-01-1680

**ORDER TO MODIFY
TERMS OF PROBATION**

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on March 21, 1996, at the office of the Oklahoma State 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.

Edgar M. Cleaver, M.D. appeared in person, pro se, waived his right to legal counsel and agreed to proceed without counsel.

The Oklahoma Board of Medical Licensure and Supervision en banc heard the oral testimony of Defendant requesting modification of probation and being fully advised in the premises, the Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Edgar M. Cleaver, M.D., holds Oklahoma Medical License No. 12107.

2. That the Board en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and rules of the Board.

3. That on May 13, 1995, following notice and hearing, the Board accepted a Voluntary Submittal to Jurisdiction and the terms and conditions therein as an appropriate disposition for the case. The Defendant was reprimanded and placed on a term of probation to the Board for a period of five (5) years beginning May 1, 1995

under certain enumerated terms and conditions.

4. That on or around March 8, 1996 Defendant filed a hand-written request to modify certain conditions of probation allowing Defendant to re-apply for Oklahoma Bureau of Narcotics and Dangerous Drugs permit and United States Drug Enforcement permit and prescribe specified drugs.

5. That the Board found that portions of the terms and conditions of probation could be modified and/or eliminated without danger to public health, safety and welfare.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S. 1991, Sec. 481 et seq., and by the Voluntary Submittal to Jurisdiction agreed to herein by the Defendant.

ORDER

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

1. That the Defendant's Motion to Modify Probation should be and the same is hereby GRANTED.

2. That the Defendant, Edgar M. Cleaver, M.D., holding Oklahoma Medical License No. 12107, should be and is hereby RETAINED on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning May 1, 1995, under the following amended terms and conditions:

(a) That Defendant may apply for permits from the Oklahoma Bureau of Narcotics and Dangerous Drugs and the United States Drug Enforcement Administration.

(b) During the period of probation the Defendant will not prescribe, administer or dispense any controlled dangerous substances except that upon obtaining the proper permits, Defendant may write prescriptions for Ritalin, Cylert, Ambien, Temazepam, Alprazolam, Klonopin, Lorazepam and Librium on serially numbered, duplicate prescription pads, to be submitted monthly to the Board.

(c) During the period of probation the Defendant shall appear before the Board or the Secretary of the Board whenever requested to do so.

(d) During the period of probation the Defendant shall submit to the Investigative Division of the Board any required reports and forms on a timely basis.

(e) The Defendant shall promptly pay within thirty (30) days of receipt of an invoice from the Board all costs of the investigation, prosecution and probation of this case. Cost of probation which are incurred on a monthly basis shall be paid by the Defendant within thirty (30) days of invoice therefor. The Defendant may seek deferment of payment in accordance with the rules of the Board.

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

(g) During the period of probation the Defendant shall not supervise a Physician Assistant.

(h) During the period of probation the Defendant shall meet with the Secretary of the Board on no less than a quarterly basis. It shall be the affirmative duty of the Defendant to schedule the date, place and time of one meeting each annual quarter. In addition, the Defendant shall meet with the Secretary as requested by the Secretary. The Defendant shall provide for the Secretary during such meetings any and all charts and patient records requested by the Secretary.

(i) The defendant shall immediately terminate his personal relationship with patient J.L. and refrain permanently from re-engaging such relationship.

3. Violation of any term of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

4. The Defendant shall conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act and shall keep the Board apprised of his current practice address.

5. The Defendant shall not allow the initiation of any therapeutic regimen by any personnel under his supervision unless the Defendant is in the immediate vicinity of said personnel.

6. The jurisdiction of the Board in this action shall continue until the terms and conditions of probation are ended, or modified or lifted by the Board upon motion.

DATED this 10 day of May, 1996.

Gerald Zumwalt M
GERALD C. ZUMWALT, M.D.
Secretary/Medical Advisor
Oklahoma State 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
15 day of May, 1996 to:

Edgar M. Cleaver, M.D.
3442 E. 84th Pl.
Tulsa, OK 74137-1709

Janet L Owens
Janet L. Owens, Secretary