

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

FILED

NOV - 8 2001

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)
)
Plaintiff,)
)
v.)
)
TERRY DUANE RAPP, M.D.)
MEDICAL LICENSE NO. 10615)
)
)
Defendant.)

Case No. 00-05-2192

VOLUNTARY SURRENDER OF LICENSE
IN LIEU OF PROSECUTION

State of Oklahoma)
)
Oklahoma County)

I, Terry Duane Rapp, M.D., being of lawful age and after first being duly sworn, depose and state as follows:

1. I hereby voluntarily surrender my Oklahoma medical license no. 10615.

2. The surrender of my license is freely and voluntarily made. I have not been subject to any coercion or duress, and I am fully aware of the consequences of the surrender of my license.

3. I am the subject of a Complaint before the Oklahoma State Board of Medical Licensure and Supervision involving allegations that if proven, would constitute grounds for disciplinary action by the Board.

4. The allegations to which I have plead guilty are as follows:

i. Defendant, Terry Duane Rapp, M.D., holds Oklahoma license no. 10615.

ii. In or around 1992, Defendant began using hydrocodone samples from his office. Defendant had no lawful prescriptions for hydrocodone at that time.

iii. At some point thereafter, Defendant entered a treatment facility for substance abuse.

iv. On Defendant's Application for Renewal of Oklahoma Medical License dated July 1, 1992 and each year thereafter through August 2, 1997, 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 medicine and surgery" within the past year, Defendant answered "NO" on each occasion. Additionally, in response to the question "Have you had a major illness or been hospitalized within the past year", Defendant answered "NO" on each occasion.

v. In or around May 1997, Defendant relapsed and began using hydrocodone, Lomotil and Ultram, again without a lawful prescription.

vi. On or around December 24, 1997, Defendant entered Talbott Recovery Campus for treatment for substance abuse. Defendant was discharged from Talbott in May 1998.

vii. On Defendant's Application for Renewal of Oklahoma Medical License dated June 8, 1998, 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 medicine and surgery" within the past year, Defendant answered "NO". In response to the question "Have you had a major illness or been hospitalized within the past year", Defendant answered "NO".

viii. During September and October 1999, Defendant relapsed on hydrocodone.

ix. From March 2000 through April 5, 2000, Defendant continued to abuse hydrocodone.

x. On or about April 5, 2000, Defendant entered the Menninger Clinic for substance abuse. Defendant remained in inpatient treatment until June 9, 2000, at which time he continued with outpatient treatment.

xi. In or around July 2000, investigators for the Oklahoma State Board of Medical Licensure and Supervision contacted Defendant as part of their investigation and requested certain information from Defendant. In response to this request, Defendant's attorney sent a letter to the Board Secretary outlining some of the information requested. In response to this letter from Defendant's attorney, Elizabeth A. Scott, counsel for the Board, sent a letter dated October 6, 2000 to Defendant's attorney requesting certain information necessary to complete the State's investigation of Defendant. Information requested included (a) a signed statement from the Defendant setting forth what he had done; (b) medical records from a previous injury in 1992; (c) records from the facility where Defendant was treated in 1992 for substance abuse; (d) records from Talbott-Marsh where Defendant was treated from December 1997 through May

1998; (e) signed releases to enable Board investigators to obtain treatment records from Talbott and Menninger's; (f) confirmation of Defendant's association with the Physician's Recovery Program; (g) an explanation of Defendant's current malpractice claim; and (h) an explanation for the care of Defendant's patients since he entered treatment.

xii. On or about November 13, 2000, counsel for the Board attempted to contact Defendant's attorney by telephone as to the status of the information requested. Defendant's attorney did not return the telephone call of counsel for the Board.

xiii. On or about November 21, 2000, counsel for the Board again attempted to contact Defendant's attorney by telephone as to the status of the information requested. Defendant's attorney did not return the telephone call of counsel for the Board.

xiv. On July 19, 2001, the Board entered an Order of Suspension wherein Defendant's license was suspended pending full hearing at the September 27-29, 201 Board meeting.

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

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. Confessed to a crime involving a violation of the anti-narcotic laws of the federal government or the laws of this state in violation of 59 O.S. §509(8) and 63 O.S. §2-406 and §2-407.

J. Committed an 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).

K. Prescribed a controlled substance 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).

L. Violated a state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27), 63 O.S. §2-406 and §2-407 and OAC 475:25-1-3.

M. Prescribed, sold, administered, distributed, ordered or gave to a habitue or addict or any person previously drug dependent, any drug legally classified as a controlled substance or recognized as an addictive or dangerous drug in violation of OAC 435:10-7-4(25).

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

O. Failed to cooperate with a lawful investigation conducted by the Board in violation of OAC 435:10-7-4(38).

xvi. On September 27, 2001, the license of Defendant, Terry Duane Rapp, M.D., Oklahoma license no. 10615, was hereby **SUSPENDED** beginning September 27, 2001 and continuing indefinitely pending completion of an evaluation and assessment, as well as any inpatient treatment recommended at a nationally recognized treatment center approved by the Board. Upon completion of the evaluation, assessment and treatment, Defendant could appear before the Board at its next regularly scheduled Board meeting to report the results of his evaluation. If the Board at that time elected to reinstate Defendant's license, it would be under terms of probation to be determined at the time of reinstatement.

xvii. If Defendant failed to enter a nationally recognized treatment center for assessment and evaluation prior to the November 8-10, 2001 Board meeting, the Complaint against Defendant would be heard at the November 8-10, 2001 Board meeting.

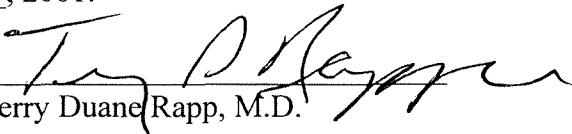
xviii. Defendant has failed to enter a nationally recognized treatment center for assessment and evaluation and hereby elects to voluntarily surrender his license in lieu of prosecution.

5. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.

6. I hereby agree that I will not apply for reinstatement of my Oklahoma medical license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma medical license, it will be under terms of probation to be set by the Board at the time of reinstatement.

7. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 7 day of Nov, 2001.


Terry Duane Rapp, M.D.

Subscribed and sworn before me this 7 day of Nov, 2001.


Notary Public

My commission expires on 12-20-2004

ACCEPTED:



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

Date: 11-8-01