

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

ARLES GAREL RAY, M.D.  
Medical License No. 11310

CASE NO. 90-08-1094

Defendant

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on June 22, 1991, 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.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Arles Garel Ray, M.D., Defendant, appeared in person and by counsel, Charles Peters Seger, 406 South Boulder, Suite 707, Tulsa, Oklahoma 74103.

The Board of Medical Licensure and Supervision en banc heard the oral argument of counsel, reviewed exhibits, and being fully advised in the premises, the Board of Medical Licensure and Supervision finds as follows:

FINDINGS OF FACT

1. That Defendant, Arles Garel Ray, M.D., holds Oklahoma Medical License No. 11310.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That on or around December 2, 1989, the Defendant did provide eight prescriptions for non-controlled substances to one female person G.O. Six of the prescriptions were signed and filled out by the Defendant but undated.
4. That on or around October 31, 1990, the Department of Professional Regulation, Board of Medicine, State of Florida, denied Defendant's application for licensure as a physician and surgeon. The grounds for denial were stated as follows, to-wit:

"That your application does not establish that you can practice medicine with reasonable skill and safety. You have a history of chemical addiction and you continue to deny any previous problems with alcohol or other chemicals. Your testimony and application establish that you have suffered alcohol and or chemical induced "blackouts" as recently as 1988; that you have used marijuana as recently as 1989; that although you claim not to have been intoxicated since 1988, you continue to consume alcoholic beverages; that you have a

history of depressive episodes including an attempted suicide; and you admit to self-medicating. You have been uncooperative with the Physicians Recovery Network (PRN) in their efforts to secure a current psychiatric evaluation..."

5. That on or around March 20, 1991, Defendant did submit his Application for Renewal of Oklahoma Medical License to the Oklahoma Board of Medical Licensure and Supervision. On that application the Defendant gave the following answers to the following questions, to-wit:

"Are you now or have you ever been addicted to or used in excess any drug or chemical substance including alcohol? No."

"Are you now being treated or have you ever been treated through a drug or alcohol rehabilitation program? No."

"Are you now or have you ever been treated for emotional or mental disorders? No."

#### CONCLUSIONS OF LAW

1. That Arles Garel Ray, M.D., holding Oklahoma Medical License No. 11310, is in violation of the Oklahoma Medical Practice Act, 59 O.S. Supp. 1990, Sec. 508, and 59 O.S. 1981, Sec. 509, Paragraphs 5, 13 and 16, to-wit:

"Whenever any license or certificate has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to revoke such license or certificate in the same manner as is provided by this Act for the revocation of license or certificate for unprofessional conduct."

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

"13. Prescribe or administer a drug or treatment without sufficient examination and the establishment of a valid physician/patient relationship."

"16. The inability to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals, or any other type of material or as a result of any mental or physical condition."

2. That Arles Garel Ray, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Sec. X, Rule 1C, to-wit:

"Rule 1C: The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

#### ORDER

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

1. That the Defendant, Arles Garel Ray, M.D., holding Oklahoma Medical License No. 11310, should be and is hereby SUSPENDED from the practice of medicine and surgery in the State

of Oklahoma for a period of two (2) months from June 22, 1991, to August 22, 1991.

2. That the Defendant, Arles Garel Ray, M.D., should then be placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on August 22, 1991, under the following terms and conditions:

During the period of probation Defendant may prescribe controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies readily available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, either in person or by mail; that all duplicates shall be kept by the Defendant in numerical order.


- (b) Defendant will not authorize any staff personnel to prescribe, administer or dispense any controlled dangerous substances in his place and stead.
- (c) Defendant shall conduct his practice of medicine and surgery in strict accordance with the Oklahoma Medical Practice Act, and Defendant has the affirmative duty to check any questions or interpretations with the Board and to obtain response on that question or interpretation before undertaking such activity.
- (d) During the period of probation Defendant shall notify any hospital where he holds or applies for staff privileges, or clinic, or group where he practices, of the terms and conditions of this Board Order and supply a copy thereof.
- (e) Defendant shall request all hospitals where he holds staff privileges or applies for staff privileges to provide written statement of his medical practice on their staff periodically to the Oklahoma Board of Medical Licensure and Supervision.
- (f) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood, breath and urine, for analysis, upon request of any agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
- (g) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (h) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need, and Defendant shall have an affirmative duty to inform any physician treating him of the Defendant's previous use of alcohol and chemical substances.

- (i) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- j) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (k) During the period of probation Defendant will present himself to the Oklahoma Physician Recovery Committee of the Oklahoma State Medical Association and shall participate in the activities of that Committee and provide proof thereof.
- l) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (m) During the period of probation Defendant will submit to the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (n) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay within 30 days of receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (o) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

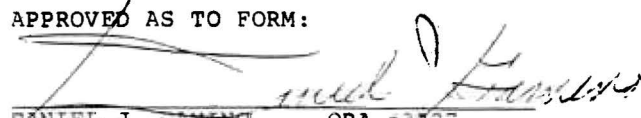
3. That the jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

4. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 9 day of July, 1991.

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

APPROVED AS TO FORM:

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

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 11 day of July, 1991, to:

ARLES GAREL RAY, M.D.  
c/o Charles Peters Seger  
Attorney at Law  
406 South Boulder, Suite 707  
Tulsa, OK 74103

  
\_\_\_\_\_