

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,

DAVID P. CRASS, M.D.
Medical License No. 11365,

CASE NO 90-11-1136

Defendant

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on February 2, 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 Forrest A. Lowry, Best, Sharp, Holden, Sheridan & Stritzke, Attorney at Law, Tulsa, Oklahoma, appeared for the Defendant, and Defendant appeared in person.

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, David P. Crass, M.D., holds Oklahoma Medical License No. 11365.
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 November 1, 1990, Defendant voluntarily entered a plea of guilty and was found guilty of five counts of submitting and receiving payment on false claims against Medicaid in violation of Title 42 U.S.C. Section 1320-7b(a)(1). The conviction was rendered in Case No. M-90-241-C in the United States District Court for the Western District of Oklahoma. The Court imposed a two-year suspended sentence and probation on each count to run concurrently under the supervision of the United States Probation Office, and Defendant was ordered to pay restitution in the amount of \$2,850.00 to the Oklahoma Department of Human Services and to pay a fine in the amount of \$2,000.00 per count, totaling \$10,000.00, to the U.S. Attorney's Office in the Western District of Oklahoma.

CONCLUSIONS OF LAW

1. That David P. Crass, M.D., holding Oklahoma Medical License No. 11365, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraph 10, to-wit:

"10. The commission of any act which is a violation of the criminal laws of Oklahoma when such act is connected with the physician's practice of medicine. A complaint, indictment or confession of a criminal violation shall not be necessary for the enforcement of this provision. Proof of the commission of the act while in the practice of medicine or under the guise of the practice of medicine shall be unprofessional conduct."

ORDER

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

1. That the Defendant, David P. Crass, M.D., holding Oklahoma Medical License No. 11365, should be and is hereby placed on suspension from the practice of medicine and surgery for a period of ten (10) days beginning at 8:00 a.m. on February 4, 1991.

2. That the Defendant, David P. Crass, M.D., should be and is hereby placed on a term of probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of two (2) years beginning at 8:00 a.m. on February 14, 1991, with the probation to run concurrent to probation imposed by the United States District Court for the Western District of Oklahoma in Case No. M-90-241-C, under the following terms and conditions:

- (a) 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.
- b) During the period of probation Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (c) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.
- (d) 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 and prosecution 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.
- (e) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Final Order and supply a copy thereof.
- (f) That the Defendant shall complete 100 hours of community service acceptable to the Medical Director of the Board and furnish evidence of successful completion thereof.
- (g) That violation of any of the terms and conditions of this Order 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 in this matter until the aforesaid terms are modified or withdrawn by the Oklahoma State Board of Medical Licensure and Supervision, either on their own motion or on the motion of the Defendant.

DATED this 24 day of February, 1991.

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

APPROVED AS TO FORM:

Daniel J. Gamino
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 13 day of February, 1991, to:

FORREST A. LOWRY
Best, Sharp, Holden,
Sheridan & Stritzke
808 Oneok Plaza
100 West 5th Street
Tulsa, OK 74103

Gamino & Associates