

**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,**

MAY 16 2003

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Plaintiff,

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

**v.
JOSEPH F. RARICK, M.D.,**

) **Case No. 03-04-2657**

LICENSE NO. 12035

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)
Defendant.

APPLICATION TO DETERMINE EMERGENCY

Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision ("State"), seeks to have an emergency declared to enable the Secretary of the Board to conduct an emergency suspension hearing against Defendant, Joseph F. Rarick, M.D., Oklahoma medical license number 12035, as authorized under 59 Okla. Stat. §503.1 and 75 Okla. Stat. §314. In support of this application, the State submits the following:

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 "Act"). Under Section 503.1 of the Act, the Secretary of the Board may determine that "an emergency exists for which the immediate suspension of a license is imperative for the public health, safety and welfare."

2. Defendant, Joseph F. Rarick, M.D., holds Oklahoma license no. 12035, and is authorized to practice as a physician and surgeon in the State of Oklahoma.

3. Beginning in or around 1999 and continuing through April 2003, Defendant engaged in physical conduct with Patient A, a 15 year old male patient, which was sexual in nature. Specifically, during this time, he performed oral sex on Patient A. Defendant engaged in these sexual acts at the same time that he was maintaining a doctor-patient relationship with Patient A. Defendant admitted performing these acts of sexual misconduct to the Lawton Police Department.

4. Beginning in or around 1999 and continuing through April 2003, Defendant engaged in physical conduct with Patient B, a 16 year old male patient, who is the brother of Patient A, which was sexual in nature. Specifically, during this time, he performed oral sex on

Patient B. Defendant engaged in these sexual acts at the same time that he was maintaining a doctor-patient relationship with Patient B. Defendant admitted performing these acts of sexual misconduct to the Lawton Police Department.

5. On or about April 10, 2003, Defendant was terminated by his employer, Comanche County Memorial Hospital. When he was notified that he had been terminated, he threatened to kill himself. When the police arrived, Defendant ran and told the police to shoot him. The Defendant continued to threaten to kill himself, then fell onto the floor into the fetal position. Upon information and belief, Defendant at that time entered a mental health facility.

6. The State is basing its application for emergency upon the magnitude of the charges against Defendant, the fact that over the past four (4) years and continuing as late as April 2003, Defendant has sexually abused at least two (2) minor male patients, and the fact that he appears to be mentally incompetent to practice medicine and surgery at this time.

7. Defendant's four (4) year history of sexual misconduct with minors, his mental incompetence, as well as the magnitude of charges against him, justify an emergency suspension hearing to protect the public health, safety and welfare.

WHEREFORE, the State respectfully requests that an emergency be declared, that an emergency suspension hearing be conducted by the Secretary and that the Secretary suspend Defendant's license until a hearing before the Board *en banc*.

Respectfully submitted,



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ATTORNEY FOR THE STATE

OKLAHOMA STATE BOARD OF MEDICAL
LICENSURE AND SUPERVISION