

**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,**

Plaintiff

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MAY 16 2003

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.

Case No. 03-04-2657

**JOSEPH F. RARICK, M.D.,
LICENSE NO. 12035,**

Defendant.

)

COMPLAINT

COMES NOW the plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Joseph F. Rarick, M.D., Oklahoma license no. 12035, alleges and states as follows:

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.*

2. Defendant, Joseph F. Rarick, M.D., holds Oklahoma license no. 12035

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. Defendant is guilty of unprofessional conduct in that he:

- A. 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).
- B. Engaged in physical conduct with a patient which is sexual in nature, or in any verbal behavior which is seductive or sexually demeaning to a patient in violation of 59 O.S. §509 (18).
- C. Committed an act of sexual abuse, misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- D. Abused the physician's position of trust by coercion, manipulation or fraudulent representation in the doctor-patient relationship in violation of OAC 435:10-7-4(44).
- E. 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 OAC 435:10-7-4(39).
- F. Was convicted of or confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(8).
- G. Committed any 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).
- H. 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 physical

condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

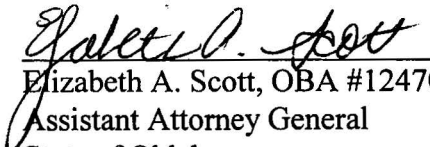
- I. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of 435:10-7-4(17).
- J. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of 435:10-7-4(18).
- K. Engaged in predatory sexual behavior in violation of OAC 435:10-7-4(45).

Conclusion

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including the revocation or suspension of the Defendant's license to practice as a physician and surgeon in the State of Oklahoma, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 16th day of May, 2003 at 9:00 a.m.

Respectfully submitted,


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Attorney for the State of Oklahoma ex rel.
Oklahoma State Board of Medical
Licensure and Supervision