

**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,

v.

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

Defendant.

SEP 17 2003

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 03-04-2657

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 11, 2003, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared not.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

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. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Joseph F. Rarick, M.D., holds Oklahoma license no. 12035

4. 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.

5. 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.

6. 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.

7. 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. 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).
- G. 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).
- H. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of 435:10-7-4(17).
- I. 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).
- J. Engaged in predatory sexual behavior in violation of OAC 435:10-7-4(45).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. 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. 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).
- G. 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).
- H. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of 435:10-7-4(17).
- I. 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).
- J. Engaged in predatory sexual behavior in violation of OAC 435:10-7-4(45).

3. The Board further found that the Defendant's license should be revoked based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509(9), (10), (16) and (18), and OAC 435:10-7-4(11), (17), (18), (23), (39), (40), (44) and (45).


Order

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

1. The license of Defendant, Joseph F. Rarick, M.D., Oklahoma license no. 12035, is hereby permanently **REVOKED** as of the date of this hearing, September 11, 2003.

2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

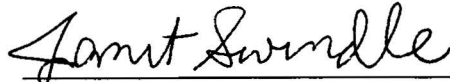
Dated this 17 day of September, 2003.



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

CERTIFICATE OF SERVICE

I certify that on the 17 day of September, 2003, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Linda Scoggins, Scoggins & Cross, 3030 City Place Bldg., 204 N. Robinson, Oklahoma City, OK 73102.



Janet Swindle