

misdemeanor, in violation of 21 O.S. §1835, in the District Court of Payne County, State of Oklahoma.

5. On or about February 28, 2002, Defendant plead guilty to the charges of DOMESTIC ABUSE AND TRESPASSING, and received a one (1) year deferred sentence to end on February 28, 2003. Under the terms of the deferred sentence, Defendant is required to pay a fine, submit to an evaluation, attend Menders, and pay incarceration and court costs.

6. On or about March 20, 2002, Defendant submitted his Application for Renewal of Oklahoma License. On his application, Defendant was asked the following question:

"Since the last renewal or initial licensure (whichever is most recent), have you been arrested or charged or convicted of a felony or misdemeanor?"

In response to this question, Defendant answered "No.

7. Title 59 O.S. §508 provides as follows:

"Whenever any license has been procured or obtained by fraud or misrepresentation...it shall be the duty of the State Board of Medical Licensure and Supervision to take appropriate disciplinary action in the same manner as is provided... for the disciplining of unprofessional conduct."

Section 508 further provides as follows:

"Use of fraudulent information to obtain a license shall be a misdemeanor offense, punishable, upon conviction, by the imposition of a fine of not less than One Thousand Dollars (\$1,000.00), or by imprisonment in the State Penitentiary for not more than one (1) year, or by both such fine and imprisonment."

8. 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 fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).

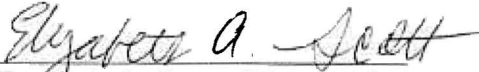
- C. Failed to report to the Board any adverse action taken against him by another licensing jurisdiction (United States or foreign), by any governmental agency, by any law enforcement agency, or by any court for acts or conduct similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(32).
- D. 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) and 59 O.S. §509(14).
- E. Was convicted or confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(8).
- F. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- G. Habitually uses habit-forming drugs in violation 59 O.S. §509(5) and OAC 435:10-7-4(3).
- 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 physician condition in violation of 59 O.S. §509(16) and OAC 435:10-7-4(40).

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 17 day of August, 2002 at P.O. a .m.

Respectfully submitted,


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Oklahoma State Board of Medical
Licensure and Supervision