

IN AND BEFORE THE OKLAHOMA STATE BOARD  
OF MEDICAL LICENSURE AND SUPERVISION  
STATE OF OKLAHOMA

**FILED**

SEP 22 2005

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )

v. )

Case No. 05-07-2972

JOHN ANTHONY FERRIS, M.D., )  
LICENSE NO. 12696, )

Defendant. )

**VOLUNTARY SUBMITTAL TO JURISDICTION**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, John Anthony Ferris, M.D., Oklahoma licensé no. 12696, who appears in person and pro se, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

***AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT***

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on July 20, 2005, and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, John Anthony Ferris, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant further acknowledges that he is entitled to have his interests represented by legal counsel and that he has elected to proceed without legal representation, thereby waiving his right to an attorney. Defendant acknowledges that he has read and understands the terms and conditions stated herein.

## ***PARTIES' AGREEMENT AND STIPULATIONS***

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

### ***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. Defendant, John Anthony Ferris, M.D., holds Oklahoma license no. 12696 pursuant to an Agreement for Licensure entered April 10, 2003.

3. On or about June 18, 2003, a Final Decision and Order was issued by the Medical Examining Board for the State of Wisconsin whereby Defendant's license was **SUSPENDED** for a minimum of five (5) years, with the suspension stayed for a period of three (3) months. Defendant was allowed to apply for consecutive three (3) month extensions of the stay of suspension based upon demonstration of compliance with the conditions and limitations imposed by the Wisconsin Board.

4. Defendant's suspension was stayed several times until August 23, 2004 when the Wisconsin Board entered an Order Denying Three Month Stay based upon the fact that Defendant had missed scheduled drug screens and had not timely obtained the required mental health evaluations. The suspension of Defendant's Wisconsin license went into effect on August 28, 2004.

5. On or about December 15, 2004, Defendant appeared before the Wisconsin Medical Board and requested reinstatement of the three month stay of the suspension of his license. By order dated December 17, 2004, the Wisconsin Medical Board denied Defendant's request for reinstatement of the stay of his suspension.

6. On or about June 15, 2005, Defendant appeared before the Wisconsin Medical Board and requested that his Wisconsin license be reinstated. The Wisconsin Board granted his request on the condition that Defendant practice in the State of Oklahoma, along with certain additional conditions.

7. On July 21, 2005, the Oklahoma Board modified Defendant's Agreement for Licensure so as to allow him to practice in Stilwell, Oklahoma at Memorial Hospital.

8. Defendant is guilty of unprofessional conduct in that he:

A. Was subject to disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine and surgery based upon acts or conduct by the licensee

similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(31).

### *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, John Anthony Ferris, Oklahoma medical license 12696, is guilty of the unprofessional conduct set forth below based on the foregoing facts:

A. Was subject to disciplinary action of another state or jurisdiction against a license or other authorization to practice medicine and surgery based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section in violation of OAC 435:10-7-4(31).

### *Order*

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.

2. Pursuant to the parties' voluntary agreement and submittal to jurisdiction, John Anthony Ferris, M.D., holding Oklahoma License No. 12696, is hereby placed on **PROBATION** for a period of five (5) years beginning September 22, 2005 under the following terms and conditions:

A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Oklahoma State Board of Medical Licensure and Supervision.

B. Defendant will furnish to each and every state in which he

holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Oklahoma State Board of Medical Licensure and Supervision.

C. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case with the Defendant's treating physicians and/or any physicians holding Defendant's records.

D. Defendant will enter and continue counseling with a board certified psychiatrist not previously disciplined by the Board and approved in writing in advance by the Board Secretary. Defendant shall submit quarterly written reports from his psychiatrist to the Board Secretary for his review. Defendant shall authorize in writing the release of any and all records of this treatment to the Board or its designee.

E. Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of the Oklahoma State Board of Medical Licensure and Supervision or its designee, and Defendant will pay for the analysis thereof.

F. Defendant will not prescribe, administer or dispense any medications for personal use or for that of any family member.

G. Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Defendant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation, or continuation of treatment.

H. Defendant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for prohibited substances.

I. Defendant will limit his practice to Memorial Hospital in Stilwell, Oklahoma.

J. Defendant will keep the Oklahoma State Board of Medical

Licensure and Supervision informed of his current address.

K. Defendant will not supervise allied health professionals that require surveillance of a licensed physician.

L. Defendant shall submit any required reports and forms on a timely and prompt basis to the Compliance Consultant or designee.

M. Defendant will keep current payment of all assessment by the Oklahoma State Board of Medical Licensure and Supervision for prosecution, investigation and monitoring of his case, including but not limited to a \$100.00 per month monitoring fee.


N. Until such time as all indebtedness to the Oklahoma State Board of Medical Licensure and Supervision has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

O. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.


P. Failure to meet any of the terms of this Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify Defendant's license after due notice and hearing.


3. Promptly upon receipt of an invoice for such charges, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and investigation costs, and shall keep current all payments for monitoring his compliance with this agreement.

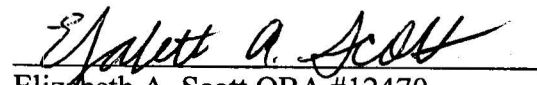
Dated this 22nd day of September, 2005.

  
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Dianne Gasbarra, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

**AGREED AND APPROVED:**

  
John Anthony Ferris, M.D.  
License No. 12696

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

  
Elizabeth A. Scott OBA #12470  
Assistant Attorney General  
State of Oklahoma  
5104 N. Francis, Suite C  
Oklahoma City, OK 73118  
405/848-6841

Attorney for the Oklahoma State Board  
of Medical Licensure and Supervision

**CERTIFICATE OF SERVICE**

On the 26 day of September, 2005, a true and correct copy of this order was mailed, postage prepaid, to John A. Ferris, MD, 1401 w. locust, Stilwell, Oklahoma 74960.

  
Janet Sweindle, Secretary