

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
STATE BOARD OF MEDICAL
EXAMINERS,

Plaintiff,

v

RICHARD GLENN DARBY, M.D.,
Medical License No. 13886,

Defendant.

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MAY 30 1985

STATE BOARD
MEDICAL EXAMINERS

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Examiners en banc on May 24, 1985, at 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff and Richard Glenn Darby, M.D., appeared pro se for the Defendant.

The Board of Medical Examiners en banc heard the testimony and reviewed exhibits and being fully advised in the premises the Board of Medical Examiners therefore finds as follows:

FINDINGS OF FACT

1. That Richard Glenn Darby, M.D. holds Oklahoma Medical License No. 13886.

2. That the Board of Medical Examiners en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

3. That on or around August 31, 1984, Defendant personally used the Schedule II drug, Sufenta, while on duty at the Stillwater Hospital and was found unconscious sitting on a commode in the doctor's lounge.

4. That Defendant had been previously using Schedule II drugs for some time prior to the episode of August 31, 1984.

5. That Defendant did voluntarily submit to in-patient treatment for chemical dependence at Peachford Hospital, Atlanta, Georgia, and said Defendant completed both in-patient and out-patient therapy at said institution.

6. That on or around the 4th day of MARCH, 1985, Defendant did execute a Voluntary Submittal to Jurisdiction and voluntarily and of his own volition submitted to the jurisdiction of the Oklahoma Board of Medical Examiners and agreed to and began serving a term of probation with the Oklahoma Board of Medical Examiners for a period of five years under the following terms and conditions:

- (a) That Defendant shall not prescribe, administer or dispense any scheduled drugs to himself or any patient except to hospital in-patients for pre-operation orders and/or in the actual practice of anesthesiology, and all orders of scheduled drugs and all charts of patients receiving scheduled drugs from the Defendant must be co-signed by another physician;

- (b) That Defendant provide biological specimens for analysis, to include blood and urine, when requested to do so by any member of this Board or an agent thereof;
- (c) That Defendant refrain from prescribing, administering or dispensing to himself any drug unless prescribed by another physician and that Defendant specifically advise any treating physician of his prior history of dependency disease;
- (d) That Defendant appear before this Board or a designated member thereof whenever requested to do so;
- (e) During the period of probation Defendant will furnish to the Oklahoma State Board of Medical Examiners all current legal addresses and any change in address in writing.

CONCLUSIONS OF LAW

1. That Richard Glenn Darby, M.D., holding Oklahoma Medical License No. 13886, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraphs 5 and 16, to-wit:

"5. Habitual intemperance or the habitual use of habit-forming drugs."

"16. The inability 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."

2. That Richard Glenn Darby, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rules 3 and 5, to-wit:

"Rule 3: The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

"Rule 5: Purchasing or prescribing any regulated substance in Schedules I through V, as defined by the Uniform Controlled Dangerous Substance Act, for the physician's personal use."

ORDER

IT IS THEREFORE ORDERED by the Board of Medical Examiners of Oklahoma as follows:


1. That the Defendant, Richard Glenn Darby, M.D., License No. 13886, be and is hereby placed on probation to the Oklahoma State Board of Medical Examiners for a period of five years, beginning on the 4th day of MARCH, 1985, under the following terms and conditions:

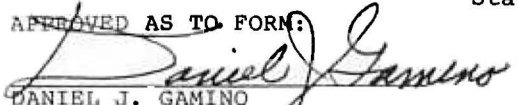
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- (d) That Defendant appear before this Board or a designated member thereof whenever requested to do so;
- (e) During the period of probation Defendant will furnish to the Oklahoma State Board of Medical Examiners all current legal addresses and any change in address in writing.

DATED this 30th day of MAY, 1985.


MARK R. JOHNSON, M.D., Secretary
State Board of Medical Examiners

APPROVED AS TO FORM:

DANIEL J. GAMINO
Daniel J. Gamino & Associates, P.C
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of June, 1985, I mailed a true and correct copy of the above and foregoing Final Order, postage prepaid, to Richard Glenn Darby, M.D., c/o Stillwater Hospital, Stillwater, OK 74074.

