

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)
)
Plaintiff,)
)
v.)
)
RICHARD MARK SEARS, M.D.) CASE NO. 92-03-1319
Medical License No. 14357,)
)
Defendant.)

FILED

AUG 19 1993

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION AC

VOLUNTARY SUBMITTAL TO JURISDICTION

COMES NOW the Defendant, RICHARD MARK SEARS, M.D., the undersigned, and states that on this 19th day of August, 1993, he is of sound mind and not under the influence of any medication or drug or impaired therefrom; that said Defendant does recognize his right to legal counsel and has reviewed this document with legal counsel David B. King, Attorney at Law, Brewer, Worten, Robinett, Johnson, Worten & King, P.O. Box 1066, Bartlesville, OK 74005; and being further advised of his right to appear before the Oklahoma Board of Medical Licensure and Supervision en banc for evidentiary hearing relating to the Complaint filed herein, does of his own volition and decision waive and forego his right to appear before the Oklahoma Board for full hearing as authorized by 59 O.S. 1991, Section 504-507, inasmuch as Defendant does believe that should he contest the allegations contained within the Complaint there is adequate evidence for some disciplinary action to be taken against him and for that reason Defendant chooses not to contest those allegations and does hereby voluntarily and of his own volition submit to the jurisdiction of the Oklahoma State Board of Medical Licensure and Supervision insofar as it entails the following activities and restrictions:

1. That Defendant accepts and agrees to and does hereby begin a term of probation to the Oklahoma State Board of Medical Licensure and Supervision to continue for a period of five (5)

years beginning on this date under the following terms and conditions:

- (a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for a legitimate medical need, and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous use of alcohol.
- (c) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision.
- (d) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.
- (e) During the period of probation Defendant shall document and provide proof of his regular participation in and compliance with all directives of the Physician Recovery Committee of the Oklahoma State Medical Association.
- (f) During the period of probation Defendant shall document and provide proof of his regular participation in NA and/or AA meetings. *recommended MS*
- (g) During the period of probation Defendant shall submit to and cooperate with periodic interviews and/or evaluation by the staff of the Oklahoma Board of Medical Licensure and Supervision.
- (h) That Defendant shall execute Probation Agreement prepared by Board staff and comply with terms and conditions therewith.
- (i) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.
- (j) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (k) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and

Supervision any required reports and forms on a timely and prompt basis.

- (l) That Defendant will conduct his practice in compliance with the Oklahoma Medical Practice 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 the interpretation is received by Defendant from the Board.
- (m) During the period of probation Defendant will not supervise a Physician's Assistant.
- (n) During the period of probation Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of this case.
- (o) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of the Board order and supply a copy thereof.
- (p) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

2. That jurisdiction in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

I have read this instrument and understand same.

Richard Mark Sears MD
RICHARD MARK SEARS, M.D.
Medical License No. 14357

Subscribed and sworn to before me this 19th day of August, 1993.

Sheri Deubow
Notary Public

My Commission expires:

January 16, 1995

Approved:

David B. King
Samuel J. Gamery