

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.)

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 17, 1993, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 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 David B. King, of Brewer, Worten, Robinett, Johnson, Worten & King, P.O. Box 1066, Bartlesville, OK 74005, appeared by way of previous announcement to the Board staff.

That the Oklahoma Board of Medical Licensure and Supervision en banc heard oral presentation of counsel, reviewed exhibits and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Richard Mark Sears, M.D., holds Oklahoma Medical License No. 14357.
2. That the Oklahoma Board of Medical Licensure and Supervision 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 before hearing any testimony or reviewing any exhibits, the Board reviewed a Voluntary Submittal to Jurisdiction previously presented to the Defendant and agreed to by the Defendant.
4. That the Board found the Voluntary Submittal to Jurisdiction and the terms and conditions therein were an appropriate disposition of this case and accepted same.

CONCLUSIONS OF LAW

1. That the Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq., and by the Voluntary Submittal to Jurisdiction agreed to by the Defendant.

ORDER

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

1. That the Defendant, Richard Mark Sears, M.D., holding Oklahoma Medical License No. 14357, should be and is hereby placed on a term of probation to the Oklahoma Board of Medical Licensure and Supervision for a period of five (5) years beginning on October 1, 1993, under the following terms and conditions:

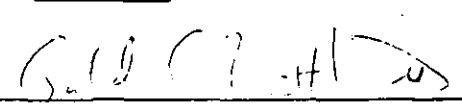
- (a) During the period of probation Defendant will not prescribe, administer or dispense any medications for his personal use, to specifically include controlled dangerous substances.
- (b) During the period of probation Defendant will take no medication except that which is authorized by a physician 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.
- (g) During the period of probation Defendant shall submit to and cooperate with periodic interviews and/or evaluation recommended 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 state where he is licensed or hospital where he holds staff privileges, or clinic, or group where he practices, the terms and conditions of this 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.

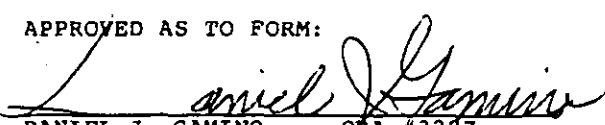
3. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 17 day of Oct, 1993.



 GERALD C. ZUMWALT, M.D., Secretary
 State Board of Medical Licensure
 and Supervision

APPROVED AS TO FORM:



 DANIEL J. GAMINO OSA #3227
 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 a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 7 day of October, 1993, to:

DAVID B. KING
Brewer, Worten, Robinett,
Johnson, Worten & King
P.O. Box 1066
Bartlesville, OK 74005

Janet Owens