

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

FILED

MAY 03 1996

STATE OF OKLAHOMA, ex rel.)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

vs.)

Case No. 92-03-1319

RICHARD MARK SEARS, M.D.,)
LICENSE NUMBER 14357,)

Defendant.)

FINAL ORDER

This cause comes on for hearing before the Oklahoma Board of Medical Licensure and Supervision on March 22, 1996 at the office of the Oklahoma City State Board of Medical Licensure and Supervision, 5104 North Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

C. Merle Gile, attorney, appeared for the Plaintiff; and David B. King of Brewer, Worten, Robinett, Johnson, Worten & King, P.O. Box 1066, Bartlesville, Oklahoma 74005, appeared together with Richard Mark Sears, Defendant.

That the Oklahoma Board of Medical Licensure and Supervision en banc heard oral presentation of counsel, and being fully advised of the premises, the 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 (the "Board") 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. The Board received as announced a Voluntary Submittal to Jurisdiction previously presented to the Defendant and approved by Plaintiff and 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. § 41 et seq and by the Voluntary Submittal to Jurisdiction agreed to by the Defendant and Plaintiff.

ORDER

IT IS THEREFORE ORDERED by the Board that the Voluntary Submittal to Jurisdiction by Defendant and the terms and conditions set forth therein are an appropriate disposition of this case.

IT IS FURTHER ORDERED as follows:

1. That the Defendant, Richard Mark Sears, M.D., holding Oklahoma Medical License No. 14357, shall continue to abide by the terms of probation set forth in the October 18, 1993 Final Order of the Board in the above entitled cause.

2. That the Defendant shall submit himself for voluntary substance abuse evaluation at such time and place acceptable to the Defendant and to the Board.


3. That in addition to any random urinalysis drug screen deemed necessary and required by the Board under the terms of probation in this cause, Defendant shall submit to four additional random urinalysis drug screens per month to be administered by the Defendant's employer, Springer Clinic, Tulsa, Oklahoma. Defendant shall make arrangements satisfactory to the Board with his employer to report the results of any positive urinalysis screens to the Board.

4. Defendant shall make arrangements with his employer, Springer Clinic, to have a nurse present with Defendant at all times he is treating a patient. Defendant shall make arrangements satisfactory to the Board to (i) have the attendant nurse report to the administrators of the Springer Clinic of any concern on his or her part that Defendant is or was acting under the influence of any substance or otherwise acting improperly towards the patient; (ii) have the Springer Clinic report any report of improper behavior of the Defendant to the Board.

5. That the jurisdiction of this individual proceeding will continue until the evaluation described in paragraph 2 of this Order is accomplished and until the terms and conditions of probation in this cause are modified or lifted by the Board.

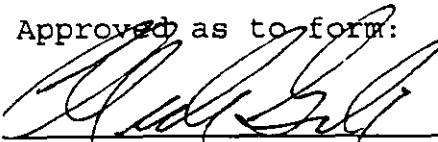
6. That failure on Defendant's part to meet the terms of this Order or the terms of probation on file in this cause may constitute sufficient cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License or take other administrative action, after additional due notice and hearing.

Dated this 22nd day of March, 1996

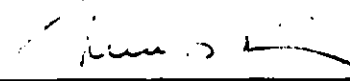


Gerald C. Zumwalt, M.D.
Secretary of State Board of
Medical Licensure and
Supervision

Approved as to form:



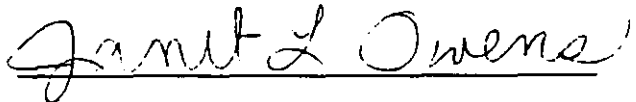
C. Merle Gile, OBA
Attorney for Plaintiff



David B. King, OBA 5025
Attorney for Defendant

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 3 day of May, 1996 to David B. King, P.O. Box 1066, Bartlesville, Oklahoma 74005.



Janet L. Owens