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IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

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

vs)
)
GARY RANDOLPH DAVIS, M.D.,)
Medical License No. 14589,)

Defendant.

FINAL ORDER

This cause comes on for hearing before the Oklahoma Board of Medical Examiners en banc on September 5, 1986, at 5104 North 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 the Defendant, Gary Randolph Davis, M.D., appeared in person and by counsel, Jack Zanerhaft, Attorney.

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

FINDINGS OF FACT

1. That Gary Randolph Davis, M.D., holds Oklahoma Medical License No. 14589.
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 the Defendant, under advice of counsel, did not admit or deny any of the allegations in the Complaint served on him on or around the 25th day of March, 1986, but that the Defendant, in lieu of a full evidentiary hearing, chose to not contest the facts set forth therein.
4. That from October 1, 1985 through February 18, 1986 Defendant wrote approximately 421 prescriptions for Schedule II drugs in a total amount of 12,898 dosage units and during the same period of time Defendant wrote a total of approximately 1,056 prescriptions for Schedule III, IV and V drugs including refills for a total of 33,325 dosage units.
5. That a prescription survey conducted in reference to certain scheduled drugs reveals that patient E.W. received 27 prescriptions for scheduled drugs from June 27, 1985 through February 5, 1986 for an average of 3.91 dosage units per day of scheduled drugs.

6. That the survey reveals that patient J.L. received 26 prescriptions for a total of 790 dosage units of scheduled drugs from September 15, 1985 through February 11, 1986 for an average of 5.16 dosage units per day of scheduled drugs.

7. That the survey reveals that patient D.D. received 11 prescriptions for a total of 350 dosage units of scheduled drugs from December 4, 1985 through February 13, 1986 for an average of 4.86 dosage units per day of scheduled drugs.

8. That the survey reveals that patient C.C. received approximately 24 prescriptions for a total of 730 dosage units of scheduled drugs from September 6, 1985 through February 12, 1986 for an average of 4.56 dosage units per day of scheduled drugs.

9. That the survey reveals that patient H.H. received approximately 21 prescriptions for a total of 740 dosage units of scheduled drugs from October 6, 1986 through February 14, 1986 for an average of 5.60 dosage units per day of scheduled drugs.

CONCLUSION OF LAW

1. That Gary Randolph Davis, M.D., holding Oklahoma Medical License No. 14589, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, §509, Paragraph 17, to-wit:

"17. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards."


ORDER

IT IS THEREFORE ORDERED BY THE Board of Medical Examiners of Oklahoma as follows:

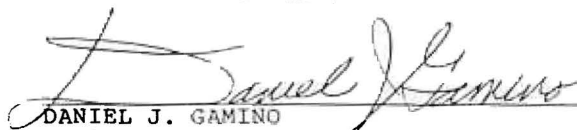
1. That the Defendant, Gary Randolph Davis, M.D., holding Medical License No. 14589, be and is hereby placed on probation to the Oklahoma State Board of Medical Examiners for a period of three years beginning on September 5, 1986, under the following terms and conditions:

- (a) During the period of probation Dr. Davis will keep and maintain duplicate, serially-numbered prescriptions for all controlled dangerous substances prescribed and shall make such records available to any inspector for the Oklahoma State Board of Medical Examiners.
- (b) During the period of probation Dr. Davis will furnish to the office of the State Board of Medical Examiners all current legal addresses and any change of address in writing.
- (c) That the Defendant shall appear before this Board or a designated member thereof whenever requested to do so.

DATED this 16th day of October, 1986.


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

APPROVED AS TO FORM:

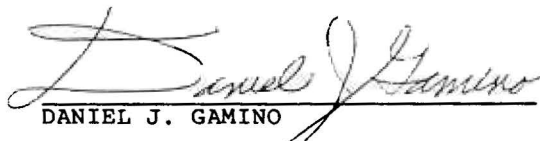


DANIEL J. GAMINO
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(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that on the 7th day of October,
1986, I deposited in the U. S. Mails, postage prepaid, a true and
correct copy of the above and foregoing Final Order addressed to:

Jack Zanerhaft
Attorney at Law
2021 South Lewis, Suite 570
Tulsa, Oklahoma 74105



DANIEL J. GAMINO