

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

STATE OF OKLAHOMA

FILED

MAY 20 1993

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

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,

v.

CASE NO. 90-07-1090

and

GAIL R. WILLIAMS, M.D.
Medical License No. 17467,

) CASE NO. 93-02-1496

)

Defendant.

ORDER INTERPRETING
TERM OF PROBATION AND
CONTINUING REMAINDER OF HEARING

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on May 14, 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 Gail R. Williams, M.D., Defendant, appeared pro se, waived his right to legal counsel and agreed to proceed without counsel.

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

FINDINGS OF FACT

1. That Defendant, Gail R. Williams, M.D., holds Oklahoma Medical License No. 17467.

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 following notice and hearing on September 1, 1990, Defendant was placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on September 1, 1990, under certain enumerated terms and conditions.

4. That part of the terms and conditions provided as follows, to-wit:

- (a) That the Defendant will practice only in a supervised setting of a public agency and that Defendant shall not engage in unsupervised private practice.

5. That in approximately May, 1992, Defendant began in the position of an independent contractor performing PASARR evaluations (Pre-Admission Screening and Annual Resident Review). In the course of those duties, Defendant would fill-out a 16-page questionnaire after reviewing records and personally meet with the patient, along with other staff members, for a short time.

6. A question arose as to whether those duties were allowed under the aforesaid language of the terms and conditions of probation imposed on September 1, 1990.

CONCLUSIONS OF LAW

1. That the Board has lawful jurisdiction to exercise its discretion over the Defendant and to interpret terms and conditions of probation previously imposed under the legal authority of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq.

ORDER

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


1. That the Defendant's independent contract relationship and conducting of PASSAR exams is specifically exempted from the prohibition of unsupervised practice. This exemption is specifically limited to PASARR duties as an independent contractor and shall not extend to or allow Defendant to practice medicine or supervision in any other setting outside the Oklahoma Department of Corrections.

2. That in the event any additional question of interpretation regarding terms and conditions of probation shall arise in the future, Defendant has the affirmative duty to submit that question in writing to the Board or Board staff and not take action based on the subject of the question until clarification or interpretation is received from the Board.

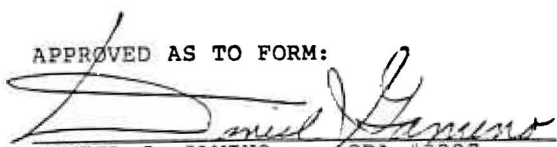
3. That Defendant's Motion for Continuance of hearing on the remainder of the Complaint is granted on a one-time basis to allow Defendant time to obtain legal counsel. That Defendant's case is postponed until the next meeting of the Board scheduled for October 15-16, 1993, and Defendant shall be advised by the Board staff of the exact date and time of the hearing.

4. That a copy of this written Order should be sent to the Defendant as soon as possible so his record is complete.

DATED this 20 day of May, 1993.


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

APPROVED AS TO FORM:


DANIEL J. GAMINO OBA #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 21 day of May, 1993, to:

GAIL R. WILLIAMS, M.D.
3196 W. Rock Creek Rd., #1402
Norman, OK 73072

Janet Owens