

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

FILED

FEB 07 2010

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
DUNCAN LANGSTON MCRAE, M.D., )  
MEDICAL LICENSE NO. 17600, )  
 )  
Defendant. )

Case No. 09-08-3819

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision (the "Board"), by and through its attorney, Elizabeth A. Scott, Assistant Attorney General, and for its Complaint against the Defendant, Duncan Langston McRae, M.D., alleges and states as follows:

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. § 480 *et seq.*

2. Defendant, Duncan Langston McRae, M.D, holds Oklahoma medical license no. 17600 and practices in Tulsa, Oklahoma.

3. From February 14, 2008 until August 18, 2009, Defendant was the primary supervising physician for a physician assistant named Betti Wymer, Oklahoma P.A. license no. 467, at the Thomas Family Clinic in Chickasha, Oklahoma. Ms. Wymer owned or controlled the day to day operations of the clinic.

4. Defendant was Ms. Weimer's only supervisor at the Thomas Family Clinic in Chickasha.

5. During this period of time, Defendant failed to adequately supervise Ms. Wymer in the performance of her duties as a physician assistant. Defendant admits that during the time he was Ms. Wymer's supervisor, he came to the clinic only one (1) day per month. Defendant was paid \$1,000.00 per month for working at the clinic one (1) day per month.

6. As a result of Defendant's failure to supervise, Defendant's patients' care was jeopardized due to Ms. Wymer's negligence in utilizing unlicensed persons to treat clinic patients, as well as her inability to diagnose and treat Defendant's patients with appropriate skill and safety due to her own health issues and inability to practice with reasonable skill and safety. Defendant admits that he spoke with Ms. Wymer only once every two (2) to three (3) weeks while he was employed by Ms. Wymer's clinic.

7. On or about August 6, 2009, Board investigators advised Defendant that a physician assistant may not employ his or her supervising physician pursuant to 59 O.S. §519.6(B)(e), which provides as follows:

[I]t remains clear that the physician assistant is an agent of the supervising physician; but, **in no event shall the supervising physician be an employee of the physician assistant.**

After being advised of this statute, Defendant advised Ms. Wymer that he would no longer act as her supervising physician. Defendant confirmed this in a letter to Ms. Wymer dated August 18, 2009 where he formally withdrew as her supervising physician at all clinics owned or controlled by her.

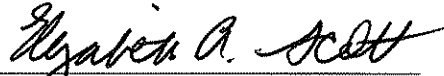
8. Based on the allegations stated above, Defendant is guilty of unprofessional conduct as follows:

- A. Violated, directly or indirectly, the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, and the rules and regulations of the Board, either as a principal, accessory or accomplice in violation of 59 Okla. Stat. §509(13) and OAC 435:10-7-4(39).
- B. Aided or abetted the practice of medicine and surgery by an unlicensed, incompetent, or impaired person in violation of OAC 435:10-7-4(21).
- C. Engaged in conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. §509(8) and OAC 435:10-7-4(11).

WHEREFORE, plaintiff requests that the Board conduct a hearing, and upon proof of the allegations contained herein, impose such disciplinary action as authorized by law, up to and including suspension or revocation, the assessment of costs and fees incurred in this action, and any other appropriate action with respect to Defendant's license to practice as a physician and surgeon in the State of Oklahoma.

Dated this 7<sup>th</sup> day of February, 2010 at 4:05 p.m.

Respectfully submitted,



Elizabeth A. Scott (OBA #12470)

101 N.E. 51<sup>st</sup> Street

Oklahoma City, OK 73105

Attorney for State ex rel.

Oklahoma State Board of Medical Licensure  
and Supervision