

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

**STATE OF OKLAHOMA** )  
**EX REL. THE OKLAHOMA BOARD** )  
**OF MEDICAL LICENSURE** )  
**AND SUPERVISION,** )

**Plaintiff,** )

**v.** )

**Case No. 12-01-4482**

**JAMES SCOTT FRAYSER, M.D.,** )  
**LICENSE NO. 19247,** )

**Defendant.** )

**FINAL ORDER OF REVOCATION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 13, 2012, at the office of the Board, 101 N.E. 51<sup>st</sup> Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

S. Randall Sullivan, attorney at law and special prosecutor for the Plaintiff, appeared for the plaintiff and defendant, although having been served with proper legal notice of these proceedings, failed to answer or appear.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***Findings of Fact***

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.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, James Scott Frayer, M.D., holds Oklahoma license no. 19247.

## CURRENT COMPLAINT

3. On or about March 13, 2011 at approximately 8:00 a.m., Defendant was involved in a single car accident in Claremore, Oklahoma. Defendant's car ran off the roadway, hit a street sign, then hit a concrete culvert. When police officers arrived, Defendant appeared to be disoriented. Police officers found numerous bottles of medications in the car, including Soma, Hydrocodone, Atenolol and Paxil. He was then transported to Claremore Regional Hospital.

4. When police officers interviewed Defendant at the hospital, his speech was slurred and he did not even know he had been involved in an accident. He advised that he thought he took some drugs earlier that morning between 4:00 and 6:00 a.m., but was not sure if he took them or what he had taken.

5. When hospital employees interviewed Defendant, he admitted that he had taken four (4) Vicodin and four (4) Soma. According to pharmacy records, from March 1, 2011 through March 12, 2012, Defendant took an average of **12.14 dosage units per day** of controlled dangerous substances, consisting of Hydrocodone, Soma, Ambien and Valium.

6. At that point, police officers asked that Defendant submit to a drug test. At first he agreed, but a few minutes later he refused to submit to the drug test. Based upon Defendant's refusal to submit to the drug test, as well as the police officer's observation that Defendant was impaired, Defendant was cited for **DRIVING UNDER THE INFLUENCE OF AN INTOXICATING SUBSTANCE (DRUGS)**.

7. On or about March 30, 2011, Defendant was charged in the District Court of Rogers County, State of Oklahoma, with **DRIVING WHILE UNDER THE INFLUENCE OF DRUGS**, Case No. CM-2011-288.

8. On or about December 22, 2011, Defendant plead guilty to the charge of **RECKLESS DRIVING**, Case No. CM-2011-288, in the District Court of Rogers County, State of Oklahoma. Defendant received a one (1) year deferred sentence and was placed on probation.

9. On or about December 26, 2011, Defendant renewed his Oklahoma medical license by filling out the printed form and disclosed that he had been arrested for DUI on March 13, 2011. He additionally lied and stated that all hospital lab tests were negative.

10. On or about January 12, 2012, Defendant submitted the form to the Board offices that he wished to change his licensure status to Physician Emeritus.

11. On or about January 16, 2012, Defendant called Board Investigator Robbin Roberts and stated that he now did not wish to have Physician Emeritus status but that he now wished to be fully licensed.

12. On or about January 30, 2012, Defendant renewed his Oklahoma medical license online and disclosed that he had "retired" on December 22, 2011 and that he had been arrested on March 13, 2011 on suspicion of DUI. He lied again and stated that "all lab tests were negative". He additionally stated that he did not wish to retire but wished to renew his license.

13. Subsequent to Defendant's accident, his use of controlled dangerous substances has increased. In the approximate six (6) months prior to March 2012, Defendant was taking an average of **15.33 dosage units per day** of controlled dangerous substances.

14. On or about April 6, 2012, Defendant met with Board staff to discuss the criminal charges, his misrepresentation to the Board on his renewal application, and his increased use of controlled dangerous drugs. At this time, Board staff asked that Defendant submit to a substance abuse//mental health assessment.

15. During this meeting, Defendant made numerous bizarre and paranoid comments about Board staff and the government. He was argumentative, sarcastic and angry during the meeting and his speech was slurred. During the middle of the meeting, for no apparent reason, Defendant stumbled out of his chair, slung the office door open hitting the wall, and attempted to walk down the hall. He stumbled and weaved and appeared unsteady on his feet, bumping into the walls as he walked. He appeared not to hear staff speaking to him and he had to be physically directed to the exit as he was wandering and weaving down the hallways of the Board offices and mumbling incoherently.

16. Defendant is guilty of unprofessional conduct in that he:

- A. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
- B. Engaged in dishonorable or immoral 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).
- C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).
- D. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).

- E. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).
- F. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- G. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- H. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).
- I. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

#### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct. The Board finds that there is clear and convincing evidence that the Defendant:

- A. Is unable to practice medicine with reasonable skill and safety to patients by reason of age, illness, drunkenness, excessive use of drugs, narcotics, chemicals or any other type of material or as a result of any mental or physician condition in violation of 59 O.S. §509(15) and OAC 435:10-7-4(40).
- B. Engaged in dishonorable or immoral 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).
- C. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509(13) and OAC 435:10-7-4(39).

- D. Is physically or mentally unable to practice medicine and surgery with reasonable skill and safety in violation of OAC 435:10-7-4(17).
- E. Habitually uses habit-forming drugs in violation 59 O.S. 407 §509(4) and OAC 435:10-7-4(3).
- F. Engaged in fraud or misrepresentation in applying for or procuring a medical license or in connection with applying for or procuring periodic reregistration of a medical license in violation of OAC 435:10-7-4(8).
- G. Engaged in the use of any false, fraudulent, or deceptive statement in any document connected with the practice of medicine and surgery in violation of OAC 435:10-7-4(19).
- H. Engaged in practice or other behavior that demonstrates an incapacity or incompetence to practice medicine and surgery in violation of OAC 435:10-7-4(18).
- I. Failed to furnish the Board, its investigators or representatives, information lawfully requested by the Board in violation of OAC 435:10-7-4(37).

3. The Board further found that the Defendant's license should be **REVOKED** based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (8) and (13), and OAC Title 435:10-7-4 (11), (19) and (39).

*Order*

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

1. The license of Defendant, James Scott Frayser, M.D., Oklahoma medical license no. 19247, is hereby **REVOKED** as of the date of this hearing, September 13, 2012.
2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 26 day of October, 2012.



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



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