

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

FILED

FEB 06 2009

IN THE MATTER OF THE )  
APPLICATION OF )

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

THE STATE OF OKLAHOMA, ON )  
BEHALF OF )

DAVID RAY MITCHELL, M.D. )

Case No. 08-01-3433

FOR MODIFICATION OF )  
PROBATION TERMS FOR )  
LICENSE NO. 19340 )

**ORDER MODIFYING PROBATION**

This matter came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on January 29, 2009, at the Board office, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and rules of the Board.

The State of Oklahoma was represented by Elizabeth A. Scott, Assistant Attorney General. David Ray Mitchell, M.D., holding Oklahoma medical license no. 19340, appeared not.

The Board sitting *en banc* after hearing testimony, reviewing the request and other materials presented, and being fully apprised of the premises, made the following Findings of Fact, Conclusions of Law and Orders:

***FINDINGS OF FACT***

1. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.
2. Dr. Mitchell currently holds medical license no. 19340 under a five-year term of probation that commenced December 6, 2008.
3. On January 29, 2009, the State of Oklahoma, on behalf of Dr. Mitchell, requested that the terms of his probation be modified to allow him to practice in positions and at locations which have the prior approval of the Board Secretary.
4. The State presented sufficient evidence to support the requested modification.

**CONCLUSIONS OF LAW**

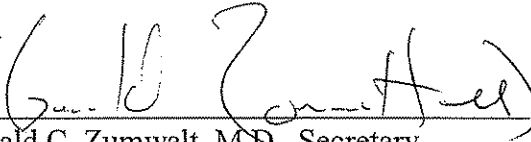
1. The Board has jurisdiction to hear this matter pursuant to 59 O. S. § 480 *et seq.*
2. The State, on behalf of Dr. Mitchell, has presented satisfactory evidence to justify allowing him to practice in positions and at locations which have the prior approval of the Board Secretary.

**ORDER**

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

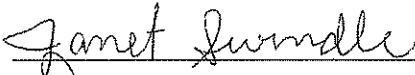
1. The State's application to modify the terms of Dr. Mitchell's probation is **GRANTED**.
2. Dr. Mitchell's probation shall continue for five (5) years from the date of its commencement of December 6, 2008 under the terms and conditions set forth in the November 14, 2008 Order, with the exception that Dr. Mitchell be allowed to practice in positions and at locations which have the prior approval of the Board Secretary.
3. Failure to meet any of the terms of this Order will be grounds for the Board to initiate proceedings to suspend or revoke Dr. Mitchell's medical license, after additional notice and hearing as required by law.
4. A copy of this written order should be sent to Dr. Mitchell as soon as it is processed.

Dated this 6 day of February, 2009.

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

**Certificate of Service**

On the 6 day of February, 2009, a true and correct copy of this order was mailed, postage prepaid, to David Ray Mitchell, 10109 E. 79<sup>th</sup> Street, Tulsa, OK 74133-4564.

  
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Janet Swindle