

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

**FILED**

**STATE OF OKLAHOMA** )  
**EX REL. THE OKLAHOMA BOARD** )  
**OF MEDICAL LICENSURE** )  
**AND SUPERVISION,** )  
  
**Plaintiff,** )  
  
**v.** )  
  
**CHARLES RAY PHELPS, M.D.,** )  
**LICENSE NO. 20149,** )  
  
**Defendant.** )

NOV 20 2003  
 OKLAHOMA STATE BOARD OF  
 MEDICAL LICENSURE & SUPERVISION  
  
**Case No. 03-07-2686**

**VOLUNTARY SUBMITTAL TO JURISDICTION AND ORDER**

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 for the State of Oklahoma, and the staff of the Board, as represented by the Secretary of the Board, Gerald C. Zumwalt, M.D., and the Executive Director of the Board, Lyle Kelsey, and the Defendant, Charles Ray Phelps, M.D., Oklahoma license no. 18205, who appears in person and through counsel, Elizabeth A. Hart, proffer this Agreement for acceptance by the Board *en banc* pursuant to Section 435:5-1-5.1 of the Oklahoma Administrative Code ("OAC").

***AGREEMENT AND ACKNOWLEDGMENT BY DEFENDANT***

By voluntarily submitting to jurisdiction and entering into this Order, Defendant pleads guilty to the allegations in the Complaint and Citation filed herein on September 18, 2003 and acknowledges that hearing before the Board would result in some sanction under the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act").

Defendant, Charles Ray Phelps, M.D., states that he is of sound mind and is not under the influence of, or impaired by, any medication or drug and that he fully recognizes his right to appear before the Board for evidentiary hearing on the allegations made against him. Defendant hereby voluntarily waives his right to a full hearing, submits to the jurisdiction of the Board and agrees to abide by the terms and conditions of this Order. Defendant acknowledges that he has read and understands the terms and conditions stated herein, and that this Agreement has been reviewed and discussed with him by his legal counsel.

## ***PARTIES' AGREEMENT AND STIPULATIONS***

Plaintiff, Defendant and the Board staff stipulate and agree as follows:

### ***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, Charles Ray Phelps, M.D., holds Oklahoma license no. 20149.
3. On or about June 6, 2003, the Texas State Board of Medical Examiners entered an order **RESTRICTING** and placing Defendant on **PROBATION** based upon an incident where Defendant was arrested for Driving While Intoxicated. At the time of his arrest, Defendant's Breathalyzer test results were .151 and .164. The Texas Board found that Defendant had committed a prohibited act by using alcohol or drugs in an intemperate manner.
4. Defendant is guilty of unprofessional conduct in that he:
  - A. Was subject to disciplinary action of another state or jurisdiction based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section pursuant to OAC 435:10-7-4(31).

### ***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, Charles Ray Phelps, M.D., Oklahoma medical license 20149, is guilty of unprofessional conduct set forth below based on the foregoing facts:
  - A. Was subject to disciplinary action of another state or jurisdiction based upon acts or conduct by the licensee similar to acts or conduct that would constitute grounds for action as defined in this section pursuant to OAC 435:10-7-4(31).

*Order*

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

1. The Board *en banc* hereby adopts the agreement of the parties in this Voluntary Submittal to Jurisdiction.
2. The Defendant, Charles Ray Phelps, M.D., Oklahoma license no. 20149, is hereby placed on **PROBATION** as of the date of this hearing, November 20, 2003 for a period of five (5) years.
3. The terms of Defendant's probation shall be the same as those set forth in the June 6, 2003 Agreed Order entered by the Texas State Board of Medical Examiners, a copy of which is attached hereto.
4. Any changes to Defendant's probation in the State of Texas shall be immediately reported to this Board for further consideration.
5. 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, as well as probation fees, which shall include but not be limited to a \$100.00 per month monitoring fee.
6. Defendant shall give a copy of this Voluntary Submittal to Jurisdiction and Order to all hospitals, nursing homes, treatment facilities, and other health care entities where Defendant has privileges, has applied for privileges or applies for privileges.

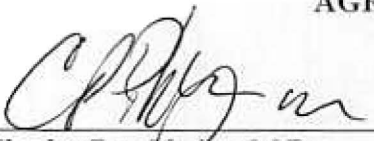
Dated this 20 day of November, 2003.

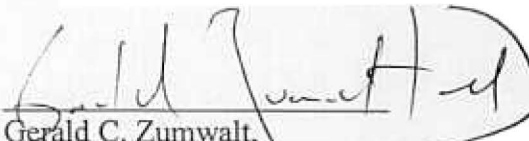


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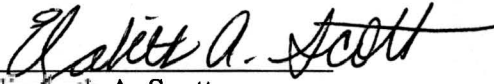
Eric Frische, M.D., President  
Oklahoma State Board of  
Medical Licensure and Supervision

AGREED AND APPROVED

  
Charles Ray Phelps, M.D.  
License No. 20149

  
Gerald C. Zumwalt,  
Secretary & Medical Advisor  
Oklahoma State Board of  
Licensure and Supervision

  
Elizabeth A. Hart Jeffrey C. Baum  
Richards & Connor OBA 16443  
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525 South Main Street  
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Elizabeth A. Scott  
(OBA #12470)  
Assistant Attorney General  
State of Oklahoma  
5104 N. Francis, Suite C  
Oklahoma City, OK 73102

Attorney for the Defendant

Attorney for the Oklahoma  
State Board of Medical  
Licensure and Supervision

CERTIFICATE OF MAILING

I CERTIFY THAT ON THE 25TH DAY OF NOVEMBER, 2003, I MAILED, VIA FIRST CLASS MAIL, POSTAGE PRE-PAID, A TRUE AND CORRECT COPY OF THIS PLEADING TO JEFFREY C. BAUM, RICHARDS & CONNOR, 1250 PARK CENTRE 525 SOUTH MAIN TULSA, OK 74103.

  
JANET SWINDLE, SECRETARY