

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

FILED

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA STATE)
BOARD OF MEDICAL LICENSURE)
AND SUPERVISION,)
Plaintiff,)
v.)
JOHN RYAN GALLAGHER, M.D.)
LICENSE NO. 22340,)
Defendant.)

SEP 28 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 12-03-4508

COMPLAINT

COMES NOW the Plaintiff, the State of Oklahoma ex rel. the Oklahoma State Board of Medical Licensure and Supervision ("Board"), by and through its attorney, Kathryn R. Savage, Assistant Attorney General, and for its Complaint against the Defendant, John Ryan Gallagher, 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 *Okla. Stat. tit. 59 §480 et seq.*

2. Defendant, John Ryan Gallagher, M.D., holds Oklahoma license number 22340, and practices medicine as an orthopedic surgeon in Altus, Oklahoma.

3. On or about February 24, 2012, the Board received a complaint alleging concerns about Defendant's recent behavior, including concerns that Defendant was drinking heavily in the office.

4. A Board investigator travelled to Defendant's office in Altus, Oklahoma to make an unannounced visit on February 27, 2012. During the visit, Defendant admitted that he had been under considerable stress, carrying an extreme work load, and that he had been drinking heavily after work hours when not on call. Defendant also admitted that he occasionally drank beer at the clinic, but only after hours while working on the charts, and not during patient hours or at any time when he was involved in the care of patients. Other staff interviewed by the Board investigator provided information consistent with Defendant's admissions.

5. The Board investigator advised Defendant to contact Dr. Westcott at Oklahoma Health Professionals Program ("OHPP") to determine whether there was a need for a substance abuse assessment. On March 5, 2012, Defendant met with Dr. Westcott at OHPP, who determined that based upon the information presented, there was no evidence of alcoholism.

6. On March 24, 2012, Defendant was arrested for Actual Physical Control Of A Motor Vehicle While Intoxicated at the 3900 block of Pilgrim Lane in Altus, Oklahoma. He was charged with Actual Physical Control of a Motor Vehicle While Intoxicated, and Carrying Firearm While Under the Influence of Alcohol.

7. On March 26, 2012, the Board investigator received information about Defendant's arrest from the Altus Police Department. The Board investigator contacted OHPP, who advised him that Defendant had already contacted them and that Defendant was already in route to Talbott Recovery Campus for an assessment and extended treatment.

8. Defendant voluntarily checked himself in for treatment for alcohol abuse at Talbott Recovery Campus on March 28, 2012, and was discharged from treatment on June 25, 2012.

9. Upon returning from Talbott, Defendant entered into a contract with OHPP whereby he agreed to abstain from the use of alcohol.

10. On July 12, 2012, Defendant entered an Alford plea of "no contest" in Jackson County District Court to a misdemeanor charge of Actual Physical Control of a Motor Vehicle While Under the Influence, relating to his arrest in Altus on March 24, 2012.

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

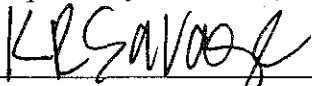
A. Is habitually intemperate or habitually uses habit-forming drugs in violation *Okla. Stat. tit. 59 §509(4)* and *Oklahoma Administrative Code* Section 435:10-7-4(3).

B. 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 *Okla. Stat. tit. 59 §509(13)* and *Oklahoma Administrative Code* Section 435:10-7-4(39).

Conclusion

WHEREFORE, the Plaintiff respectfully 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 and any other appropriate action with respect to Defendant's medical license, and an assessment of costs and attorney's fees incurred in this action as provided by law.

Respectfully submitted,



Kathryn R. Savage, OBA #18990
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