

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

FILED

JAN 14 2010

IN THE MATTER OF THE)
APPLICATION OF)

BRIAN KEITH RICH, M.D.)

FOR REINSTATEMENT OF OKLAHOMA)
MEDICAL LICENSE NO. 24887)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Case No. 08-01-3448

**ORDER GRANTING REINSTATEMENT OF
LICENSE UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on January 14, 2010, at the Board office, 101 N.E. 51st Street, Oklahoma City, Oklahoma 73154, pursuant to notice given as required by law and rules of the Board.

Defendant, Brian Keith Rich, M.D. appeared in person and pro se.

Elizabeth A. Scott, Assistant Attorney General, appeared on behalf of the State of Oklahoma, ex rel. the Oklahoma State Board of Medical Licensure and Supervision.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered 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. On September 18, 2008, after hearing before the Board *en banc*, the Board entered a Final Order of Revocation whereby Defendant's license was revoked for a minimum period of **ONE (1) YEAR**.
3. Defendant is now seeking reinstatement of his Oklahoma medical license no. 24887.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to reinstate the license of a physician pursuant to 59 O.S. §508.1.
2. The Board may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 O.S. §480 *et seq.*

ORDER

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

1. Defendant's medical license shall be reinstated under the following terms and conditions of **PROBATION**, which shall continue for a period of **THREE (3) YEARS** from the date of reinstatement under the following terms and conditions:
 - A. Defendant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act or this order shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Defendant until clarification of interpretation is received by Defendant from the Board or its designee.
 - B. Defendant will furnish a copy of this order to each and every state in which he holds licensure or applies for licensure and to all hospitals, clinics or other facilities in which he holds or anticipates holding any form of staff privileges or employment.
 - C. Defendant will continue individual psychotherapy with a doctorate level therapist to be approved in advance by the Board Secretary. Defendant shall meet with his therapist every other week for the first two (2) months of his probation, one (1) time per month for the next one (1) year of his probation, then as directed by his therapist for the next two (2) years. Defendant shall submit quarterly reports of his treatment from his therapist to the Board Secretary or his designee for his review.
 - D. Defendant will execute such releases of medical and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant or other Board designee to obtain copies of medical records and authorize the Compliance Consultant or other Board designee to discuss Defendant's case

with Defendant's treating physicians and/or any physicians holding Defendant's records.

E. Defendant will not supervise allied health professionals for whom a formal supervisory arrangement is required under Oklahoma law, e.g., physician assistants or advanced registered nurse practitioners.

F. Defendant shall promptly notify the Board of any citation or arrest for any criminal offenses, excluding traffic violations.

G. Defendant will keep the Board informed of his current address.

H. Defendant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case, including but not limited to a minimum \$150.00 per month monitoring fee.

I. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

J. Defendant shall make himself available for one or more personal appearances before the Board or its designee upon request.

K. Defendant shall submit any required reports and forms on a timely, accurate and prompt basis to the Compliance Coordinator or designee.

L. Failure to meet any of the terms of your Board Order will constitute cause for the Board to initiate additional proceedings to suspend, revoke or modify your license after due notice and hearing.

2. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's license, after due notice and hearing.

3. Defendant's license will be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma.

4. A copy of this written order shall be sent to Defendant as soon as it is processed.

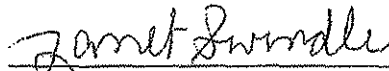
Dated this 14 day of January, 2010.



Curtis Harris, M.D., President
Oklahoma State Board of Medical
Licensure and Supervision

Certificate of Service

On the 15 day of January, 2010, a true and correct copy of this order was mailed, postage prepaid, to Brian Keith Rich, 104 East Vilbig, Irving, TX 75060.



Janet Swindle