

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,  
OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE AND  
SUPERVISION,

Plaintiff,

v.

JAMES M. BAYLESS, M.D.,  
Medical License No. 5723,

Defendant

)  
) CASE NO. 92-06-1376  
)  
)  
)

COMPLAINT

COMES NOW Jim Birdsong, Investigator for the Oklahoma State Board of Medical Licensure and Supervision, being first duly sworn upon oath and states:

That James M. Bayless, M.D., holding Oklahoma Medical License No. 5723, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 509, Paragraphs 8, 13, and 17, to-wit:

"8. Conviction or confession of a crime involving the violation of the anti-narcotic or prohibition laws and regulations of the Federal government or the Board of Health laws and regulations of the State of Oklahoma."

Prescribing or administering a drug or treatment without sufficient examination and the establishment of a valid physician-patient relationship."

"17 Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards."

2. That James M. Bayless, M.D., is in violation of the Rules and Regulations promulgated by the Board, specifically Rule 435:10-7-4 (1), (2), and (6), to-wit:

"(1) Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."

"(2) Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."

"(6) Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

3. That on or around February 20, 1992, the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, State of California, adopted a proffered Stipulation in Settlement, Decision and Order, in Board Case No. D-4039, In the Matter of the Accusation Against James M. Bayless, M.D

4. That allegations against the Defendant involved excessive prescribing of controlled dangerous substances and arose out of a criminal proceeding in the Municipal Court of California, County of Riverside, Case No. 13460, wherein Defendant pled nolo contendere to allegations of unlawful prescribing of controlled dangerous substances without good faith prior examination and medical indication and without legitimate medical purposes. Defendant was sentenced in the criminal proceeding to a three-year probation and ordered to pay restitution in the amount of \$7,028.33 and to surrender his DEA registration. A copy of the formal Accusation of the Board is attached hereto and marked Exhibit A.

That the California Board revoked the Defendant's California medical license, but stayed the revocation and placed the Defendant on probation for a period of five years under terms and conditions that included the following, to-wit:

- (1) Actual suspension for 90 days.
- (2) Examination, oral clinical and written within 60 days.
- (3) Controlled drugs, partial restriction.  
Education courses within 90 days.  
Medical ethics course within 60 days.
- (6) Monitored by another physician.
- (7) Obey all laws covering the practice of medicine.
- (8) Submit quarterly reports regarding terms of probation.
- (9) Must comply with probation surveillance program.
- (10) Periodic interview with medical consultant.

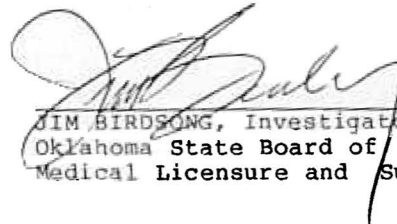
(11) Tolling for out-of-state practice.

(12) Shall not violate probation terms.

A copy of the California Board's formal Stipulation in Settlement, Decision and Order is attached hereto and marked Exhibit B.

6. That Defendant by these acts and omissions is perpetuating significant harm to public health, safety and welfare as set forth in the above allegations.

WHEREFORE, Complainant prays this Board to conduct a hearing and upon proof of the allegations contained herein that such disciplinary action be taken by the Board as is authorized by law.

  
JIM BIRDSONG, Investigator  
Oklahoma State Board of  
Medical Licensure and Supervision

Subscribed and sworn to before me this 26 day of August, 1992.

Janet L. Owens  
Notary Public

My Commission expires:  
12-17-92