

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

STATE OF OKLAHOMA

FILED

JAN 15 1993

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

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

v.

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

CASE NO. 92-06-1376

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on January 8, 1993, at the office of the Oklahoma Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and James M. Bayless, M.D., Defendant, appeared in person, pro se, waived his right to legal counsel and agreed to proceed without counsel.

The Oklahoma Board of Medical Licensure and Supervision en banc heard statements, reviewed exhibits and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, James M. Bayless, M.D., holds Oklahoma Medical License No. 5723.

2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.

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.

5. 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:

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.

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.

CONCLUSIONS OF LAW

1. 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."

"13 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."


ORDER

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

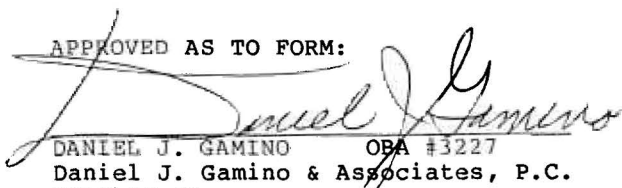
1. That the Defendant, James M. Bayless, M.D., holding Oklahoma Medical License No. 5723, should be and is hereby placed on a term of probation to the Oklahoma Board of Medical Licensure and Supervision for a period of five (5) years to begin retroactively on March 21, 1992, and to be commensurate with the terms and conditions of probation imposed by the Division of Medical Quality, Medical Board of California, Department of Consumer Affairs, State of California, in Board Case No. D-4039, except that the medical examination ordered by the California Board may be passed in California or Defendant may pass the SPEX examination administered in the State of Oklahoma, and that the Defendant's Oklahoma medical license should be and the same is hereby SUSPENDED until the Defendant passes the aforesaid examination in California or takes the SPEX examination in Oklahoma and makes a score found to be appropriate by the Board.

2. That a copy of this written Order should be sent to the Defendant as soon as possible so his record is complete.

DATED this 15 day of January, 1993.


GERALD C. ZUMWALT, M.D., Secretary
State Board of ~~Medical Licensure~~
and Supervision

APPROVED AS TO FORM:


DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 19 day of January, 1993, to:

JAMES M. BAYLESS, M.D.
10327 Hole Ave.
Riverside, CA 92505

