

5. On or about March 30, 2013, in an online renewal of his physician assistant license no. PA 673, Defendant answered “YES” to the following questions:

“D. Have you ever been arrested for, charged with or convicted of a felony or misdemeanor other than a traffic violation?”

E. Have you been arrested for, charged with or convicted of a traffic violation involving the use of drugs or chemical substances and/or alcohol?”

F. Have you been addicted to or abused any drug or chemical substance including alcohol?” and

G. Have you obtained an assessment or been treated for use of any drug or chemical substance including alcohol?”

6. Defendant also included the following explanation in his licensure renewal:

“On 8/13/12, I was charge [sic] with DUI, I received 1 year deferred sentence. I was assessed by alcohol assessor in Norman OK. I am going to AA meetings, finish my 6 weeks of Intense Outpatient Program and now I am doing weekly Aftercare x 6 weeks, I attended Victums [sic] Panel session, I had a lawyer present me at the Pottawatomie [sic] County Court. I was frustrated and reacted poorly. My stress came from not being paid and had 6 paychecks wowed [sic] me which has not been resolved. Dept of Lbor is involved now. Other than that I was 12+years sober. No [sic] am sober voer [sic] 220 days. I am probated by the Pottatomi [sic] DA.”

7. Upon investigation, it was found that on or about August 23, 2012, Defendant was arrested and charged with **DRIVING A M/V WHILE UNDER THE INFLUENCE (OF) ALCOHOL – AGGRAVATED** in the District Court of Pottawatomie County, State of Oklahoma, Case No. CM-2012-00735. Defendant **ENTERED A PLEA OF GUILTY** on or about October 4, 2012 and was sentenced to a **ONE-YEAR SUSPENDED SENTENCE FOR A MISDEMEANOR DUI.**
8. On or about May 23, 2013 Board Investigator SW interviewed Defendant regarding the allegations contained herein. Board Investigator SW told Defendant he would need to go for an assessment. Defendant stated he would discuss that with his family and make a decision as to whether he would go for an assessment or retire.

9. On or about June 13, 2013, after meeting with representatives of Oklahoma Health Professionals Program (“OHPP”), it was decided that Defendant, in fact, needed to go for an assessment.
10. On or about June 28, 2013 Board Investigator SW contacted Defendant and Defendant indicated he would make Board Investigator SW aware of his decision no later than July 8, 2013.
11. On or about July 8, 2013 Board Investigator SW received a telephone call from Defendant wherein Defendant stated he retired from his practice as physician assistant on July 7, 2013 and would be pursuing a different career opportunity.
12. Defendant is guilty of unprofessional conduct in that he engaged in:
 - a) Engaged in dishonorable conduct which is likely to deceive, defraud or **harm** the public in violation of Title 59 O.S. §509(8) and *Oklahoma Administrative Code Rule 435:10-7-4(11)*;
 - 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 Title 59 O.S. §509(13) and *Oklahoma Administrative Code 435:10-7-4(39)*;
 - c) Is habitually intemperate or habitually uses habit-forming drugs in violation of Title 59 O.S. §509(4) and *Oklahoma Administrative Code Rule 435:10-7-4(3)*;
 - d) Habitually uses intoxicating liquors or habit-forming drugs in violation of *Oklahoma Administrative Code Rule 435:15-5-11 (a)(1)*; and
 - e) Violated any provision of the Medical Practice Act or the rules promulgated by the Board in violation of *Oklahoma Administrative Code Rule 435:15-5-11(a)(7)*.
13. I hereby submit my wallet card and wall certificate as evidence of my intent to surrender my license.
14. I hereby agree that I will not apply for reinstatement of my Oklahoma physician’s assistant license for a minimum of one year from the entry of the Order Accepting Voluntary Surrender in Lieu of Prosecution, and that if the Board ever reinstates my Oklahoma physician’s assistant license, it will be under terms of probation to be set by the Board at the time of reinstatement.

15. As a condition to accepting my surrender of license in lieu of prosecution, I acknowledge that the Board may require me to pay all costs expended by the Board for any legal fees and costs, expended by the Board for any legal fees and costs, and any investigation, probation and monitoring fees, including but not limited to staff time, salary and travel expense, witness fees and attorney fees.

DATED this 30 day of September, 2013.



James Hale, PA, No. 673

Subscribed and sworn before me this 30th day of September, 2013.


My commission expires on 06-26-2016


Notary Public

ACCEPTED:


Gerald C. Zumwalt, M.D.
Secretary Oklahoma State Board of Medical
Licensure and Supervision

Date: 10-4-13