

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

**FILED**

STATE OF OKLAHOMA )  
EX REL. THE OKLAHOMA BOARD )  
OF MEDICAL LICENSURE )  
AND SUPERVISION, )

MAR 15 2002

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff,

v.

Case No. 01-09-2396

JERRY RAYMOND NIDA, M.D., )  
LICENSE NO. 7619 )

Defendant. )

**FINAL ORDER OF SUSPENSION**

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on March 14, 2002, at the office of the Board, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Elizabeth A. Scott, Assistant Attorney General, appeared for the plaintiff and defendant appeared in person and through counsel, Laura Cross.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

***Findings of Fact***

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 59 Okla. Stat. §480 *et seq.*
2. The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.
3. Defendant, Jerry Raymond Nida, M.D., holds Oklahoma license no. 7619.

4. On or about June 27, 2001, Defendant was indicted in the District Court of Oklahoma County, State of Oklahoma, Case No. CF-01-4155 with the crime of FELONY CONSPIRACY AGAINST THE STATE, in violation of 21 O.S. §424, by conspiring and agreeing to commit an offense against the State of Oklahoma which defrauded the State of Oklahoma. On or about October 19, 2001, Defendant plead guilty to the charge of FELONY CONSPIRACY AGAINST THE STATE, and received a three (3) year deferred sentence and a fine.

5. Defendant is guilty of unprofessional conduct in that he:
- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (9) and OAC 435:10-7-4 (11).
  - B. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).
  - C. 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 OAC 435:10-7-4(39) and 59 O.S. §509(14).
  - D. Was convicted or confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(8).

### *Conclusions of Law*

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct in that he:
- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (9) and OAC 435:10-7-4 (11).
  - B. Procured, aided or abetted a criminal operation in violation of 59 O.S. §509(1).

- C. 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 OAC 435:10-7-4(39) and 59 O.S. §509(14).
- D. Was convicted or confessed to a crime involving violation of the laws of this state in violation of 59 O.S. §509(8).

3. The Board further found that the Defendant's license should be suspended based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509(1), (8), (9) and (14), OAC 435:10-7-4(11) and (39).

*Order*

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

1. The license of Defendant, Jerry Raymond Nida, M.D., Oklahoma license no. 7619, is hereby **SUSPENDED** as of the date of this hearing, March 14, 2002 for a period of 60 (sixty) days.

2. Defendant shall be placed on **PROBATION** for a period of three (3) years following his suspension 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 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.

D. Defendant will practice no governmental administrative medicine without the express written permission of the Board or its designee.

E. Defendant will comply with all terms of his probation with the District Court of Oklahoma County.

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

G. 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 \$100.00 per month monitoring fee.

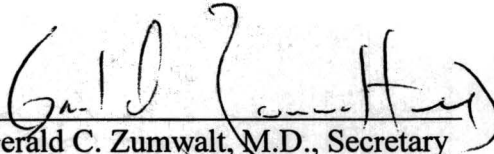
H. Until such time as all indebtedness to the Board has been satisfied, Defendant will reaffirm said indebtedness in any and all bankruptcy proceedings.

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

4. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

5. Defendant's suspended license shall be reinstated only upon payment in full of all costs and expenses incurred by the State of Oklahoma prior to March 16, 2002.

Dated this 15 day of March, 2002.

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

**CERTIFICATE OF SERVICE**

I certify that on the 18 day of March, 2002, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Laura Cross, Day, Edwards, Propester & Christensen, 2900 Oklahoma Tower, 210 Park Avenue, Oklahoma City, OK 73102.

  
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Janet Owens