

BEFORE THE BOARD OF MEDICINE

STATE OF NORTH DAKOTA

North Dakota Board of Medicine –)
Investigative Panel B,)
)
Complainant,)
)
vs.)
)
Scharazard L. Gray, M.D.,)
)
Respondent.)
)

COMPLAINT

COMES NOW, the Complainant, North Dakota Board of Medicine – Investigative Panel B, and for its Complaint against the Respondent, Scharazard L. Gray alleges and states as follows:

I.

Investigative Panel B of the North Dakota Board of Medicine (“Board”) is authorized pursuant to N.D.C.C. Chapter 43-17.1 to conduct investigations related to the practice of any physician licensed to practice in this state and file a formal complaint against any licensed physician with the Board of Medicine.

II.

Scharazard L. Gray, M.D., is a physician licensed to practice medicine in the State of North Dakota.

FACTS

III.

At all times mentioned herein, Respondent practiced medicine in the State of North Dakota as an independent practitioner working at Northern Plains Family Medicine and

Behavioral Health, P.C. in Menoken, North Dakota.

IV.

In July 2016, Respondent began providing treatment for Patient A by prescribing him suboxone. During the time that Respondent was treating Patient A, Respondent showed up at Patient's A's residence unannounced several times, used foul language and disclosed information about Patient A's care to Patient A's family without a written signed release from Patient A. Throughout the course of Patient A's treatment with Respondent, Patient A also contacted Respondent on multiple occasions because Patient A's prescriptions were not at the pharmacy or ready for Patient A to pick up even though the previous prescription had run out according to the duration and number of tablets prescribed. Finally, Respondent's medical records regarding his treatment of Patient A are not complete because throughout the course of Patient's treatment with Respondent said records are lacking documentation regarding the history and physicals done on the patient for each visit, reasons for the increase or decrease in prescriptions for Patient A, documentation regarding the unannounced visits to Patient A's residence etc.

V.

Respondent is subject to disciplinary action pursuant to the provisions of N.D.C.C. § 43-17-31 based upon Respondent's violations of the North Dakota Medical Practice act by engaging in conduct that is dishonorable, unethical, or unprofessional, and that is likely to deceive, defraud, or harm the public as proscribed by N.D.C.C. § 43-17-31(1)(f); by willfully and/or negligently violating the confidentiality between physician and patient as proscribed by N.D.C.C. § 43-17-31(1)(m); and the lack of appropriate documentation in medical records for diagnosis, testing and treatment of a patient as described by N.D.C.C. § 43-17-31(1)(z).

VI.

WHEREFORE, Complainant respectfully requests Respondent, Scharazard L. Gray, M.D., be disciplined for his violations of N.D.C.C. § 43-17-31 and seeks an appropriate sanction(s) for those violations as authorized by N.D.C.C. § 43-17-30.1. Complainant also respectfully requests that the Board be awarded its costs and attorney's fees in having to bring this action pursuant to N.D.C.C. § 43-17-31.1.

NOTICE: Respondent must answer this Complaint within twenty days after service of the complaint or the allegations may be deemed admitted and may result in a default order revoking the subject license. Such answer must be served in the manner allowed for service under the North Dakota Rules of Civil Procedure.

Dated this 4th day of October, 2017.

By Stacy M. Moldenhauer

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Attorney for: North Dakota Board of
Medicine – Investigative Panel B

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Complainant,)
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vs.)
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Scharazard L. Gray, M.D.,)
)
Respondent.)

STIPULATION

WHEREAS, the North Dakota Board of Medicine (hereinafter "the Board") issued a Complaint requesting Respondent be disciplined for his violations of the North Dakota Medical Practices Act, for engaging in conduct that is unethical or unprofessional as proscribed by N.D.C.C. § 43-17-31(1)(f);

WHEREAS, the Respondent admits service of the Summons and Complaint and specifically admits his behavior in handling the treatment of Patient A was unethical and his conduct was unprofessional. Respondent admits that such actions are a violation of the Medical Practices Act and are grounds for discipline pursuant to N.D.C.C. § 43-17-31.

1. The Respondent hereby waives any procedural irregularity herein and his right to a hearing on the Complaint now pending in this action;
2. The Board will enter an Order suspending the Respondent's license to practice medicine in the State of North Dakota for one (1) year with said suspension stayed for a period of two (2) years provided Respondent successfully completes the following courses within six (6) months from the date of the Board's Order approving of this stipulation.

3. Respondent agrees he must successfully complete the following courses within six (6) months from the date of the Board's Order approving of this stipulation:

- a. Probe Ethics & Boundaries Course through the Center for Personalized Education for Physicians; and
- b. Medical Records Keeping Course through the Center for Personalized Education for Physicians.
- c. If Respondent fails to successfully complete the above described courses by within six (6) months from the date of the Board's Order approving of this Stipulation, Respondent's license to practice medicine shall be suspended until such time as said courses are successfully completed.

4. Respondent will be fully responsible for the costs associated with the courses listed above. Respondent must also provide proof to the Board of successful completion of these courses.

5. Respondent shall be responsible for paying the costs and attorney's fees incurred by the Board in the investigation and prosecution of this action in an amount not to exceed \$3500.00. The Board will notify the Respondent of any such costs within a reasonable time after the Stipulation is approved by the Board and Respondent shall make payment within (30) days from receiving such notification.

6. If Respondent shall fail, neglect, or refuse to fully comply with any of the terms, provisions, or conditions herein, the Respondent's license to practice medicine in state of North Dakota shall be immediately suspended in accordance with the law.

7. In the event the Board, in its discretion, does not approve this settlement, this Stipulation is withdrawn and shall be of no evidentiary value and shall not be relied upon nor introduced in any disciplinary action by either party hereto except that Respondent agrees that

should the Board reject this Stipulation, and if this case proceeds to a hearing, Respondent will assert no claim that the Board was prejudiced by its review and discussion of this Stipulation or of any records relating hereto.

8. This agreement for the disposition of the above-entitled contested case is a matter of public record and the obligations of the Board with respect thereto shall be governed by the laws of North Dakota and current Board policy.

9. All parties hereto recognize that the Board representatives who have engaged in discussions relative to an agreed disposition of this matter can only make recommendations to the North Dakota Board of Medicine, which recommendations can in no way be considered as binding upon the full membership of the Board who would ultimately decide the pending contested case, and this agreement is subject to acceptance by the full membership of the Board.

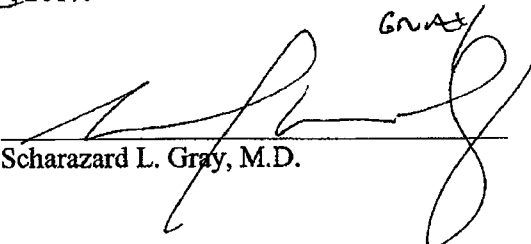
10. Respondent understands that he has the right and has been afforded the opportunity to have this agreement reviewed by an attorney and Attorney Lance Schreiner is representing Respondent in this matter.

11. Respondent specifically waives any claim that any disclosures made to the full membership of the Board for the purposes of consideration of this agreement have prejudiced his right to a fair and impartial hearing in the event that this agreement is not accepted by the full Board and if further proceedings ensue.

12. Respondent further agrees that there have been no inducements, threats or promises made in order to obtain his entry into this agreement.

— 13. The parties further agree that all statements contained herein are based upon the facts known to the Board on the date of execution of this agreement.

Dated this 15th day of NOVEMBER, 2017.


Scharazard L. Gray, M.D.

Dated this 3rd day of November, 2017.

By Stacy M. Moldenhauer

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 Complainant,)
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 vs.)
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 Scharazard L. Gray, M.D.)
)
 Respondent.)

ORDER

;

WHEREAS, the North Dakota Board of Medicine (hereinafter “the Board”) issued a Complaint against Respondent on October 4, 2017, based upon acts or conduct by the Respondent that constitutes grounds for disciplinary action in accordance with N.D.C.C. § 43-17-31(1)(f), alleging Respondent engaged in conduct that was unethical or unprofessional;

WHEREAS, Respondent acknowledged the facts alleged in the Board’s Complaint regarding Respondent’s actions are true and provided the Board with grounds for discipline against him;

WHEREAS, Respondent and the Investigative Panel B have entered into a Stipulation dated November 3, 2017.

WHEREAS, the North Dakota Board of Medicine finds that the terms of that Stipulation are an appropriate disposition of this case;

IT IS HEREBY ORDERED THAT:

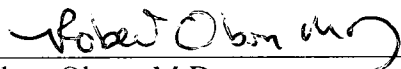
1. The Board will enter an Order suspending Respondent’s license to practice medicine

in the State of North Dakota for one (1) year with said suspension stayed for a period of two (2) years provided Respondent successfully completes the following courses within six (6) months from the date of this Order:

- a. Within six months from the date of this Order, Respondent shall complete the following courses at his expense:
 - i. Probe Ethics & Boundaries Course through the Center for Personalized Education for Physicians and
 - ii. Medical Records Keeping Course through the Center for Personalized Education for Physicians.
 - b. Respondent must provide proof of completion of these courses to the Board.
2. Respondent shall be required to pay the costs of the prosecution of this action not to exceed \$3,500. Once notified of the costs of the investigation, Respondent is required to pay said costs within thirty (30) days or make other payment arrangements with the Board.

This Order is effective 17th day of November, 2017.

NORTH DAKOTA BOARD OF MEDICINE



Robert Olson, M.D.
Chairman