

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,)

JAN 12 2012

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

Plaintiff,)

v.)

Case No. 05-07-2971

DAVID PAUL CRASS, M.D.,)
LICENSE NO. 11365,)

Defendant.)

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on January 12, 2012, at the office of the Board, 101 N.E. 51st Street, 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 not.

The Board *en banc* after hearing arguments of counsel and reviewing the exhibits admitted, 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. On or about October 3, 2008, Defendant was charged in the District Court of Tulsa County, State of Oklahoma in the case styled, **State of Oklahoma v. David P. Crass**, Case No. CF-2008-4895, wherein Defendant was charged with thirty-four (34) counts of **Illegal**

Distribution of Controlled and Dangerous Substances (Felony) in violation of 63 O.S. §2-401 through 2-420, as well as one (1) count of **Medicaid Fraud (Felony)**. Defendant plead not guilty to all charges.

4. On or about August 30, 2011, after a jury trial, Defendant was found **GUILTY** and convicted on twenty-three (23) felony counts of **Illegal Distribution of Controlled and Dangerous Drugs** and one (1) count of **Medicaid Fraud**.

5. On August 30, 2011, pursuant to the authority granted to him under 59 O.S. §506(B), Lyle R. Kelsey, Executive Director of the Oklahoma State Board of Medical Licensure and Supervision, summarily suspended Defendant's license based upon his felony conviction of a state or federal narcotics law, with the case to be set before the Board at the November 3, 2011 Board meeting.

6. On or about September 26, 2011, Defendant was sentenced whereby he was fined \$700,000.00 on the Illegal Distribution counts and \$2,335.56 on the Medicaid Fraud count, along with additional costs and fees assessed.

7. Title 59 O.S. §513(A)(3) provides as follows:

“Upon proof of a final felony conviction by the courts and after exhaustion of the appellate process, the Board **shall revoke** the physician's license. If the felony conviction is overturned on appeal and no other appeals are sought, the Board shall restore the license of the physician.”

8. 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 (8) and OAC 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 59 O.S. §509 (13) and OAC 435:10-7-4(39).
- C. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
- D. Committed an act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).
- E. Prescribed, dispensed or administered 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 in violation of 59 O.S. §509(16) and OAC 435:10-7-4(2) and (6).

- F. Was convicted of a felony or of any offense involving moral turpitude in violation of 59 O.S. §509(5).
- G. Was convicted of or confessed to a crime involving violation of the antinarcotics or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).
- H. Was convicted of a felony or any offense involving moral turpitude whether or not related to the practice of medicine and surgery in violation of OAC 435:10-7-4(10).

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 (8) and OAC 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 59 O.S. §509 (13) and OAC 435:10-7-4(39).
 - C. Violated any state or federal law or regulation relating to controlled substances in violation of OAC 435:10-7-4(27).
 - D. Committed an act which is a violation of the criminal laws of any state when such act is connected with the physician's practice of medicine in violation of 59 O.S. §509(9).

- E. Prescribed, dispensed or administered 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 in violation of 59 O.S. §509(16) and OAC 435:10-7-4(2) and (6).
- F. Was convicted of a felony or of any offense involving moral turpitude in violation of 59 O.S. §509(5).
- G. Was convicted of or confessed to a crime involving violation of the antinarcotics or prohibition laws and regulations of the federal government and the laws of this state in violation of 59 O.S. §509(7).
- H. Was convicted of a felony or any offense involving moral turpitude whether or not related to the practice of medicine and surgery in violation of OAC 435:10-7-4(10).

3. The Board further found that the Defendant's license should be **REVOKED** based upon any or all of the violations of the unprofessional conduct provisions of 59 Okla. Stat. §509 (5), (7), (8), (9), (13) and (16) and OAC 435:10-7-4 (2), (6), (10), (11), (27) and (39), conviction of a felony and exhaustion of his right to appeal the conviction.

Order

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

1. The license of Defendant, David Paul Crass, M.D., Oklahoma license no. 11365, is hereby **REVOKED** as of the date of this hearing, January 12, 2012.
2. 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.
3. Defendant's revoked license shall not be reinstated unless Defendant has reimbursed the Board for all taxed costs and expenses incurred by the State of Oklahoma.

Dated this 12th day of January, 2012.

Gerald C. Zumwalt, M.D.

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

CERTIFICATE OF SERVICE

I certify that on the 13 day of January, 2011, I mailed, via first class mail, postage prepaid, a true and correct copy of this Order to Gene P. Dennison, Boulder Towers, 1437 South Boulder Avenue, Suite 170, Tulsa, OK 74119 and to David Paul Crass, 1521 S. Newport Avenue, Tulsa, OK 74120.

Janet Swindle
Janet Swindle