

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

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)	
OKLAHOMA STATE BOARD OF)	
MEDICAL LICENSURE AND)	
SUPERVISION,)	
)	
Plaintiff,)	
)	
v.)	
)	
THOMAS A. AVERY, M.D.)	CASE NO. 91-08-1209
Medical License No. 10046,)	
)	
Defendant.)	

COMPLAINT OF CONTEMPT
OF BOARD ORDER

COMES NOW Tom Sosbee, Compliance Coordinator for the Oklahoma State Board of Medical Licensure and Supervision, being first duly sworn upon oath and states:

1. That on or around May 20, 1993, following notice and hearing, the Oklahoma Board of Medical Licensure and Supervision issued a Final Order to the Defendant. The Final Order incorporated terms and conditions of a Voluntary Submittal to Jurisdiction worked out between Defendant, Defendant's legal counsel, and the Board's legal counsel.

2. Said Order provided in pertinent part as follows, to-wit:

"(c) During the period of probation Defendant will abstain from consuming alcohol or any substance, specifically including but not limited to controlled dangerous substances, which would adversely affect his ability to practice medicine or surgery as interpreted by the Oklahoma State Board of Medical Licensure and Supervision."

3. That said portion of the aforesaid Final Order has remained in full force and effect and has not been modified or amended by the Oklahoma Board of Medical Licensure and Supervision.

4. That since the date of the issuance of the aforesaid Final Order, Defendant has deliberately and willfully ingested alcohol as shown by analysis of urine sample he provided on August 25, 1993, at the request of the Compliance Coordinator.

Analysis of that urine sample indicated it was positive for alcohol at the level of .18.

5. That the Defendant's conduct in ingesting alcohol in this amount is contrary to the plain terms and conditions of the Final Order issued by the Board.

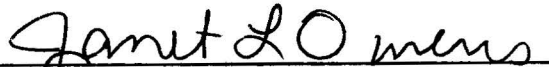
6. That the conduct of the Defendant in ingesting alcohol in that amount contrary to the Board Order imperatively requires emergency Board action in order to protect public health, safety and welfare

WHEREFORE, Complainant prays this Board to conduct a hearing and upon proof of the allegations contained herein that such disciplinary action be taken by the Board on an emergency basis as is authorized by law, to specifically include revocation and/or suspension of the Defendant's license to practice medicine and surgery in Oklahoma, and for such other and further relief as the Board may grant.



TOM SOSBEE, Compliance Coordinator
Oklahoma State Board of
Medical Licensure and Supervision

Subscribed and sworn to before me this 13 day of September, 1993.


Notary Public

My Commission expires:
12-20-96