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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.)
Medical License No. 10046,)
)
Defendant.)

FILED

OCT 7 1993

OKL. STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 91-08-1209

ORDER TO SUSPEND LICENSE
AND TO CONTINUE HEARING

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 2, 1993, at the office of the Oklahoma State Board of Medical Licensure and Supervision, 5104 N. Francis, Suite C, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Daniel J. Gamino, Attorney, appeared for the Plaintiff; and Charles M. Laster, Attorney at Law, Lawyers Building, 102 E. Highland, Shawnee, OK 74801, appeared by way of announcement for the Defendant.

That the Oklahoma Board of Medical Licensure and Supervision en banc reviewed the request for continuance and all attached exhibits and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, Thomas A. Avery, M.D., holds Oklahoma Medical License No. 10046.
2. That the Oklahoma Board of Medical Licensure and Supervision en banc has jurisdiction over the subject matter herein and that notice has been given in all respects as required by law and the rules of the Board.
3. That in the interest of protection of public health, safety and welfare, Defendant's Oklahoma medical license should be suspended until this matter comes on for hearing on the merits at the Board's meeting presently scheduled for January, 1994.
4. That the Defendant presented sufficient facts, evidence and law to support his application for continuance of hearing scheduled for October 1-2, 1993, and that in the interest of justice said evidentiary hearing should be continued.
5. That it is imperative on an emergency basis to protect public health, safety and welfare that Defendant's Oklahoma medical license should be suspended while he is attending in-patient treatment for substance abuse.

CONCLUSIONS OF LAW

1. That the Oklahoma Board of Medical Licensure and Supervision has jurisdiction of this matter pursuant to the legal

authority of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq.

ORDER

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

1. That Defendant, Thomas A. Avery, M.D., holding Oklahoma Medical License No. 10046, should be and the same is hereby SUSPENDED until the meeting of the Oklahoma Board of Medical Licensure and Supervision scheduled for early January, 1994.

2. That the hearing on this matter will be rescheduled to the next meeting of the Board presently scheduled in January, 1994, and the Defendant shall be apprised of the exact date and time of the hearing by the Board staff.

3. That a copy of this written Order should be sent to the Defendant and/or his legal counsel as soon as possible so their record is complete.

DATED this 7 day of Oct, 1993.

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

APPROVED AS TO FORM:

Daniel J. Gamino
DANIEL J. GAMINO OBA #3227
Daniel J. Gamino & Associates, P.C.
3315 NW 63
Oklahoma City, OK 73116
(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 11 day of Oct, 1993, to:

CHARLES M. LASTER
Attorney at Law
Lawyers Building
102 E. Highland
Shawnee, OK 74801

Janet L Owens