

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.)
)
ROBERT O. MORTON, M.D.) CASE NO. 88-9-688
Medical License No. 10500,)
)
 Defendant.)

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision en banc on the 12th day of January, 1989, at the Holiday Inn, 3535 NW 39th Expressway, 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 Robert O. Morton, M.D., Defendant, did not appear in person, but by announcement and by his previously executed Voluntary Submittal to Jurisdiction.

The Board of Medical Licensure and Supervision en banc heard ~~testimony and announcements of counsel and reviewed the exhibits~~ and being fully advised in the premises, the Board of Medical Licensure and Supervision therefore finds as follows:

FINDINGS OF FACT

1. That Defendant, Robert O. Morton, M.D., holds Oklahoma Medical License No. 10500.
2. That the 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 the Defendant has a recognized history of substance abuse and has been the subject of licensure sanctions by Medical Board authorities in the States of Massachusetts, Kansas, and Georgia.
4. That the Defendant's admitted substance abuse gives the Board jurisdiction to impose licensure sanctions in the State of Oklahoma.

CONCLUSIONS OF LAW

1. That Robert O. Morton, M.D., holding Oklahoma Medical License No. 10500, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraphs 5 and 8, to-wit:
 - "5. Habitual intemperance or the habitual use of habit-forming drugs."
 - "8. Conviction or confession of a crime involving violation of the anti-narcotic or prohibition laws and regulations of the Federal government or the Board of Health laws and regulations of the State of Oklahoma.

2. That Robert O. Morton, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rule 3, to-wit:

"Rule 3: The habitual or excessive use of any drug which impairs the ability to practice medicine with reasonable skill and safety to the patient."

ORDER

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

1. That the Defendant, Robert O. Morton, M.D., holding Oklahoma Medical License No. 10500, should be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision for a period of five (5) years beginning on October 18, 1988, under the following terms and conditions:

(a) During the period of probation Defendant will not prescribe, administer or dispense any medication for his personal use, to specifically include controlled dangerous substances.

(b) During the period of probation Defendant will take no medication except that which is authorized by a physician treating him for legitimate need and Defendant ~~shall~~ have an affirmative duty to inform any physician treating him of Defendant's previous use of controlled dangerous substances.

(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.

(d) During the period of probation Defendant will submit biological fluid specimens to include, but not limited to, blood and urine, for analysis, upon request of any Investigator or other agent representing the Oklahoma State Board of Medical Licensure and Supervision, and Defendant will pay for testing and analysis of those specimens.

(e) During the period of probation Defendant will continue to participate regularly in the Physician Recovery Committee of the Oklahoma State Medical Association, Oklahoma City, Oklahoma, and shall attend AA or NA meetings in other locales as regularly as possible, and if requested, Defendant shall document his attendance at those meetings.

(f) Defendant shall sign a Release of Medical Records to allow Investigators of the Oklahoma Board of Medical Licensure and Supervision to obtain relevant documents from his aftercare at Talbert Center or any other prior dependency treatment received by the Defendant, and the Defendant shall fulfill all terms and conditions of his aftercare program from his in-patient treatment.

(g) Defendant will not prescribe, administer or dispense any Schedule II drugs or controlled dangerous substances.

(h) During the period of probation Defendant may prescribe Schedule III, IV, and V controlled dangerous substances only on serially-numbered, duplicate prescription pads and shall make the copies available to Investigators of the Oklahoma State Board of Medical Licensure and Supervision at their request, to include all dispensing records on controlled dangerous substances other than sample medication.

(i) During the period of probation Defendant shall not receive, accept, or sign for in any manner any samples of any controlled dangerous substances.

(j) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.

(k) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

(l) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

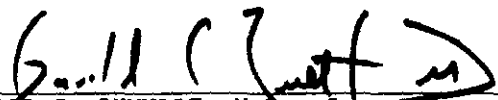
(m) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case.

(n) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

2. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

3. The Defendant further agrees that failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 23rd day of February, 1989, but effective when Board action was taken on January 12, 1989.


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

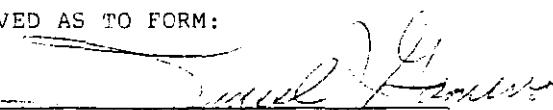
default and if the charges be deemed sufficient by the Board your license to practice medicine and surgery in the State of Oklahoma will be suspended or revoked.

THEREFORE, you are cited to appear at said hearing on said date. If you are not present in person, you may be present by your attorney or other representative.

DATED this 1 day of April, 1993 at 3⁴⁵/₈ .m.

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

APPROVED AS TO FORM:



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 day of February, 1989, to:

ROBERT O. MORTON, M.D.

ROBERT O. MORTON, M.D.

1000 N. W. 10th St.
Oklahoma City, Oklahoma 73102

