

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.)

ORDER MODIFYING
TERMS OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical-Licensure and Supervision on February 1, 1991, 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 Robert O. Morton, M.D., Defendant, appeared in person, pro se, waived his right to legal counsel, and announced ready to proceed.

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

FINDINGS OF FACT

1. That Defendant, Robert O. Morton, M.D., holds Oklahoma Medical License No. 10500.
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 following notice and hearing on January 12, 1989, the Defendant's medical license was 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 certain enumerated terms and conditions.
4. That to date the Defendant is in compliance with the terms and conditions of the probation previously imposed and requests reduction from Level I to Level II, and the Board in turn requested that the Defendant provide written proof of his attendance at all AA, NA, or other support meetings.
5. That in all other respects the Defendant's probation was left in force and effect.

CONCLUSIONS OF LAW

1. That the modification of any terms and conditions of probation is within the judgment and discretion of the Board and may be performed where there is an evidentiary basis therefor.

ORDER

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

1. That the Defendant shall continue under the five-year probation effective October 18, 1988, under the terms and conditions set forth below, except that supervision may be reduced from Level I to Level II.

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

(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. Defendant shall document his attendance in writing at those meetings and provide such documentation to Investigators of the Oklahoma Board of Medical Licensure and Supervision upon request.

(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.

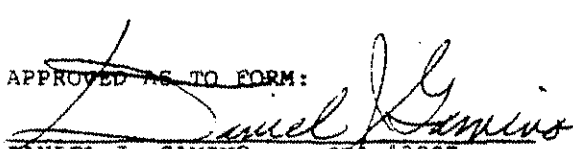
3. That the jurisdiction of the Board in this individual proceeding will continue in this matter until the terms and conditions of probation are modified or lifted by the Oklahoma State Board of Medical Licensure and Supervision on their own motion, or on the motion of the Defendant.

4. 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 4th day of February, 1991.


GERALD C. ZUMWALT, M.D., Secretary
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 15 day of February, 1991, to:

ROBERT O. MORTON, M.D.
P.O. Box 58
Waurika, OK 73573

