

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.)
Medical License No. 10500,)
)
Defendant.)

FILED
MAY 20 1993
OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

CASE NO. 88-09-688

ORDER REVOKING
OKLAHOMA MEDICAL LICENSE

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on May 14, 1993, at the office of the Oklahoma 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, did not appear either in person or by legal counsel or by representative.

The Oklahoma Board of Medical Licensure and Supervision reviewed exhibits, heard statements and being fully advised in the premises, the Oklahoma Board finds and orders 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 Plaintiff obtained service of process on the Defendant for the instant hearing by service of certified mail, return receipt, and by publication, and did receive a confirmation letter from the Defendant.
4. That on or around February 1, 1991, following notice and hearing, the Oklahoma Board of Medical Licensure and Supervision issued an Order Modifying Terms of Probation to the Defendant.
5. Said Order provided in pertinent part as follows, to-wit:

" (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."

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

7. That since the date of the issuance of the aforesaid Order, Defendant has deliberately and willfully violated the Order in that on or around March 2, 1993, Defendant did personally use a controlled dangerous substance (Nubain) or a form of Meprobamate and was impaired thereby at least to the extent of driving his car into a ditch.

8. Further, that Defendant twice was not available to the Board Compliance Coordinator, and Defendant was not following his own schedule provided to the Board staff when the Compliance Coordinator arrived for an unannounced visit. Therefore, the Compliance Coordinator could not conduct any interview or obtain any fluid samples on either attempted visit of 1/22/93 or 3/2/93.

9. That the Defendant's acts and omissions as set forth above are contrary to the plain terms and conditions of the Order issued by the Board.

CONCLUSIONS OF LAW

1. That the Oklahoma Board has jurisdiction in this matter pursuant to 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:

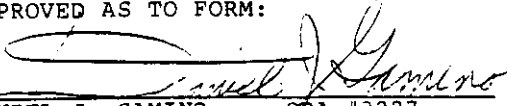
1. That Defendant, Robert O. Morton, M.D., Oklahoma Medical License No. 10500 should be and is hereby REVOKED.

2. That a copy of this written Order should be sent to the Defendant as soon as possible so his record is complete.

DATED this 20 day of May, 1993.


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 21 day of May, 1993, to:

ROBERT O. MORTON
PO Box 58
Wawika OK 73573-0058

Ganitt & Owens