

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

STATE OF OKLAHOMA

FILED

STATE OF OKLAHOMA, ex rel,)
OKLAHOMA STATE BOARD OF)
MEDICAL LICENSURE AND)
SUPERVISION,)

MAY 19 1994

Plaintiff,)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

v.)

ROBERT O. MORTON, M.D.)
Medical License No. 10500,)

CASE NO. 88-09-688

Defendant.)

ORDER REINSTATING OKLAHOMA MEDICAL
LICENSE UNDER TERMS AND CONDITIONS
OF PROBATION

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on May 13, 1994, 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 agreed to proceed without counsel.

That the Oklahoma Board of Medical Licensure and Supervision en banc heard testimony, reviewed exhibits 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., formerly held 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 May 14, 1993, the Board considered evidence that the Defendant deliberately and willfully violated a previous Board 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, and further that the 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 and 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. Based on that evidence the Board revoked the Defendant's Oklahoma medical license.

4. That the Defendant provided evidence that would support reinstatement of his Oklahoma medical license. The Board found that Defendant's Oklahoma Medical License No. 10500 should be reinstated in that the Defendant and Board staff did follow the Board's Order of March 18, 1994, and did work out a Voluntary

Submittal to Jurisdiction that would allow the Defendant to administer certain emergency medications and that such action could be taken without danger to public health, safety or welfare.

CONCLUSIONS OF LAW

1. That the Oklahoma Board has jurisdiction over this matter pursuant to the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq., and by its previous Orders entered herein.

ORDER

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

1. That the application of Robert O. Morton, M.D., for reinstatement of his Oklahoma Medical License No. 10500, as a physician and surgeon in Oklahoma should be and the same is hereby GRANTED.

2. That Applicant/Defendant accepts and agrees to and does hereby begin a term of probation for an indefinite time to the Oklahoma Board of Medical Licensure and Supervision until modified by the Board, on its own motion or on the motion of the Applicant/Defendant, under the following terms and conditions:

- (a) During the period of probation Defendant will not prescribe, administer or dispense any medications 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 a legitimate medical need and Defendant shall have an affirmative duty to inform any physician treating him of Defendant's previous substance abuse.
- (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 has the affirmative duty to not engage in any activity or to ingest any medication or substance of any nature that will test positive for alcohol or any controlled dangerous substance.
- (f) During the period of probation Defendant will maintain a program of abstinence through participation in and/or association with any and all organizations, groups or individuals selected by the Board or its designee and

deemed appropriate for assessment, treatment or support. Defendant is required to attend the weekly meeting of the Physicians Recovery Committee in Oklahoma City; the weekly meeting of Physicians Recovery Committee in Lawton; one Narcotics Anonymous per week; and two Alcoholics Anonymous meetings per week. Defendant further agrees to provide proof thereof to the Board or its designee.

He is to maintain weekly outpatient counseling with a Vera M. Gatch, Ph.D., or other therapists acceptable to the Board or its designee.


- (g) Defendant shall sign a Release to allow Investigators or other representatives of the Board of Medical Licensure and Supervision to obtain relevant documents, including periodic reports from his after-care at Rush Behavioral Center, and periodic reports from Vera M. Gatch, Ph.D., and periodic reports from the Physicians Recovery Committee. The Defendant shall fulfill all terms and conditions of his after-care program of his in-patient treatment.
- (h) During the period of probation Defendant shall not receive, accept, or sign for in any manner any samples of any drug, except those drugs approved by the Board Secretary.
- (i) During the period of probation Defendant shall not order, dispense or administer any controlled dangerous substances or legend drugs, except Defendant may order, dispense or administer life-saving drugs to a patient in an emergency, life-threatening situation. When this occurs, Defendant shall have the affirmative duty to inform the Board Compliance Coordinator and furnish the patients records for this incident.
- (j) During the period of probation Defendant may not administer or dispense legend drugs, except those drugs which are essential to Defendant's practice of medicine and which have been approved for this purpose by the Board Secretary. Defendant may prescribe legend drugs but only on serially-numbered, duplicate prescription pads and Defendant shall make the copies available to Investigators or other representatives of the Oklahoma Board of Medical Licensure and Supervision on a monthly basis.
- (k) 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.
- (l) That Defendant shall appear before the Board or a designated member thereof whenever requested to do so.
- (m) 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.

- (n) Pursuant to Title 59 O.S. Sec. 506, Defendant shall promptly pay within 30 days of receipt of invoice from the Board the costs of investigation, prosecution and probation of this case, unless the Defendant affirmatively obtains a deferment of all or part of said fees upon presentation of evidence that is acceptable to the Board Secretary.
- (o) During the period of probation Defendant shall notify any hospital where he holds staff privileges, or clinic, or group where he practices, of the terms and conditions of this Order and supply a copy thereof.
- (p) During the period of probation the Defendant shall not supervise a Physician Assistant.
- (q) That Defendant will conduct his practice in compliance with the Oklahoma Medical Practice Act as interpreted by the Oklahoma State Board of Medical Licensure and Supervision. Any question of interpretation regarding said Act shall be submitted in writing to the Board and no action based on the subject of the question will be taken by Defendant until clarification of the interpretation is received by Defendant from the Board.
- (r) 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 jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

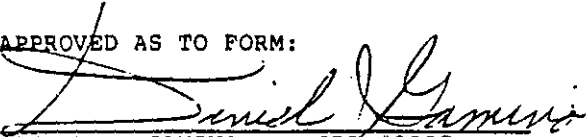
4. That failure to meet any of the above terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Defendant's Oklahoma Medical License, after additional due notice and hearing.

DATED this 19 day of May, 1994.



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 20 day of May, 1994, to:

ROBERT O. MORTON, M.D.
1334 Normandy Rd
Aurora OK 73533

Janet L Owens