

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)

vs.)

ROBERT O. MORTON)
MEDICAL LICENSE NO. 10500)

Defendant)

CASE NO. 88-09-688)
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ORDER OF REVOCATION

NOW ON this 26th day of September, 1996, there comes on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") the above styled and numbered administrative action. The hearing is conducted pursuant to the Board's authority as granted by the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, 59 O.S., ss480, et seq., and Article II of the Oklahoma Administrative Procedures Act, 75 O.S. 1991, ss308a, et seq. The defendant appeared in person without counsel. The Board, having heard the testimony, reviewed the exhibits introduced and otherwise being fully apprised of the facts and law herein makes the following Findings of Fact, Conclusions of Law and Order:

FINDINGS OF FACT

The Board finds that there is clear and convincing evidence to support the following Findings of Fact:

1. Defendant is a licensed physician in the State of Oklahoma; is

currently on an indefinite probation and the Board has licensure jurisdiction over him;

2. The defendant, Robert O. Morton, is in violation of 435:10-7-4(39) to wit: "Violation of any provision(s) of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board."
3. On May 19, 1994, defendant entered into an agreement with the Board by which he was placed on probation indefinitely following an evidentiary hearing. Among other things, the defendant agreed that: "(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."
4. A July 22, 1996 report from National Medical Services, Inc. states that a urine specimen collected from the defendant on July 2, 1996 tested positive for Nubain.
5. The positive test for Nubain is unprofessional conduct which places the defendant in direct violation of his agreement with the Board suggests habitual or excessive use of drugs, and the potential for harm to the public is enhanced through defendant's actions while under the influence of this substance.

CONCLUSIONS OF LAW

1. The Board has jurisdiction in this matter by virtue of the provisions of the Oklahoma Allopathic Medical and Surgical

Licensure and Supervision Act, 59 O.S. 1991, ss481 et seq., as amended;


2. By virtue of the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act, the Board has the power and jurisdiction to enforce the provisions of the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act to protect the public health, safety and welfare;
3. The defendant's conduct above constitutes a violation of OAC 435:10-7-4(39);
4. The defendant perpetuates a significant harm to the public health, safety and welfare by continuing the acts set forth above.

ORDER

IT IS THEREFORE THE ORDER OF THE BOARD that the license to practice medicine and surgery in the State of Oklahoma of Robert O. Morton, the defendant, is hereby REVOKED.

Pursuant to the authority of the Board granted in 59 O.S. ss509.1, and promulgated in the rules of the Board, the defendant shall pay the costs of this action.

DATED this 3 day of Oct, 1996.



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

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 4 day of October, 1996, to:

Robert O. Morton
PO Box 1305
Duncan OK
73534

Janet L Owens
Janet Owens, Secretary