

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

FILED

IN THE MATTER OF THE)
APPLICATION OF)

NOV 20 1998

ROBERT O. MORTON)

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

FOR REINSTATEMENT OF)
MEDICAL LICENSE NO. 10500)

**FINAL ORDER GRANTING SPECIAL LICENSE
UNDER TERMS OF PROBATION**

This matter came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision on November 12, 1998, at the Board office, 5104 North Francis, Suite C, Oklahoma City, Oklahoma 73118, pursuant to notice given as required by law and rules of the Board.

Robert O. Morton, Applicant, appeared in person, *pro se*, thereby waiving his right to legal counsel.

The Board *en banc* heard testimony, reviewed the exhibits presented, and being fully apprised of the premises, entered the following Findings of Fact, Conclusions of Law, and Orders:

Findings of Fact

1. Applicant applied for reinstatement of his Oklahoma medical license (medical license no. 10500) to enter a second-year psychiatry residency training position at The University of Oklahoma College of Medicine - Tulsa.

2. The Board *en banc* has jurisdiction over the subject matter herein, and notice has been given in all respects as required by law and the rules of the Board.

3. On September 26, 1996, after due notice and hearing, the Board revoked Applicant's medical license issued under terms of probation pursuant to Board order entered May 1994. The revocation was for, *inter alia*, habitual intemperance or the habitual use of habit-forming drugs. The revocation in September 1996 was Applicant's second licensure revocation in the State of Oklahoma.

4. More than twelve (12) months following revocation, Applicant submitted application for reinstatement of his license in accordance with 59 O.S. 1997 Supp. §508.2 .

5. Applicant stated at the hearing that he was willing to accept a special training license for residency training purposes in lieu of full reinstatement of his medical license.

6. Applicant's license should be reinstated as a special training license for the purpose of allowing Applicant to complete a second-year psychiatry residency training program at The University of Oklahoma College of Medicine - Tulsa, Oklahoma, and the special training license shall be issued under the terms and conditions of probation set forth below.

CONCLUSIONS OF LAW

1. The Board has jurisdiction to hear an application for reinstatement of a medical license any time after the expiration of 12 months from the date of revocation under 59 Okla. Stat. §508.2.

2. The Board may issue a special training license pursuant to its authority in 59 Okla. Stat. §493.3 and §494.4 and the rules of the Board, and the Board also may impose practice parameters and other restrictions as necessary to protect the health, safety and welfare of the public under 59 Okla. Stat. §480 *et seq.*

3. The Board, under 59 Okla. Stat. §506, may place a person whose license has been revoked or suspended on probation for an indefinite period of time following a second offense.

ORDER

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

1. Applicant shall be **ISSUED A SPECIAL TRAINING LICENSE** for the purpose of completing a psychiatry residency training position at The University of Oklahoma College of Medicine - Tulsa, Oklahoma.

2. Applicant's special training license shall be issued under the following terms and conditions of **PROBATION**, which shall continue for the duration of his special training license:

A. During the period of probation, Applicant will not prescribe, administer or dispense any medications, including any controlled dangerous substances, for personal use.

B. During the period of probation, Applicant will take no medication except that which is authorized by a physician treating him for a legitimate medical need. Applicant has the affirmative duty to inform any and every doctor treating him of the Board Order immediately upon initiation or continuation of treatment.

C. During the period of probation, Applicant 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 Board or its designee.

D. During the period of probation, Applicant will submit biological fluid specimens including, but not limited to, blood and urine for analysis upon request of the Board or its designee, and Applicant will pay for the analysis thereof.

E. During the period of probation, Applicant will have the affirmative duty not to ingest any substance which will cause a body fluid sample to test positive for alcohol or any other prohibited substances.

F. During the period of probation, Applicant 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. Applicant is required to attend the weekly meeting of the Physicians Recovery Committee in Tulsa, one (1) Narcotics Anonymous meeting per week and two (2) Alcoholics Anonymous meetings per week. Applicant further agrees to provide proof thereof to the Board or its designee.

G. During the period of probation, Applicant shall not receive, accept or sign for, in any manner, any samples of any drug, except those drugs approved by the Board Secretary.

H. During the period of probation, Applicant shall not order, dispense or administer any controlled dangerous substances, except he may order, dispense or administer life-saving drugs to a patient in an emergency, life-threatening situation. If and when this occurs, Applicant shall have the affirmative duty to inform the Board Compliance Coordinator or other Board designee of the particulars of the incident and shall furnish the Board a copy of the patient's record.

I. During the period of probation, Applicant may not administer or dispense legend drugs, except drugs that are essential to his practice of medicine which have been approved for this purpose by the Board Secretary. Applicant may prescribe approved legend drugs only on serially-numbered, duplicate prescription pads, and Applicant shall submit copies of the prescriptions to the Board on a monthly basis.

J. During the period of probation, during the period of probation, Applicant will practice in a controlled environment approved by the Board or its designee, and Applicant's practice will be limited to duties that are part of the psychiatry residency training position at The University of Oklahoma college of Medicine - Tulsa, Oklahoma.

K. During the period of probation, Applicant will conduct his practice in compliance with the Oklahoma Allopathic Medical and Surgical Licensure and

Supervision Act as interpreted by the Board. Any question of interpretation regarding the Act shall be submitted in writing to the Board, and no action based on the subject of the question will be taken by Applicant until clarification of interpretation is received by Applicant from the Board.

L. During the period of probation, Applicant will furnish to each and every state in which he holds licensure or applies for licensure and hospitals, clinics or other institutions in which he holds or anticipates holding any form of staff privilege or employment, a copy of the Board Order stipulating sanctions imposed by the Board.

M. During the period of probation, Applicant will not supervise allied health professionals.

N. During the period of probation, Applicant will abide by his contract with the Oklahoma Physicians Recovery Program and will comply with the conditions for residency as stated in the written offer of residency position dated August 17, 1998 from William R. Yates, M.D., Professor and Chair, Residency Training Director, The University of Oklahoma Health Sciences Center, Tulsa Campus. Applicant will authorize the Board or its designee to discuss Applicant's participation and performance with appropriate representatives from both programs and will authorize the Board or its designee to obtain records from both programs.

O. During the period of probation, Applicant will continue treatment with a psychotherapist approved by the Board or its designee and will follow all treatment recommendations, including, but not limited to, frequency and duration of counseling sessions. Applicant will authorize each psychotherapist or counselor to send quarterly reports to the Board's Compliance Coordinator or other designee and will release in writing any and all records of that treatment to the Board.

P. Applicant shall promptly notify the Board of any slip or relapse, including any entry, or re-entry, into a treatment program for substance abuse and of any arrest, charge or conviction involving alcohol or other prohibited substances.

Q. During the period of probation, Applicant will keep the Board informed of his current address and will submit any required reports and forms on a timely and prompt basis.

R. During the period of probation, Applicant will keep current payment of all assessment by the Board for prosecution, investigation and monitoring of his case.

S. Until such time as all indebtedness to the Board has been satisfied, Applicant will reaffirm said indebtedness in any and all bankruptcy proceedings.

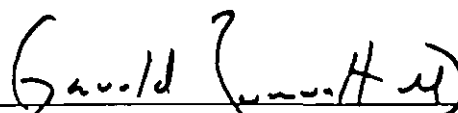
T. During the period of probation, Applicant will execute such releases of medical, counseling and psychiatric records during the entire term of probation as necessary for use by the Compliance Consultant to obtain copies of medical records and to authorize the Compliance Consultant to discuss Applicant's case with Applicant's treating physicians, counselors and/or psychotherapists holding Applicant's records.

U. During the period of probation, Applicant will appear before the Board or its designee whenever requested to do so.

3. During the period of probation, failure to meet any of the terms of probation will constitute cause for the Board to initiate additional proceedings to suspend or revoke Applicant's special training license, after due notice and hearing.

4. A copy of this written order shall be sent to Applicant as soon as it is processed.

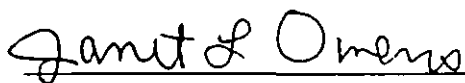
Dated this 20 day of November, 1998.



Gerald C. Zumwalt, M.D., Secretary
Oklahoma State Board of Medical
Licensure and Supervision

Certificate of Service

On the 23 day of November, 1998, a true and correct copy of this order was mailed, postage prepaid, to the Applicant, Robert O. Morton, M.D., 1007 1/2 Ash, Duncan, Oklahoma 73533.



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