

IN AND BEFORE THE STATE BOARD OF MEDICAL EXAMINERS

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,
STATE BOARD OF MEDICAL
EXAMINERS,

Plaintiff,

v.

MICHAEL W. BYRON McCORMICK, M.D.)
Medical License No. 11875,)
Defendant.



STATE BOARD
MEDICAL EXAMINERS

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Examiners en banc on January 18, 1985, at 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 Richard Marsh and Larry D. Clark, Attorneys, appeared for the Defendant.

The Board of Medical Examiners en banc heard the testimony and reviewed exhibits and being fully advised in the premises the Board of Medical Examiners therefore finds as follows:

FINDINGS OF FACT

1. That Michael W. Byron McCormick, M.D., holds Oklahoma Medical License No. 11875.

2. That the Board of Medical Examiners 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 Dr. McCormick does not appear personally for the reason that he is presently incarcerated in a federal penal institution in Fort Worth, Texas, therefore appears by and through the aforementioned counsel.

4. That on November 2, 1984, in the United States District Court for the Northern District of Oklahoma in Case No. 84-CR-49-BT the Defendant was adjudged guilty of a violation of Title 21 U.S.C., §843(a)(4)(A) in that on or about June 7, 1983, Defendant did knowingly and intentionally omit material information from a written prescription for a Schedule II controlled substance, which is a record required to be made and kept under Subchapter I, Chapter 13, of the Drug Abuse Prevention and Control Act of 1970, as amended, and the Defendant was sentenced to three years, on the condition that the Defendant be confined in a jail type or treatment institution for a period of six (6) months, the execution of the remainder of the sentence is suspended and the Defendant is placed on probation for a period of thirty (30) months, to commence upon release from confinement.

5. That said conviction has become final as shown by the Certificate of Court Clerk Jack C. Silver.

CONCLUSION OF LAW

1. That Michael W. Byron McCormick, M.D., holding Oklahoma Medical License No. 11875, is in violation of the Oklahoma

Medical Practice Act, 59 O.S. 1981, §509, Paragraphs 6 and 8, to-wit:

- "6. Conviction of a felony or of any offense involving moral turpitude."
- "8. Conviction or confession of a crime involving the violation of the antinarcotic or prohibition laws and regulations of the federal government or the Board of Health laws and regulations of the State of Oklahoma."

ORDER

IT IS THEREFORE ORDERED by the Board of Medical Examiners of Oklahoma as follows:


1. That the Defendant, Michael W. Byron McCormick, M.D., License No. 11875, be and is hereby suspended from the practice of medicine for the period of his federal incarceration on charges arising from Case No. 84-CR-49-BT in the United States District Court for the Northern District of Oklahoma.

2. That Dr. McCormick's Oklahoma Medical License shall be reinstated upon his return to Oklahoma from the aforesaid federal incarceration and his meeting with the Secretary of the Oklahoma Board of Medical Examiners and that immediately following said reinstatement Defendant's medical license will be and is hereby placed on a period of probation with the Oklahoma State Board of Medical Examiners for a period of five years under the following terms and conditions:

- a. That the Defendant shall not prescribe, administer or dispense any Schedule II drugs to any patient or person.
- b. That during the period of probation Dr. McCormick will keep duplicate, serially-numbered prescriptions for all Schedule III, IV and V drugs prescribed and shall make such records available to any inspector for the Oklahoma State Board of Medical Examiners.
- c. That during the period of probation Dr. McCormick has the specific responsibility of advising any treating physician of the terms and conditions of this probation.
- d. That the Defendant must fulfill all terms and conditions of any probation from federal incarceration imposed by appropriate federal authorities.
- e. That Defendant provide biological specimens for analysis when requested to do so by any member of this Board or an agent thereof.
- f. During the period of probation Dr. McCormick will furnish to the office of the State Board of Medical Examiners all current legal addresses and any change of address in writing.
- g. That the Defendant shall appear before this Board or a designated member thereof whenever requested to do so.

- k. That the Defendant appear specifically before the Oklahoma Board of Medical Examiners en banc at the next regularly scheduled meeting after Defendant's release from federal incarceration.

DATED this 31st day of January, 1985.

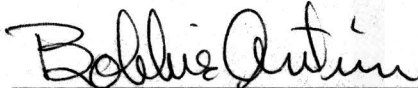

MARK R. JOHNSON, M.D., Secretary
State Board of Medical Examiners

APPROVED AS TO FORM:

DANIEL J. GAMINO
Daniel J. Gamino & Associates, P.C.
3315 NW 63
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(405) 840-3741
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF MAILING

I hereby certify that on the 1st day of February, 1985, I mailed a true and correct copy of the above and foregoing Final Order, postage prepaid, to Richard Marsh and Larry D. Clark, 600 Beacon Building, 406 S. Boulder, Tulsa, OK 74103, Attorneys for Defendant.


Bobbie Austin