

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,

3 1992

Plaintiff,

OKLAHOMA STATE BOARD OF
MEDICAL LICENSURE & SUPERVISION

vs.

Case No. 92-10-1442

DAVID DOW MILLER, M.D.,
Medical License No. 12785,

Defendant.

ORDER OF SUSPENSION OF LICENSE

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on November 21, 1992, 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 David B. King, Attorney at Law, P.O. Box 1066, Bartlesville, Oklahoma 74005, appeared by way of announcement for the Defendant.~~

The Oklahoma Board of Medical Licensure and Supervision reviewed all exhibits, heard testimony and being fully advised in the premises, the Oklahoma Board finds and orders as follows:

FINDINGS OF FACT

1. That Defendant, David Dow Miller, M.D., holds Oklahoma Medical License No. 12785.
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 on or around September 1, 1992, Defendant did deliver approximately 1/8 ounce of marijuana to an undercover agent of the Oklahoma Bureau of Narcotics and Dangerous Drugs.
4. That on or around October 1, 1992, Defendant surrendered approximately two to three ounces of marijuana to an agent of the Oklahoma Bureau of Narcotics and Dangerous Drugs. Defendant further admitted his previous possession of marijuana and further that Defendant had used marijuana since his college days at the University of Oklahoma and that Defendant "had a problem with marijuana."
5. That public health, safety and welfare imperatively require emergency action by the Oklahoma Board in this case and that emergency hearing on this matter should be scheduled as soon as possible.
6. That in October, 1992, Defendant did voluntarily cease rendering medical services to any patients and arranged for coverage and care of his patients by other physicians and did thereafter voluntarily admit himself to in-patient evaluation and treatment at Talbott-Marsh Hospital, Atlanta, Georgia. That as of this date Defendant is still in attendance at Talbott-Marsh.

7. That no evidence has arisen as to any direct patient harm caused by Defendant's use of controlled dangerous substances.

CONCLUSIONS OF LAW

1. That David Dow Miller, M.D., holding Oklahoma Medical License No. 12785, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1991, §509, Paragraphs 1, 5, and 8, to-wit:

"1. Procuring, aiding or abetting a criminal operation."

"5. Habitual intemperance or the habitual use of habit-forming drugs."

"8. Conviction or confession of a crime involving the violation of the anti-narcotic 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 Oklahoma Board of Medical Licensure and Supervision as follows:

~~1. That Oklahoma Medical License No. 12785 held by Defendant, David Dow Miller, M.D., should be and is hereby SUSPENDED until the next meeting of the Board, to be held on January 8 and 9, 1993.~~

2. That this emergency action is taken without the personal appearance of the Defendant. That the Defendant specifically reserves the right to file additional motions and pleadings and preserves all other defenses and affirmative presentation of evidence in support of his position.

Dated this 4 day of Dec, 1992.

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

APPROVED AS TO FORM:

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ATTORNEY FOR DEFENDANT

CERTIFICATE OF MAILING

I hereby certify that a true and correct copy of the above and foregoing instrument was mailed, postage prepaid thereon, this 7 day of December, 1992, to:

DAVID DOW MILLER, M.D.
c/o David B. King
P.O. Box 1066
Bartlesville, Oklahoma 74005

Janet Owens