

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

STATE OF OKLAHOMA

**FILED**

JAN 5 1993 *gto*

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

OKLAHOMA STATE BOARD OF  
MEDICAL LICENSURE & SUPERVISION

Plaintiff, )  
)

v.

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

CASE NO. 92-10-1442

)  
)  
Defendant.

ORDER TO EXTEND  
SUSPENSION OF LICENSE

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on January 8, 1993, 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, OK 74005, appeared by way of announcement for the Defendant.

The Oklahoma Board of Medical Licensure and Supervision en banc reviewed all exhibits, heard oral statements of Plaintiff's counsel 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 following notice and hearing on November 21, 1992, Board, with the agreement of Defendant, voted on an emergency basis to suspend the Defendant's Oklahoma Medical License No. 12785 until the next meeting of the Board to be held on January 8-9, 1993. The purpose of the emergency suspension was to allow Defendant to complete in-patient evaluation and treatment at Talbott-Marsh Hospital, Atlanta, Georgia.

4. That Defendant's attorney advised Board counsel that Defendant was still proceeding with in-patient treatment at Talbott-Marsh Hospital, Atlanta, Georgia, and would not be able to leave that compound to appear before the Board for hearing on January 8, 1993. In view of those circumstances, the Board voted to extend the suspension of license to the next meeting of the Board scheduled for February 26-27, 1993.

CONCLUSIONS OF LAW

1. That under the legal authority of the Oklahoma Medical Practice Act, 59 O.S. 1991, Sec. 481 et seq., the Board may extend an emergency suspension to its next meeting in order to

allow Defendant to complete in-patient treatment and to personally appear before the Board to advise as to his circumstances.

ORDER

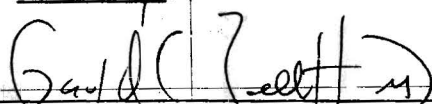
IT IS THEREFORE ORDERED by the Oklahoma Board of Medical Licensure and Supervision as follows:

1. That Oklahoma Medical License No. 12785 held by Defendant, David Dow Miller, M.D., should be and is hereby EXTENDED ON SUSPENSION until the next meeting of the Board to be held on February 26-27, 1993.

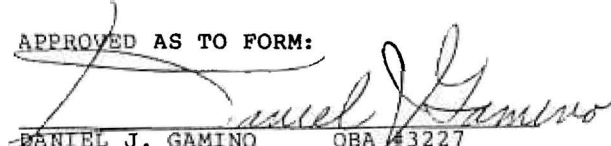
2. That this emergency action is taken without the personal appearance of the Defendant. That the Defendant specifically reserves the right to file additional motions and pleadings and preserves all other defenses and affirmative presentation of evidence in support of his position.

3. That a copy of this written Order should be sent to the Defendant by and through his legal counsel as soon as possible so their record is complete.

DATED this 15 day of January, 1993.

  
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 19 day of January, 1993, to:

DAVID DOW MILLER, M.D.  
c/o David B. King  
Attorney at Law  
P.O. Box 1066  
Bartlesville, OK 74005

