



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,				
V.)			
)			
OLIE DAME BROWN, M.D.,)	CASE	NO.	89-05-892
Medical License No. 13573)			
)			
Defendant.)			

Defendant.

FINAL ORDER

This cause came on for hearing before the Oklahoma Board of Medical Licensure and Supervision on October 20, 1989, at the office of the Oklahoma State Medical Association, 601 N.W. Expressway, 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 Darrell F. Brown, Attorney, appeared by announcement and by correspondence on behalf of the Defendant.

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

FINDINGS OF FACT

That Defendant, Olie Dame Brown, M.D., holds Oklahoma 1. Medical License No. 13573.

That the Board of Medical Licensure and Supervision en 2. 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 by virtue of a formal request for a continuance, and by virtue of letters dated October 19, 1989, October 12, 1989, and October 3, 1989, counsel for the Defendant requested a continuance of the hearing on this matter because of proceedings and actions of the Circuit Court of Pulaski County, Arkansas.

That the Oklahoma Board of Medical Licensure and 4. Supervision has no policy granting a stay or continuance of proceedings in the event a stay is issued by an appellate court on the action of another state board, and that counsel for the Board had so advised counsel for the Defendant by letters dated October 6, 1989, and October 19, 1989.

That the Defendant failed to present evidence 5. sufficient on which to base a continuance of the hearing and therefore Defendant's request for continuance should be denied.

That on or around February 23, 1989, following notice and hearing, the Arkansas State Medical Board found the Defendant guilty of violating the Arkansas Medical Practice Act and regulations promulgated thereunder in that the Defendant was found "grossly negligent or ignorant malpractice in the prescribing of excessive amounts of controlled substances to a patient and the writing of an excessive number of prescriptions

for an addicting or potentially harmful drug to patients." A certified copy of the Board action is attached to the Complaint herein.

7. That following notice and hearing, the Arkansas State Medical Board imposed the sanction of a 30-day suspension and an eleven months probation of the Defendant's license with no Drug Enforcement Authority (DEA) privileges.

CONCLUSIONS OF LAW

1. That motions for continuance of hearing are addressed to the sound discretion of the Oklahoma Board of Medical Licensure and Supervision and pursuant to the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 481 et seq., the Board may lawfully deny Defendant's request for continance in the instant case.

2. That Olie Dame Brown, M.D., holding Oklahoma Medical License No. 13573, is in violation of the Oklahoma Medical Practice Act, 59 O.S. 1981, Sec. 509, Paragraph 17, to-wit:

"17. Prescribing, dispensing or administering of controlled substances or narcotic drugs in excess of the amount considered good medical practice, or prescribing, dispensing or administering controlled substances or narcotic drugs without medical need in accordance with published standards."

3. That Olie Dame Brown, M.D., is in violation of the Rules and Regulations promulgated by this Board, specifically Section IX, Rules 1, 2, and 6, to-wit:

- "Rule 1: Indiscriminate or excessive prescribing, dispensing or administering of controlled or narcotic drugs."
- "Rule 2: Prescribing, dispensing or administering of controlled or narcotic drugs in excess of the amount considered good medical practice."
- "Rule 6: Dispensing, prescribing or administering a controlled substance or narcotic drug without medical need."

ORDER

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

1. That the request of the Defendant, Olie Dame Brown, M.D., holding Oklahoma Medical License No. 13573, should be and the same is hereby DENIED.

2. That the Defendant, Olie Dame Brown, M.D., holding Oklahoma Medical License No. 13573, should be and is hereby placed on probation to the Oklahoma State Board of Medical Licensure and Supervision to run concurrently with the period of probation imposed by the Arkansas State Medical Board.

3. That the probation of Defendant, Olie Dame Brown, M.D., will run from October 20, 1989, until February 23, 1990, under the following terms and conditions:

(a) Defendant shall not prescribe, administer or dispense any Schedule drugs or controlled dangerous substances.

(b) During the period of probation Defendant will furnish to the office of the Oklahoma State Board of Medical Licensure and Supervision all current legal addresses and any change of address in writing.

(c) Defendant shall appear before the Board or a designated member thereof whenever requested to do so.

(d) During the period of probation Defendant will submit to the Investigation Division of the Oklahoma State Board of Medical Licensure and Supervision any required reports and forms on a timely and prompt basis.

(e) Pursuant to Section 26, H.B. 1478, 1987 Legislature, Defendant shall promptly pay upon receipt of invoice from the Investigation Division of the Board the costs of investigation, prosecution and probation of this case.

(f) That violation of any of the terms and conditions of probation shall be grounds for additional charges to be presented to the Board after notice to the Defendant.

4. That jurisdiction of the Board in this individual proceeding will continue until the terms and conditions of probation are modified or lifted by the Oklahoma Board of Medical Licensure and Supervision on their own motion or on the motion of the Defendant.

DATED this 26 day of October, 1989. GERALD C. ZUMWALT M.D. Secretar State Board of Medical Licensurg and Supervision

APPROVED AS TO FORM DANIEL J. GAMINO

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 $\underline{27}$ day of October, 1989, to:

DARRELL F. BROWN Darrell F. Brown and Associates, P.A. 319 West Second, Suite 500 Little Rock, AR 72201

Janut & Owens