

IN AND BEFORE THE OKLAHOMA STATE
BOARD OF PODIATRY

STATE OF OKLAHOMA

STATE OF OKLAHOMA, ex rel,)
OKLAHOMA STATE BOARD OF PODIATRY)

Plaintiff

MARVIN JOSEPH NORVELL, D.P.M
LICENSE NUMBER 139

CASE NO 90-05-003

Defendant

FINAL ORDER

This cause came on for hearing before the April 30, 1993, Oklahoma Board of Podiatry, at the Goldenleaf Conference Center, Creek Room, Shangri-La Resort, Afton, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

Clifford D. McEntire, D.P.M., Attorney, appeared for the Plaintiff and Defendant appeared in person.

The Board of Podiatry en banc heard the oral argument of counsel and defendant, reviewed exhibits, and being fully advised in the premises, the Board of Podiatry finds as follows:

FINDINGS OF FACT

1. That Defendant, Marvin Joseph Norvell, D.P.M., holds Oklahoma Podiatry License No. 139.
2. That the Oklahoma Board of Podiatry (the "Board") 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 May 18, 1990, Defendant entered into a Voluntary Submittal to Jurisdiction with the Board. Paragraph 1m directed the Defendant to complete thirty (30) hours of continuing podiatric medical education as approved by the Board. From that date until June 6, 1992, Defendant submitted no documentation to support his attendance at any podiatric medical education courses/classes.
4. That on June 6, 1992, Defendant was advised by the Board in Open Meeting that since he had failed to obtain any of the required Continuing Medical Education (CME) required by the Voluntary Submittal to Jurisdiction of May 18, 1990, that he was to develop a program which would detail how the required 150 hours of CME would be accomplished. Defendant submitted "A Proposal for Meeting CME Requirements for Re-Licensure: Marvin J. Norvell, License #139" dated August 12, 1992. On September 25, 1992, the Board met and voted that said proposal failed to satisfy all of the concerns of the Board. The Board then made the decision that re-licensure could be accomplished by:

- A. Design and submit a Proposed Six (6) Month Preceptorship Program. Items to be included in this program includes the name of the

preceptor that will be utilized; the dates you will spend with each preceptor; the anticipated type(s) of patients you will be exposed to and an affidavit from each physician involved verifying that they will sponsor your training;

or

- B. obtain 150 Continuing Medical Education (CME) hours which must be pre-approved by the Board Secretary.

5. That on November 4, 1992, the Board Secretary received a "Proposed Preceptorship Outline" dated October 29, 1992 from the Defendant. After reviewing the outline the Defendant was advised that lectures must be included in the preceptorship outline. Defendant was given thirty (30) days from receipt of the Secretary's letter to resubmit the outline with the additional requirements. Defendant acknowledged receipt of the letter on November 16, 1992. As of December 17, 1992, Defendant has not submitted any documentation concerning the preceptorship outline.

6. That Defendant's failure to comply with the stipulations to obtain 150 hours of Continuing Medical Education or complete a six month Preceptorship program rendered Defendant unable to practice Podiatric medicine with reasonable skill and safety to patients.

CONCLUSIONS OF LAW

1. Any Finding of Fact which is properly a Conclusion of Law is incorporated herein by reference and vice versa.

2. Pursuant to 59 O.S. 1991, ss. 141, the Board is empowered to promulgate the rules and regulations which are necessary to implement and enforce the Podiatrist Licensing Act (the "Act"), 59 O.S. 1991, ss. 136 et seq., and every person who practices podiatry in this state is governed and controlled by the Board's rules and regulations.

3. Title 59 O.S. 1991, ss. 145 requires a licensed podiatrist, in order to have his or her license renewed, to (1) satisfactorily prove to the Board that he or she is not at the time violating any applicable law or any of the Rules and Regulations promulgated thereunder, (2) pay the annual renewal fee, and (3) show proof of compliance with ss. 145.1 of the Act.

4. Section 145.1 of the Act sets forth the continuing education requirements for podiatrists' license renewal. This provision requires thirty (30) hours of continuing education for the renewal of an individual license to practice podiatry in this state. The continuing education must be obtained in the twelve-month period immediately preceding the year for which the license is issued.

5. The Podiatry Licensing Act gives the Board the authority to revoke the license of any podiatrist who is found guilty of, inter alia: (1) grossly dishonorable conduct, (2) committing any act or omission which is contrary to or in derogation of the Code of Ethics, or (3) any willful violation of the Rules or Regulations.

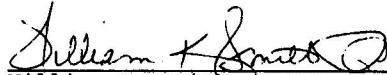
6. By failing to comply with the stipulations to obtain 150 hours of Continuing Medical Education or complete a six month Preceptorship program, the Defendant, Marvin Joseph Norvell, D.P.M., is in violation of 59 O.S. 1991, ss. 145 and 148.

ORDER

IT IS THEREFORE ORDERED by the Oklahoma Board of Podiatry:

1. That the license of Defendant, Marvin Joseph Norvell, D.P.M., holding Oklahoma Podiatry License No. 139, be hereby REVOKED, and the Defendant be prohibited from practicing Podiatric medicine and surgery in the State of Oklahoma.
2. That Defendant should receive a copy of this order and a copy entered in the public records of the Board.

DATED this 18 day of May, 1993



William K. Smith, D.P.M.,
Secretary-Treasurer
Oklahoma State Board of Podiatry

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 May, 1993, to:

MARVIN JOSEPH NORVELL
1414 E. 49TH STREET
TULSA, OK 74105

