

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

STATE OF OKLAHOMA)
EX REL. THE OKLAHOMA BOARD)
OF MEDICAL LICENSURE)
AND SUPERVISION,)

Plaintiff)

v.)

GREGORY KEITH MORTON, III, M.D.,)
LICENSE NO. 14117,)

Defendant.)

Case No. 11-07-4266

FINAL ORDER OF REVOCATION

This cause came on for hearing before the Oklahoma State Board of Medical Licensure and Supervision (the "Board") on September 13, 2012, at the office of the Board, 101 N.E. 51st Street, Oklahoma City, Oklahoma, pursuant to notice given as required by law and the rules of the Board.

S. Randall Sullivan, attorney at law and special prosecutor for the Plaintiff, appeared for the plaintiff and defendant appeared in person and through counsel, Nick Slaymaker.

The Board *en banc* after hearing arguments of counsel, reviewing the exhibits admitted and the sworn testimony of witnesses, and being fully advised in the premises, found that there is clear and convincing evidence to support the following Findings of Fact, Conclusions of Law and Orders:

Findings of Fact

1. The Board is a duly authorized agency of the State of Oklahoma empowered to license and oversee the activities of physicians and surgeons in the State of Oklahoma pursuant to 59 Okla. Stat. §480 *et seq.* The Board has jurisdiction over this matter, and notice has been given in all respects in accordance with law and the rules of the Board.

2. Defendant, Gregory Keith Morton, III, M.D., holds Oklahoma license no. 14117.

PRIOR COMPLAINT

3. On or about July 22, 1993, the State filed a Complaint against Defendant based upon allegations that he had engaged in sexual misconduct while treating a patient in his office. As a result of that Complaint, Defendant underwent an assessment at Abbott Northwestern Hospital. The assessment team was unable to find evidence of psychopathology and he was encouraged to obtain additional medical education on boundaries. As the hearing date approached, the patient who claimed the sexual misconduct advised Board staff she did not wish to testify and accordingly, the State dismissed its Complaint.

PRIOR LETTERS OF CONCERN AND COMPLAINTS AND CURRENT COMPLAINTS

4. On or about November 27, 1995, Patient MWJ filed a complaint that during a vaginal exam, Defendant had inappropriately touched her with an ungloved finger and had additionally rubbed her breasts. Defendant was issued a **Letter of Concern** by Board staff based upon this incident.

5. In or around December 1998, Patient EKJ filed a complaint with the Lawton Police Department that Defendant had inappropriately touched her during a vaginal exam. This complaint was subsequently filed with the Board.

6. In or around September 2000, Patient RPJ filed a complaint with the Lawton Police Department that Defendant had inappropriately touched (massaged) her during a vaginal exam. This complaint was subsequently filed with the Board.

7. On or about October 23, 2000, Patient RCJ filed a complaint with the Lawton Police Department that Defendant had fondled himself through his pants after performing a vaginal exam on her. The State opened an investigation, but eventually closed it when the complainant advised that she did not wish to testify.

8. On or about August 18, 2003, Patient BSJ filed a complaint with the Lawton Police Department that Defendant had performed an ungloved anal exam and vaginal exam. This complaint was subsequently filed with the Board.

9. On or about September 18, 2003, Patient ADJ filed a complaint with the Board that Defendant had pinched her nipple 3-4 times during a rectal exam. Defendant was issued a **Letter of Concern** with an Appearance before the Board Secretary based upon this incident.

10. On or about April 15, 2004, Patient LHJ filed a complaint with the Board that Defendant had performed an inappropriate breast exam and an anal exam without her consent. Defendant was issued a **Letter of Concern** with an Appearance before the Board Secretary based upon this incident.

11. On or about July 12, 2006, Patient RLJ filed a complaint with the Lawton Police Department and with the Board that Defendant had massaged her during a vaginal exam. The State opened an investigation, but eventually closed it when the complainant advised that she did not wish to testify in public.

12. On or about July 15, 2011, Patient ATJ filed a complaint with the Board that Defendant fondled himself in front of the patient's wife and son.

13. On or about August 24, 2011, the Board received an anonymous complaint that Defendant had inappropriately touched her breasts, patted her on her bottom, looked down her shirt, and put his hands down her shirt.

14. Title 435 of the Oklahoma Administrative Code, section 10-7-5 provides as follows:

435:10-7-5. Determining continued competency of a physician and surgeon

(a) **Criteria for review.** Any active licensed physician who meets any of the following criteria shall be required to demonstrate his continued competence as a physician and surgeon in the State of Oklahoma. The criteria for review shall include:

...

(3) Physicians who have been the subject of letters of complaint or concern submitted to the Board from persons in the practitioner's sphere of influence.

(b) **Upon meeting criteria.** Any physician meeting any of these criteria may be:

(1) Required to submit to a physical, psychological or psychiatric examination;

15. As a result of the Board's receipt of eleven (11) complaints all involving inappropriate sexual touching and sexual misconduct, Board staff requested that Defendant submit to a psychological and psychiatric evaluation for sexual misconduct and boundary violations.

16. On November 14-15, 2011, Defendant submitted to an assessment at Elmhurst Memorial Health. While at Elmhurst, Defendant admitted that he does have issues with boundaries. He also admitted that when he sees a patient with nice breasts, he may want to touch them. Finally, he admitted that he had fondled female patient(s) genitalia, including clitoral stimulation. When asked to explain these behaviors, he admitted that he wanted to see what he could get away with.

17. Elmhurst then concluded that Defendant's admitted abuse of female patients was not amenable to treatment intervention but was a disciplinary matter. They concluded that **"we do not find him fit to practice medicine with female patients. Clearly, he poses an ongoing risk to the safety of women"**.

18. Defendant is guilty of unprofessional conduct in that he:
- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).
 - B. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).
 - C. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
 - E. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509 (13) and OAC 435:10-7-4(39).
 - I. Engaged in predatory sexual behavior in violation of OAC 435:10-7-4(45).

Conclusions of Law

1. The Board has jurisdiction and authority over the Defendant and subject matter herein pursuant to the Oklahoma Allopathic Medical and Surgical Licensure and Supervision Act (the "Act") and its applicable regulations. The Board is authorized to enforce the Act as necessary to protect the public health, safety and welfare.

2. Defendant is guilty of unprofessional conduct. The Board finds that there is clear and convincing evidence that the Defendant:

- A. Engaged in dishonorable or immoral conduct which is likely to deceive, defraud or harm the public in violation of 59 O.S. § 509 (8) and OAC 435:10-7-4 (11).
- B. Engaged in physical conduct with a patient which is sexual in nature, ... in violation of 59 O.S. §509 (17).

- C. Committed an act of sexual ... misconduct or exploitation related or unrelated to the licensee's practice of medicine and surgery in violation of OAC 435:10-7-4 (23).
- E. Violated any provision of the medical practice act or the rules and regulations of the Board or of an action, stipulation, or agreement of the Board in violation of 59 O.S. §509 (13) and OAC 435:10-7-4(39).
- I. Engaged in predatory sexual behavior in violation of OAC 435:10-7-4(45).

3. The Board further found that the Defendant's license should be **REVOKED** based upon any or all of the violations of the unprofessional conduct provisions of 59 O.S. §509 (8) and (13), and OAC Title 435:10-7-4 (11), (19) and (39).

Order

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

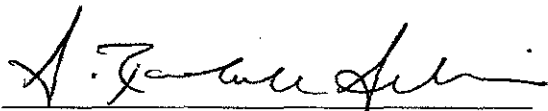
1. The license of Defendant, Gregory Keith Morton, III, M.D., Oklahoma medical license no. 14117, is hereby **REVOKED** as of the date of this hearing, September 13, 2012.

2. Promptly upon receipt of an invoice, Defendant shall pay all costs of this action authorized by law, including without limitation, legal fees and costs, investigation costs, staff time, salary and travel expenses, witness fees and attorney's fees.

Dated this 26 day of October, 2012.



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



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